

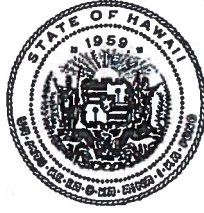
ENVIRONMENTAL ASSESSMENT

GATING OF ACCESS ROADS IN THE CONSERVATION DISTRICT AT KAHAULOA

**TMK (3rd): 8-3-005:001
Kahauloa, South Kona, Island of Hawai'i, State of Hawai'i**

APPENDIX 1B Comments to Draft EA and Responses

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:AB

CDUA: HA-3530

Acceptance Date: November 25, 2009
180-Day Expiration Date: May 24, 2010

Gregory R. Mooers
Mooers Enterprises, LLC
P.O. Box 1101
Kamuela, Hawai'i 96743

JAN 12 2009

SUBJECT: Conservation District Use Application (CDUA) HA-3530 for Security Gates on Private Access Road for Keawaiki Beach Lots, Located at Kahauloa, South Kona, Hawai'i, TMK: (3) 8-3-005:001, 020, and 021

Dear Mr. Mooers:

This letter is regarding the processing of CDUA HA-3530. The public and agency comment period on this application has closed (January 8, 2010). Attached to this letter are copies of the comments received by the Office of Conservation and Coastal Lands (OCCL) regarding your client's CDUA. If you have received any other comments for the CDUA or the Environmental Assessment (EA), please forward a copy of those to our office. Please send copies of your responses to the questions raised in these letters directly to the authoring agency and individuals as well as to the OCCL.

The Final EA needs to include your responses to the queries raised in these letters. These responses can be attached to the end of the Final EA. Please send 2 hard copies and 1 PDF of the Final EA to the OCCL **no later than February 16, 2009**. In addition, please send an electronic copy of the Office of Environmental Quality Control (OEQC) Publication Form to the OEQC and include a hard copy of the submitted publication form with the Final EAs, and if the project summary has changed, a new summary.

Should the OCCL determine a Finding of No Significant Impact (FONSI) for the EA, your CDUA will be forwarded to the Board for their consideration. Early submittal of your response to comments will expedite the review process. Should you have questions, please contact Audrey Barker of our office at (808) 587-0377 or audrey.t.barker@hawaii.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel J. Lemmo".

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Attachments

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

RECEIVED
LAND DIVISION
Laura H. Thiele
Chairperson
Board of Land and Natural Resources
Commission on Water Resource Management
Russell Y. Tsuji
Deputy
Ken C. Kawahara
Deputy Director - Water

2009 DEC 23

DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII
AQUATIC RESOURCES
BOARD OF OCEAN RECREATION
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FISH AND WILDLIFE
HISTORIC PRESERVATION
LAND AND RESERVE COMMISSION
LAND AND NATURAL RESOURCES
STATE PARKS

NOV 23 2009

REF:OCCL:AB

CDUA: HA-3530

Acceptance Date: November 25, 2009

180-Day Expiration Date: May 24, 2010

SUSPENSE DATE: December 23, 2009

NOV 23 PM 03:38 ENGINEERING

MEMORANDUM

TO:

State Agencies:

- ___ DLNR-Hawai'i District Land Office
- ___ DLNR-DOFAW, Na Ala Hele
- ___ DLNR-Historic Preservation
- ✓ DLNR-Engineering Division, Flood
- ___ DLNR-DOCARE
- ___ Office of Hawaiian Affairs
- ___ DOH-Environmental Planning Office
- ___ State Civil Defense

County Agencies:

- ___ Hawai'i Planning Department
- ___ Hawai'i Public Works Department
- ___ Hawai'i Police Department
- ___ Hawai'i Fire Department
- ___ Hawai'i Civil Defense Agency

FROM: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: REQUEST FOR COMMENTS
Conservation District Use Application (CDUA) HA-3530 for Security
Gates on Private Access Road for Keawaiki Beach Lots

APPLICANT: Charles and Diane Bundrant
TMK: (3) 8-3-005:001, 020, and 021
LOCATION: Kahauloa, South Kona, Hawai'i
PUBLIC HEARING: No

RECEIVED
OFFICE OF CONSERVATION AND COASTAL LANDS
STATE OF HAWAII
DEC 28 AM 11:48
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

Attached please find the CDUA HA-3530 and our Department's notice to the applicant. We would appreciate your office's review and comment on this application. If no response is received by the **December 23, 2009**, we will assume there are no comments.

Please contact Audrey Barker at (808) 587-0316 should you have any questions on this matter.

- (✓) Comments Attached
- () No Comments

Signature

Date 12/22/09

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LM/MorrisAtta

REF.: CDU Application for Security Gates on Private Access Rd for Keawaiki Beach Lots
Hawaii.003

COMMENTS

- (X) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone X. The Flood Insurance Program does not have any regulations for developments within Zone X.
- () Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ____.
- () Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.


Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
 - () Mr. Frank DeMarco at (808) 961-8042 of the County of Hawaii, Department of Public Works.
 - () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
 - () Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.
- () The applicant should include water demands and infrastructure required to meet project needs. Please note that projects within State lands requiring water service from the Department of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.
 - () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

() Additional Comments: _____

() Other: _____

Should you have any questions, please call Mr. Dennis Imada of the Planning Branch at 587-0257.

Signed: 
CARTY CHANG, ACTING CHIEF ENGINEER

Date: 12/22/09

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

2007 NOV 24 11:48
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

NOV 23 2009

REF:OCCL:AB

CDUA: HA-3530

Acceptance Date: November 25, 2009

180-Day Expiration Date: May 24, 2010

SUSPENSE DATE: December 23, 2009

MEMORANDUM

TO:

State Agencies:

- DLNR-Hawai'i District Land Office
- DLNR-DOFAW, Na Ala Hele
- DLNR-Historic Preservation
- DLNR-Engineering Division, Flood
- DLNR-DOCARE
- Office of Hawaiian Affairs
- DOH-Environmental Planning Office
- State Civil Defense

County Agencies:

- Hawai'i Planning Department
- Hawai'i Public Works Department
- Hawai'i Police Department
- Hawai'i Fire Department
- Hawai'i Civil Defense Agency

FROM: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: REQUEST FOR COMMENTS
Conservation District Use Application (CDUA) HA-3530 for Security
Gates on Private Access Road for Keawaiki Beach Lands

APPLICANT: Charles and Diane Bundrant

TMK: (3) 8-3-005:001, 020, and 021

LOCATION: Kahauloa, South Kona, Hawai'i

PUBLIC HEARING: No

ACTION
LANDS
2009 DEC -11 3:25
RECEIVED
LAND DIVISION
2009 DEC -11 A 10:11
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

Attached please find the CDUA HA-3530 and our Department's notice to the applicant. We would appreciate your office's review and comment on this application. If no response is received by the **December 23, 2009**, we will assume there are no comments.

Please contact Audrey Barker at (808) 587-0316 should you have any questions on this matter.

- Comments Attached
- No Comments

Signature _____ Date 12-2-09



LAURA H. THIELEN
 CHAIRPERSON
 BOARD OF LAND AND NATURAL RESOURCES
 COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
 FIRST DEPUTY

KEN C. KAWAHARA
 DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
 BOATING AND OCEAN RECREATION
 BUREAU OF CONVEYANCES
 COMMISSION ON WATER RESOURCE MANAGEMENT
 CONSERVATION AND COASTAL LANDS
 CONSERVATION AND RESOURCES ENFORCEMENT
 ENGINEERING
 FORESTRY AND WILDLIFE
 HISTORIC PRESERVATION
 KAHOLAWE ISLAND RESERVE COMMISSION
 LAND
 STATE PARKS

STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 DIVISION OF CONSERVATION AND COASTAL LANDS
 POST OFFICE BOX 621
 HONOLULU, HAWAII 96809

NOV 23 2009

CDUA: HA-3530
 Acceptance Date: November 25, 2009
 180-Day Expiration Date: May 24, 2010
 SUSPENSE DATE: December 23, 2009

- County Agencies:**
- District Land Office
 - Na Ala Hele
 - Conservation
 - Flood Division, Flood
 - Planning Affairs
 - Regional Planning Office
 - Security
 - Hawaii'i Planning Department
 - Hawaii'i Public Works Department
 - Hawaii'i Police Department
 - Hawaii'i Fire Department
 - Hawaii'i Civil Defense Agency

2009 DEC -11 AM 11:03
 RECEIVED
 DIVISION OF CONSERVATION AND COASTAL LANDS
 STATE OF HAWAII

[Handwritten Signature]

Lemmo, Administrator
 Division of Conservation and Coastal Lands

FOR COMMENTS

Division District Use Application (CDUA) HA-3530 for Security
 Private Access Road for Keawaiki Beach Lots

and Diane Bundrant
 808-587-001, 020, and 021
 South Kona, Hawaii'i

18 HA-3530 and our Department's notice to the applicant. We
 review and comment on this application. If no response is
 20 09, we will assume there are no comments.

308) 587-0316 should you have any questions on this matter.

[Handwritten Signature: Paul J. Conry]
 Signature
PAUL J. CONRY, ADMINISTRATOR
DIVISION OF FORESTRY AND WILDLIFE

NOV 30 2009
 Date

ng
 rry@hawaii.rr.com

on District Use
 onmental Assessment for
 ation District at
 auloa, South Kona

January 12, 2010,
 ed on the project and
 ce. We have not received

A/CDUA, I would like to
 nittal letter as well as form
 comments to the DLNR
 owledge the no-comment
 a Ala Hele, and the

te areas are within Flood

letters you provided from
 Office of State Civil
 'i County Department of

Public Works, the Hawai'i County Police Department, and Gordon Leslie of the Cultural and Planning Committee of Malama Pono Kealakekua. I have attached copies of our responses to them to this letter.

