

NA ALA HELE
Hawaii Trail & Access System

2006 NOV 3 PM 1 29
PLANNING DEPARTMENT
COUNTY OF HAWAII

October 31, 2006

Ref: H06:06 Alae 1st and 2nd

Christopher Yuen
Planning Director
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720-3043

Aloha Chris,

Subject: Subdivision Number 06-000435 proposed by Foti Alae Properties, LLC, et. al., affecting Tax Map Keys: 8-7-5-1, 2, 10 through 19, situate at South Kona at Alae 1st and 2nd

Na Ala Hele appreciates the opportunity to comment on your subject request.

A Judgment filed in Third Circuit Court regarding Civil Action Number 5473 titled Maqoon Estate, Limited vs. Yee Vah, et. al., reserved unto the State of Hawaii the makai trail, passing through Royal Patent 2036. A copy of the Judgment and Decree are attached for your reference. Also enclosed is a copy of the notes of survey for Royal Patent 2036 prepared in the 1850's showing the makai trail.

Other sections of this trail have also been reserved to the State of Hawaii through judicial action as it passes through ahupuaa to the north of Alae 1st and 2nd. In those court actions the trail has also been referred to as the "King's Trail". All sections of this trail qualify as a part of the National Historic Trail known as the "Ala Kahakai".

Na Ala Hele recommends all affected agencies and landowners be consulted as soon as possible to allow for informed discussion regarding the future of this ancient trail.

A field inspection is necessary to confirm the current alignment and a metes and bounds survey must be completed to clarify the boundaries of the private land that abut the trail. In the absence of any other data, Na Ala Hele claims a ten feet wide trail corridor.

Thank you for allowing us to comment on your project.

Sincerely yours,

Doris Moana Rowland
Na Ala Hele Abstractor

c: Irving Kawashima, NAH Hawaii
Curt Cottrell, NAH Admin

21316



Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
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October 16, 2006

Chrystal Thomas Yamasaki, LPLS
Wes Thomas Associates
75-5749 Kalawa Street
Kailua-Kona, HI 96740-1818

Dear Ms. Yamasaki:

**PRELIMINARY PLAT MAP AND DEFER ACTION
SUBDIVIDERS: FOTI ALAE PROPERTIES, LLC, et. al.**
Proposed Consolidation of Portions of Grant 2036,
The Whole of R.P. 5939, L.C. Aw. 8158, Ap. 2,
R.P. 8005, L.C. Aw. 8776, Ap. 2,
R.P. 8014, L.C. Aw. 9699-D,
R.P. 8015, L.C. Aw. 10302, Ap. 2,
R.P. 8016, L.C. Aw. 10818, Ap. 2,
L.P. S-8674, L.C. Aw. 8673, Ap. 2, and Grant S-15664,
And Resubdivision Into Lots 1 through 12, Inclusive,
Alae 1st and 2nd, South Kona, Island of Hawai'i, Hawai'i
TMK: 8-7-005:001, 002, 010 through 019 (SUB-06-000435)

This is to acknowledge receipt of ten (10) copies of the preliminary plat map dated Revised: August 28, 2006, and filing fee of \$550.00 for the referenced application for 12 lots.

This application is being processed under 23-7 of the Subdivision Code whereby the requirements and standards of the Subdivision Code shall not apply to consolidation and resubdivision action resulting in the creation of the same or fewer number of lots than that which existed prior to the consolidation/resubdivision action. As provided for by Section 23-7, we will be asking the Director of Public Works and the Manager of the Department of Water Supply to offer any comments that they may have regarding this subdivision, as it pertains to necessary improvements to further the public welfare and safety.

Chrystal Thomas Yamasaki, LPLS
Wes Thomas Associates
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October 16, 2006

Since the proposed subdivision has direct access from a State highway, we will also be asking the State Department of Transportation if they have any comments. Further, pursuant to the provisions of Chapter 34, Public Access, we will be asking the County Department of Parks and Recreation (P&R) and the State Department of Land and Natural Resources (DLNR) for any comments that they may have.

Additionally, the lots in the coastal area are situated in both the County Special Management Area (SMA) and State Land Use Conservation Zone District, and therefore, the enclosed SMA Use Permit Assessment (SMAA) must be submitted to this department for our review and action. The subdivider should also contact the State DLNR Office of Conservation and Coastal Lands (OCCL) to determine what action would need to be taken regarding the Conservation designated area.

By a copy of this letter, we are forwarding the application and preliminary plat map to the listed officers for their review and comments. Please be advised that we are deferring action on the referenced application until we have reviewed the SMAA application and all listed officers' comments are received.

Should you have any questions, please feel free to contact Ed Cheplic or Jonathan Holmes of this department.