Thank you for circulating the EA and CDUA for review by DLNR and other agencies. If you have any questions about the EA, please contact me at (808) 969-7090; for questions about the project or CDUA, please contact Greg Mooers, Project Planner, at 880-1455.

Sincerely,

A handwritten signature in black ink that reads "Ron Terry". The signature is written in a cursive style with a large, sweeping flourish at the end.

Ron Terry, Principal
Geometrician Associates

attachments

cc: Greg Mooers (no attach.)

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

2010 JAN -5 A 8:55
In Reply, please refer to:

EPO-09-165
HAWAIIAN LAND & NATURAL RESOURCES
STATE OF HAWAII

December 30, 2009

Mr. Samuel J. Lemmo, Administrator
State of Hawaii
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Lemmo:

SUBJECT: CDUA HA-3530
Conservation District Use Application for Gates on Private Road Access for
Keawaiki Beach Lots
Kahauloa, South Kona, Island of Hawaii, Hawaii
TMK: (3) 8-3-005: 001, 020 and 021

Thank you for allowing us to review and comment on the subject application. The application was routed to the various branches of the Environmental Health Administration. We have the following Wastewater Branch and General comments.

Wastewater Branch

The document proposes to erect two (2) vehicular gates on existing private access roads on a 25.5696 acre undeveloped property in Kahauloa 2nd Ahupuaa in South Kona. It is stated that the purpose of the gates is to help protect archaeological sites on the property and to provide access to any public resources such as the shoreline or parks. Further, subdivision of the land will not be utilized to increase the intensity of land uses in the Conservation District.

The project is located in the Critical Wastewater Disposal Area (CWDA) where no new cesspools will be allowed. It appears that there is no domestic wastewater generation. Therefore, we have no objections to the proposal and offer our recommendation for approval as domestic wastewater treatment or disposal is not an issue with this proposal.

Should there be domestic wastewater generation, plans for proper treatment and disposal should be submitted and approved prior to use. We then encourage the developer to utilize recycled wastewater for irrigation and other non-potable water purposes in open space and landscaping areas.

Mr. Lemmo
December 30, 2009
Page 2

All wastewater plans must meet Department's Rules, HAR Chapter 11-62, "Wastewater Systems." We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. If you have any questions, please contact the Planning & Design Section of the Wastewater Branch at 586-4294.

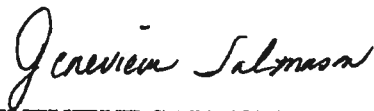
General

We strongly recommend that you review all of the Standard Comments on our website: www.hawaii.gov/health/environmental/env-planning/landuse/landuse.html. Any comments specifically applicable to this project should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by Built Environment Working Group (BEWG) of the Hawaii State Department of Health. The BEWG recommends that State and county planning departments, developers, planners, engineers and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopments projects. We also ask you to share this list with others to increase community awareness on healthy community design.

If there are any questions about these comments please contact Jiakai Liu with the Environmental Planning Office at 586-4346.

Sincerely,



GEVEVIEVE SALMONSON, Acting Manager
Environmental Planning Office

c: EPO
WWB
EH-Hawaii

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

January 29, 2010

Genevieve Salmonson, EPO Manager
Hawai'i State Dept. of Health
P.O. Box 3378
Honolulu HI 96801-337

**Subject: Response to Comments on Conservation District Use
Application HA-3530 and Draft Environmental Assessment for
Gating of Access Roads in the Conservation District at
Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona
District, Island of Hawai'i**

Dear Ms. Salmonson:

Thank you for your comment letter addressed to Sam Lemmo and dated December 30, 2009, on the Draft EA and CDUA. In answer to your specific comments:

1. *Wastewater.* Thank you for the information on the Critical Wastewater Disposal Area. No activities involving wastewater are planned.
2. *Standard comments.* During the preparation of this EA we consulted the standard comments for relevant sections.

We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo, DLNR-OCCL

PHONE (808) 594-1888



RECEIVED
OFFICE OF CONSERVATION
LANDS

FAX (808) 594-1865

2009 DEC 30 A 8:56

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD09/2740B

December 23, 2009

Sam Lemmo
Office of Conservation and Coastal Lands
PO Box 621
Honolulu, Hawai'i 96809

RE: Request for comments on conservation district use application (CDUA) and draft environmental assessment (DEA) for gates on private roads, Keawaiki beach, Kona, Hawai'i, TMK: 2-2-002:054.

Aloha e Sam Lemmo,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter CDUA HA-3530. OHA has reviewed the project and offers the following comments.

OHA understands that this private road does not provide access to any public resources such as the shoreline or parks and that pedestrians will be able to walk a short distance to any cultural resources located on the property. As such, we have no objections to the proposal as we understand it at this time.

Thank you for the opportunity to comment. If you have further questions, please contact Grant Arnold by phone at (808) 594-0263 or e-mail him at granta@oha.org.

'O wau iho nō me ka 'oia'i'o,

A handwritten signature in black ink, appearing to read "Clyde W. Nāmu'o".

Clyde W. Nāmu'o
Chief Executive Officer

C: OHA Kona CRC

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

January 29, 2010

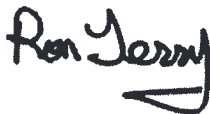
Clyde Nāmu‘o, Administrator
Office of Hawaiian Affairs
711 Kapiolani Blvd., Suite 1250
Honolulu HI 96813

**Subject: Response to Comments on Conservation District Use
Application HA-3530 and Draft Environmental Assessment for
Gating of Access Roads in the Conservation District at
Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona
District, Island of Hawai‘i**

Dear Mr. Nāmu‘o:

Thank you for your comment letter addressed to Sam Lemmo and dated December 23, 2009, on the Draft EA and CDUA, in which you stated that based on the information supplied you had no objections. We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo, DLNR-OCCL

BENJAMIN J. CAYETANO
GOVERNOR

MAJOR GENERAL EDWARD V. RICHARDSON
DIRECTOR OF CIVIL DEFENSE

ROY C. PRICE, SR.
VICE DIRECTOR OF CIVIL DEFENSE



PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

December 18, 2009

Mr. Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
Post Office Box 621
Honolulu, Hawaii 96809

Dear Mr. Lemmo:

Proposed Security Gates on Private Access Road for Keawaiki Beach Lots

Thank you for the opportunity to comment on this project. After reviewing the documents you sent for this project, we have no early consultation comments to make. We look forward to reviewing the Environmental Assessment when it is completed.

If you have any questions, please contact Mr. Kevin Richards, State Civil Defense Tsunami/Earthquake Planner, at (808) 733-4300, ext. 561.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward T. Teixeira".

EDWARD T. TEIXEIRA
Vice Director of Civil Defense

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

January 29, 2010

Edward Teixeira, Vice Director of Civil Defense
Vice Director of Civil Defense
Hawai'i Department of Defense
949 Diamond Head Road
Honolulu HI 96816-4495

**Subject: Response to Comments on Conservation District Use
Application HA-3530 and Draft Environmental Assessment for
Gating of Access Roads in the Conservation District at
Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona
District, Island of Hawai'i**

Dear Mr. Teixeira:

Thank you for your comment letter addressed to Sam Lemmo and dated December 18, 2009, on the Draft EA and CDUA, in which you stated that your agency had no comments at this time. We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

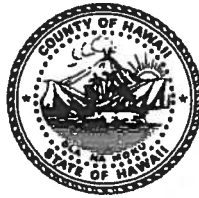
Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo, DLNR-OCCL

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT
Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

December 18, 2009

Mr. Samuel J. Lemmo
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P. O. Box 621
Honolulu HI 96809

Dear Mr. Lemmo:

**SUBJECT: Request for Comments: CDUA HA-3530
Gates on Private Access Road for Keawaiki Beach Lots
TMK: 8-3-5:1, 20 & 21, Kahauloa, South Kona, Hawai'i**

This is in response to the application to install gates on the private access road for Keawaiki Beach Lots.

The County has no jurisdiction since all three parcels are designated Conservation by the State Land Use Commission.

However, a Special Management Area Use Permit Assessment Application (SAA 09-000496) was received by our Department on October 22, 2009. By our letter dated November 19, 2009, a determination was made that either a Special Management Area Minor Permit or a Special Management Area (Major) Use Permit would be required for the installation of the gates.

The November 2009 Draft Environmental Assessment submitted with the application mentioned a trail within the subject properties. Since no other information was included, we requested comments from Mr. Irv Kawashima, Trail and Access Specialist for the Department of Land and Natural Resources, Division of Forestry and Wildlife. Subsequently, we were informed that an abstract to determine if Keawaiki Road is considered a trail under the Highways Act of 1892 is currently under way.

Mr. Samuel J. Lemmo
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
Page 2
December 18, 2009

Therefore, our final decision on the SMA assessment application is pending a determination on the status of Keawaiki Road.

Should you have any questions, please feel free to contact Esther Imamura of this department at 961-8139.