Sincerely,


CHRISTOPHER J. YUEN
Planning Director

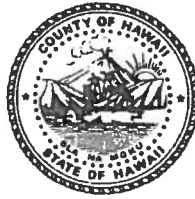
JRH:lnm

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Enc. - SMA Assessment Application

xc: Manager, DWS w/application & PPM
 Director, DPW w/application & PPM
 District Engineer, DOT w/application & PPM
 DPW-ENG-KONA w/application & PPM
 Director, P&R w/application & PPM
 Administrator, DLNR-OCCL w/application & PPM
 Administrator, DLNR-SHPD-Kona w/application & PPM
 Na Ala Hele Trail & Access w/application & PPM
 PD-Long Range Planning Division (CZM)
 Foti Alae Properties, LLC, et. al. w/Receipt #5295
 Kiowai Hui, LLC w/Receipt #5296
 TMK Files 8-7-05:01, 02, 10, 11, 12, 13, 14

Harry Kim
Mayor



Christopher J. Yuen
Director

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LEED® AP
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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December 11, 2006

Chrystal Thomas Yamasaki, LPLS
Wes Thomas Associates
75-5749 Kalawa Street
Kailua-Kona, HI 96740-1818

Dear Ms. Yamasaki:

**Na Ala Hele Response to Preliminary Plat Map
SUBDIVIDERS: FOTI ALAE PROPERTIES, LLC, et. al.**

Proposed Consolidation of Portions of Grant 2036,
The Whole of R.P. 5939, L.C. Aw. 8158, Ap. 2,
R.P. 8005, L.C. Aw. 8776, Ap. 2,
R.P. 8014, L.C. Aw. 9699-D,
R.P. 8015, L.C. Aw. 10302, Ap. 2,
R.P. 8016, L.C. Aw. 10818, Ap. 2,
L.P. S-8674, L.C. Aw. 8673, Ap. 2, and Grant S-15664,
And Resubdivision Into Lots 1 through 12, Inclusive,
Alae 1st and 2nd, South Kona, Island of Hawaii'i, Hawaii'i
TMK: 8-7-005:001, 002, 010 through 019 (SUB-06-000435)

By letter dated October 31, 2006, of which a copy is enclosed, the Na Ala Hele has informed this office that a makai trail, owned by the State of Hawaii, traverses through the makai portion of the subject property. In court actions relating to this property, this makai trail is referred to as the "King's Trail", which is part of the National Historic Trail known as the "Ala Kahakai".

Na Ala Hele requires that a field inspection of this trail be conducted to confirm its current alignment through the subject property and that a metes and bounds survey of said trail be completed in order to clarify the boundaries of the trail and adjoining lands owned by the applicants. This must be accomplished before any further action regarding this subdivision application is taken by this office. Upon the conclusion of this assessment of the alignment and width of the King's Trail, a revised preliminary plat map must be submitted to reflect the alignment and width of the King's Trail and the resulting lots which will accommodate this trail alignment. Furthermore, as detailed in our previous letter regarding this application

Chrystal Thomas Yamasaki, LPLS
Wes Thomas Associates
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dated October 16, 2006, the lots in the coastal area are situated in both the County Special Management Area (SMA) and State Land Use Conservation Zone District, and therefore, an SMA Use Permit Assessment (SMAA) must be submitted to this department for our review and action. The subdividers should also contact the State DLNR Office of Conservation and Coastal Lands (OCCL) to determine what action would need to be taken regarding the Conservation designated area. These applications shall be filed after the alignment and width of the King's Trail is determined and a revised preliminary plat map is prepared.

Should you have any questions, please feel free to contact Ed Cheplic of this department.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

DSA:lnm

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- Encs. Na Ala Hele letter dated October 31, 2006
Attachment – Civil No. 5473 Judgment & Decree, Exhibits A - I
- xc: Manager, DWS w/Na Ala Hele letter 10/31/06
Director, DPW w/Na Ala Hele letter 10/31/06
District Engineer, DOT w/Na Ala Hele letter 10/31/06
DPW-ENG-KONA w/Na Ala Hele letter 10/31/06
Director, P&R w/Na Ala Hele letter 10/31/06
TMK Files 8-7-05:01, 02, 10, 11, 12, 13, 14 w/Na Ala Hele letter 10/31/06
- xc: Administrator, DLNR-OCCL w/Na Ala Hele letter 10/31/06 & Attachment
Administrator, DLNR-SHPD w/Na Ala Hele letter 10/31/06 & Attachment
Foti Alae Properties, LLC, et. al. w/Na Ala Hele letter 10/31/06 & Attachment
Kiowai Hui, LLC w/Na Ala Hele letter 10/31/06 & Attachment
PD-Long Range Planning Division (CZM) w/Na Ala Hele letter 10/31/06 & Attachment
Planning Dept.-Kona Office w/Na Ala Hele letter 10/31/06 & Attachment
Aric Arakaki, NPS-AKNHT w/Na Ala Hele Letter 10/31/06 & Att.
- xc: Na Ala Hele Trail & Access