Sincerely,



BJ LEITHEAD TODD
Planning Director

ETI
P:\Public\Wpwin60\ETI\CDUA\Lemmo Bundrant 8-3-5-1 20 21.Rtf

xc: Planning Department – Kona

geometrician

ASSOCIATES, LLC

integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

January 29, 2010

Bobby Jean Leithead-Todd, Director
Hawai'i County Planning Department
101 Pauahi Street, Suite 3
Hilo HI 96720

**Subject: Response to Comments on Conservation District Use
Application HA-3530 and Draft Environmental Assessment for
Gating of Access Roads in the Conservation District at
Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona
District, Island of Hawai'i**

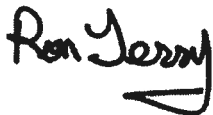
Dear Ms. Leithead-Todd:

Thank you for your comment letter addressed to Sam Lemmo and dated December 18, 2009, on the Draft EA and CDUA. In answer to your specific comments:

1. *Trail within Keawaiki.* Thank you for the information that your Department is awaiting a decision on how to proceed with the SMA permit pending an abstract on a trail to determine if Keawaiki Road is considered a trail under the Highways Act of 1892. As a matter of correction, there was information regarding this road and other paths within the Draft EA, particularly on Page 22. It is our understanding that the road(s) you are referring to were built after subdivision of the Keawaiki Beach Lots.

We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,

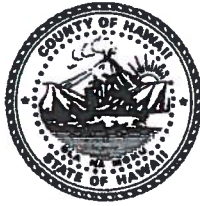


Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo, DLNR-OCCL

William P. Kenoi
Mayor

William T. Takaba
Managing Director



Warren H. W. Lee
Director

RECEIVED
CONSERVATION
LANDS

County of Hawai'i 2009 DEC -3 A 8: 16
DEPARTMENT OF PUBLIC WORKS
Aupuni Center
101 Pauahi Street, Suite 7 - Hilo, Hawai'i 96720-4322
(808) 961-8321 - Fax (808) 961-8630
www.co.hawaii.hi.us

DEPT OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

December 1, 2009

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Subject: Conservation District Use Application (CDUA) HA-3530 for Security
Gates on Private Access Road for Keawaiki Beach Lots
Applicant: Charles and Diane Bundrant
Kahauloa, South Kona, Hawaii
TMK: (3) 8-3-005:001, 020, and 021

We have reviewed the subject application. There will be no significant impact to our facilities provided the gate is set back from the County road as shown in Figure 5.

If you have any questions, please contact Kiran Emler of our Kona office at 327-3530.

A handwritten signature in black ink, appearing to read "Galen M. Kuba".

Galen M. Kuba, Division Chief
Engineering Division

KE

c: ENG-HILO/KONA
Planning Director

geometrician

ASSOCIATES, LLC

integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

January 29, 2010

Galen Kuba, Chief
Engineering Division
Hawai'i County Department of Public Works
101 Pauahi Street, Suite 7
Hilo HI 96720

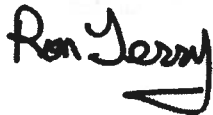
**Subject: Response to Comments on Conservation District Use
Application HA-3530 and Draft Environmental Assessment for
Gating of Access Roads in the Conservation District at
Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona
District, Island of Hawai'i**

Dear Mr. Kuba:

Thank you for your comment letter addressed to Sam Lemmo and dated December 1, 2009, on the Draft EA and CDUA stating that there will be no significant impact to your facilities provided the gate is set back as shown in project diagrams.

We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

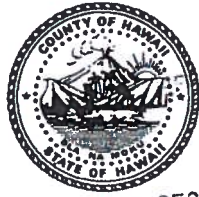
Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo, DLNR-OCCL

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

2009 DEC 14 A 8:20
COUNTY OF HAWAII
POLICE DEPARTMENT
349 Kapi'OLANI STREET • HILO, HAWAII 96720-3998
(808) 935-3311 • FAX (808) 961-2389

County of Hawai`i

POLICE DEPARTMENT

349 Kapi'olani Street • Hilo, Hawaii 96720-3998
(808) 935-3311 • Fax (808) 961-2389

December 10, 2009

Mr. Samuel Lemmo
Administrator
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, Hawaii 96809

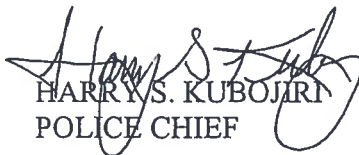
RE: Conservation District Use Application HA-3530 for Security Gates on Private
Access Road for Keawaiki Beach Lots

Dear Mr. Lemmo:

Concerning the installation of security gates on private property, the property owners should be made aware that the Hawaii Police Department will not maintain gate codes, combinations, or keys for gates leading onto private property and that the responsibility to maintain and ensure unimpeded access to the property for emergency responders lies with the property owner.

Should you have any questions, please contact Captain Samuel Jelsma, Commander of the Kona District, at (808) 326-4646, ext. 249.

Sincerely,


HARRY S. KUBOJIRI
POLICE CHIEF

SJ/JD:dmv

geometrician

ASSOCIATES, LLC

integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

January 29, 2010

Chief Harry Kubojiri
Hawai'i County Police Department
349 Kapiolani St.
Hilo HI 96720

**Subject: Response to Comments on Conservation District Use
Application HA-3530 and Draft Environmental Assessment for
Gating of Access Roads in the Conservation District at
Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona
District, Island of Hawai'i**

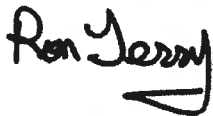
Dear Chief Kubojiri:

Thank you for your comment letter addressed to Sam Lemmo and dated December 10, 2009, on the Draft EA and CDUA, stating that the Hawai'i Police Department will not maintain gate codes, combinations, or keys for gates leading onto private property.

The applicants intend to install a "Knox Box" type of lock on the subject gate. The applicants must apply through the Hawai'i County Fire Department to register and obtain the necessary lock. It is our understanding that emergency services have a universal key that will open all Knox Boxes.

We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo, DLNR-OCCL

Malama Pono Kealakekua
Cultural and Planning Committee
82-6012 Manini Beach Road
Ka'awaloa, Hawaii 96704
Phone (808) 9361479
gordonleslie@hawaii.rr.com committee chairperson

RECEIVED
OFFICE OF CONSERVATION
CULTURAL LANDS

2010 JAN -7 A 8:12

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

January 05, 2010

Ron Terry, Principal
Geometrician Associates LLC
PO Box 396
Hawaii 96721

RE: DRAFT ENVIRONMENTAL ASSESSMENT
(GATING OF EXCESS ROADS IN THE CONSERVATION DISTRICT AT
KAHAULOLOA)
TMK (3rd): 8-3-005:001 Kahauloa, South Kona, Island of Hawaii, State of
Hawaii

Dear Mr. Ron Terry,

Thank you for the opportunity to review the aforementioned Draft Environmental Assessment for Chuck and Diane Bundrant. I received your packet the later part of November 2009.

1) After reviewing your Draft EA I discovered several misleading and wrong information. I will comment first of my telephone conversation with someone who called me for information on the trail at Keawaiki. That interview took about ten minutes. I did not tell the individual my father lost the 24.55 acre parcel tmk 8-3-005:001 to Bishop Estate, Kamehameha Schools because he was more interested in fishing than he was with Tax matters, he was a responsible and diligent tax paying citizen. What I told him was, prior to Bishop Estates effort to quite title this land in the 1960's, my grandfather Henry Leslie Sr. spent \$350,000.00 in legal fees, and lost 3000 acres in the Kahauloa 2 and Keei 1 Ahupuaa by court judgment in favor of Bishop Estate KS from lands that were never conveyed to Pauahi Bishop by the original LCA recipient Kalua Apana Simerson. My father knew it was hopeless to challenge the Might of Bishop Estate so he choose to go fishing instead, causing him to lose this land by default. He was a commercial fisherman. This land too was never conveyed to Pauahi Bishop by Kalua Apana Simmerson.

- 2) It was then that Bishop Estate KS bulldozed most of the archeological sites on the present Keawaiki subdivision and destroyed the ancient Hawaiian trail the Ala Kahakai that connected Kahauloa road to the Keei village, the sacred Palemano point, And the Mokuohai battle field.
- 3) As a child we used the trail frequently to access the fishing and wana koa fronting this property. After Bishop Estate KS acquired this land through court judgment they created a vehicular dirt road (Keawaiki road) that partly runs parallel to the destroyed 1500 hundred year old ala kahaki alanui.
- 4) People from this village have taken the opportunity to use Keawaiki road as it is a shorter and smoother road. Also Emergency Units (Police, Fire Rescue, and Ambulance) use this rout to get to Keei village when there is an emergency or when the village needs to evacuate during a tsunami evacuation. Locking this access could have a life or death situation when dealing with heart attack patients's.
- 5) In the 1980's Bishop Estate wanted to extend the Keawaiki subdivision along the existing Keei beach road impacting the only road to the village and the trail that Kamehameha marched his armies to battle on the Mokuohai battle field, due to the importance of that historical event, the County Planning Commission, the County Council, the State Historic Preservation Division, The Napoopoo, Keei, Hoonounau Community Association,(now Malama Pono Kealakekua) and Papa Lyman President of Bishop Estate all decided that the plan should be abandon.
- 6) This EA mentions of the many archeological features on this property that will be protected by the installation of these gates. True there are many archeological features on this aina, but there are no known burial sites. A comprehensive archeological preservation plan should be a requirement for Bishop Estate KS and or the applicant. The threat of these sites being further damaged will be from the 17 lot owners and their guest as none of these archeological sites are visible or near the Keawaiki Road, and they are the only ones that have access to all these sites.
- 7) This EA claims that these gates will afford more security for the 17 lot owners. To the best of our knowledge there were no security breached on the Keawaiki subdivision in the last 40 years.
- 8) It is clear Chuck and Diane, owners of perhaps the world's largest fish distributing company want to create their own gated community, and that is all good, however as recent malahini arrival to our village, they want to take away our historical alanui kahakai, that is not pono. If it's a gated community they want to live in, there are many choices on the Kona coast.


9) In addition all of the Government Document you submitted along with your EA are previous request that goes beyond the scope of what you are requesting now and they should not be submitted with your Final Environmental Assessment for this application.

10) Mike is correct to say what he said; the Board of Directors of Malama Pono Kealakekua is involved with Community issues when it comes to the big picture. However the Cultural and planning Committee are active with the day to day responsibility of community concerns. Attach is a recent letter to the State of Hawaii from Malama Pono Kealakekua.

11) It is our position that there should be a community meeting for everyone in the village so they can share their concerns, we will be glad to assist with organizing or facilitating a meeting for this application.

11) Should the applicant choose to beautify the entrance to Keawaiki Road without the gates, we are sure the community would embrace that idea.

Sincerely



Gordon Kanaknui Leslie
Chairman Cultural and Planning Committee
Malama Pono Kealakekua

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that HENRY A. LESLIE, SR., widower, of Napoopoo, Kona, County and State of Hawaii, hereinafter called the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to him in hand paid by HENRY A. LESLIE, JR., and MARY K. LESLIE, husband and wife, whose residence address is Napoopoo, Kona, County and State of Hawaii, and whose post office address is RR#1, Box 199, Captain Cook, Hawaii, hereinafter called the GRANTEES, receipt of which sum is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said GRANTEES, as tenants by the entirety, all of the following described property:

ONE (1) ACRE, MORE OR LESS OF

ALL that certain piece or parcel of land situated at Kahauloa-2nd, South Kona, County and State of Hawaii, designated on State Tax Maps as Tax Key 8-3-05-1, containing an area of 24.55 acres, more or less.

Being a portion of the same premises conveyed unto the Grantor herein by Deed of Rose Simerson Reeves, dated February 2, 1962, and recorded with the Bureau of Conveyances of the State of Hawaii in Liber 4216, Pages 175-176.

TOGETHER with all and singular the rights tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same unto the said Grantees, as tenants by the entirety, to the survivor of them, and to such survivor's heirs and assigns, in fee simple forever.

AND the said Grantor for himself, his heirs, executors, administrators and assigns, hereby covenants and agrees to and with the Grantees that upon the execution of this conveyance he is seised of said property in an estate in fee simple, and that the same is free and clear of all encumbrances and said Grantor further covenants and agrees that he will WARRANT and DEFEND the fee simple title conveyed and intended to be conveyed against the lawful claims of all persons.

IN WITNESS WHEREOF the said Grantor has hereunto set his hand this 19th day of July, 1963.

APPROVED AS TO FORM

By [Signature]
Sumio Nakashima

[Signature]
HENRY A. LESLIE, SR.

STATE OF HAWAII)
 : SS.
COUNTY OF HAWAII)

On this 19th day of July, 1963, before me personally appeared HENRY A. LESLIE, SR., to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.



[Signature]
Notary Public, Third Judicial Circuit
State of Hawaii

My Commission Expires: May 8, 1964

MICHAEL J. MATSUKAWA

ATTORNEY AT LAW
TERRITORIAL CENTRE, SUITE 201
75-5751 KUAKINI HIGHWAY
KAILUA-KONA, HI 96740
TELEPHONE NO. (808) 329-1385
FAX NO. (808) 329-0512

December 1, 2009

Department of Land and Natural Resources
Division of State Parks
P.O. Box 621
Honolulu, HI 96809

RE: KEALAKEKUA STATE HISTORICAL PARK

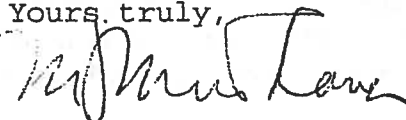
Dear Sir:

Regarding the so-called Proposed Master Plan Update, please find copies of the following enclosures:

1. Stipulation to Settle Claims Raised in Action and to Dismiss Action; Order, Civil No. 00-1-0223K;
2. My letter dated March 14, 2002 to the Division of State Parks;
3. Letter dated October 6, 2000 from Office of Environmental Quality Control; and
4. Resolution of the non-executive directors of Malama Pono Kealakekua, Inc.

I believe these documents are self-explanatory. Malama Pono Kealakekua will be monitoring the so-called Proposed Master Plan Update process closely to assure that all applicable laws are complied with.

Yours truly,



Michael J. Matsukawa

MJM:jff\misc\malamadl.tl1

Encs.

xc: Attorney General
Chairperson, DLNR
Office of Environmental Quality Control
Belt Collins Hawaii, Ltd.
Gordon K. Leslie
Skycliff Ranch LLC
Malama Pono Kealakekua

geometrician

A S S O C I A T E S , L L C

integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

January 29, 2010

Gordon Leslie
Malama Pono Kealakekua
Cultural and Planning Committee
82-6012 Manini Beach Rd.
Captain Cook HI 96704

**Subject: Response to Comments on Conservation District Use
Application HA-3530 and Draft Environmental Assessment for
Gating of Access Roads in the Conservation District at
Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona
District, Island of Hawai'i**

Dear Mr. Leslie:

Thank you for your comment letter dated January 5, 2010, on the Draft EA and CDUA. As some of your comments pertained more to Kamehameha Schools (KS) than to the applicants for the CDUA, Chuck and Diane Bundrant consulted with KIS in preparing the following answer to your specific comments:

1. *Cultural consultation.* The information you are referring to in the EA was taken directly from the Cultural Impact Assessment for the project prepared by Dr. Bob Rechtman. As I understand it, Dr. Rechtman has since spoken to you about the telephone conversation he had with you regarding the history of the area. The statements that you referred to as incorrect have been removed from both the CIA and the Final EA.

2-3. *Bishop Estate's bulldozing of archaeological sites, including a heiau.* KS acknowledges your statement that the ancient Hawaiian trail no longer exists. Please note that the applicants had no part in any destruction of sites and have planned his activities to protect, rather than harm, remaining sites.

4. *Shortcut and Emergency Response.* The "shortcut" is actually longer in distance, although because the road is better maintained (by the Keawaiki Beach Lots residents, at their personal expense), it takes slightly less time to travel. Better maintenance of the Ke'ei Road would make it actually faster for access to Ke'ei. No member of the general

public will be blocked from receiving emergency services by the proposed gating action. Only those who have given written concurrence to support this application are potentially impacted. The "Knox Box" lock is able to be opened by emergency services for those residents within the Keawaiki Beach Lots.

5. Bishop Estate's former subdivision plans. KS acknowledges your account of past plans. The former plans are not actually relevant to the applicants' matter at hand.

6. No known burial sites; need for comprehensive preservation plan; threat to archaeological sites is from residents, not others.

A prior archaeological study conducted by Francis Ching in 1971 identified at least nine archaeological sites within the subject property. Among these sites, Ching recorded two burial complexes. Professional archaeologists observed and mapped these sites along with numerous others within the boundaries of the overall subject property during a more recent reconnaissance study conducted for the current project. During this more recent study additional potential burial features were also noted by the archaeologists.

The State Historic Preservation Division has reviewed the proposed gate installation and determined that no historic properties would be affected. SHPD did not recommend preparation of a preservation plan in conjunction with this proposal.

It is the lessee's intention to complete an archaeological inventory survey of the entire property prior to the issuance of any additional permits beyond that which is currently being sought. Once that study has been completed, a comprehensive preservation plan will also be prepared. One of the goals of the current proposed project is to enhance the immediate protection of the archaeological sites that exist within the overall property.

The residents of Keawaiki Beach Lots do not agree that they are a threat to archaeological sites, and they have personally witnessed the destruction of sites by illegal campers, who may have been unaware that the sites were present.

7. Security of Keawaiki Beach Lots. This concern about security is based on reports from the residents of the lots, who do have personal knowledge of problems, including illegal camping, theft, drug use, and reckless driving.

8. Gated community. Please note that the County does not maintain the roads, and therefore having them open to the public creates a burden upon the owners. Furthermore, a special gate and cindered walkway will be established adjacent to the gate structure for the express purpose of facilitating pedestrian travel, and the roads will continue to be open to pedestrian access, unlike a gated community.

9. Early consultation letter. The inclusion of the responses was appropriate, because the action as originally proposed included the gates as well as a single-family home and landscaping. There would tend to be more but not different concerns with the original proposal, as it involved more area and more activities.

10. *Malama Pono Kealakekua status.* Thank you for the clarification about the active status of Malama Pono Kealakekua, and because of your active involvement there is better information in the EA.

11. *Community meeting.* Hawai'i Administrative Rules Section 13-5-40 requires a review by DLNR to determine if a public hearing related to the subject request is required prior to consideration by the Board of Land and Natural Resources. Should the Department suggest such a meeting, the Board will arrange for the meeting and staff it with personnel from the DLNR. The applicants will fully support the decision made by DLNR.

12 (2nd 11 in your letter). *Beautifying entrance to Keawaiki Road would be welcomed.* We acknowledge this comment.

We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,

A handwritten signature in black ink that reads "Ron Terry". The signature is written in a cursive, slightly slanted style.

Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo, DLNR-OCCL



