

Mitchell D. Roth
Mayor



County of Hawai'i

PLANNING DEPARTMENT

CULTURAL RESOURCES COMMISSION

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July 17, 2023

Barbara DeFranco, Chairperson
Leeward Planning Commission
101 Pauahi St., Suite 3
Hilo, HI 96720

Dear Ms. DeFranco:

SUBJECT: Change of Zone Amendment Application (PL-REZ-2022- 000033)
Applicant: Kona Three, LLC
Request: Ten -Year Time Extension to Comply with Condition I (Complete Construction of Phase I) and Condition N (Roadway Standards)
Tax Map Key: (3) 7- 6- 021: 016 and 017; North Kona, Hawai'i

The Leeward Planning Commission, at its duly held public hearing on December 15, 2022, considered the above -referenced application. The subject properties are located along the east (mauka) side of the Queen Ka'ahumanu Highway at its junction with Kuakini Highway and between Pualani Estates subdivision to the north and Kona Vistas to the south, portion of Hōlualoa Hui Lands, Hōlualoa 1, 2, and 3, North Kona, Hawai'i. The Commission voted to defer its decision until the County of Hawai'i Cultural Resources Commission (CRC) had the opportunity to review the project.

- On March 8, 2023, the CRC held an official meeting according to the provisions of Chapters 91 and 92 Hawai'i Revised Statutes and Chapter 2, Article 44 of the Hawai'i County Code, to deliberate the subject request; consider design review, comment(s) and recommendation(s) for Kona Three LLC (PL-REZ-2022-000033). In accordance with HRS 92-5.5, the CRC formed a Permitted Interaction Group (PIG) subcommittee to further review the project and a site visit occurred on March 23, 2023, at 10:00 a.m. The subcommittee subsequently created a site visit report (the Report).
- On May 10, 2023, the CRC heard the Report from the PIG subcommittee regarding the March 23, 2023, site visit conducted for the Kona Three project.
- On June 21, 2023, the CRC held discussion of recommendations and opinions of the project *(based on the site visit, public testimony, the records, and documents on file including archaeological reports submitted)* and made motions in culmination of their review; the communication was drafted by staff. This draft was presented to the CRC on July 12, 2023, at a regular CRC meeting.

In accordance with Hawai'i County Code Section 2-44 and the Rules of Practice and Procedure for the Cultural Resources Commission, the review, recommendations, and opinions on the project are as follows:

After considering the cultural and historic resources on the property including the undocumented Hōlualoa Trail and petroglyph and how it relates to Hōlualoa, as well as other possible significant cultural historic features not previously identified, the CRC's opinion of the project's impact to historical assets is that this project will likely have a substantial impact on historic assets. The following Cultural Resources Commission's opinions and recommendations are hereby transmitted for your consideration in execution of the action before you.

- 1. Due to the historic and cultural significance of the property, the CRC recommends that the property be preserved in perpetuity. In the event that this is infeasible, the CRC recommends the following conditions be required to be completed prior to any development permit approvals by the County.**
 - a. In order to be integrated into the development design, the CRC recommends further documentation of lineal descendant and kama'āina knowledge of the natural and cultural resources of the project area, inclusive of trails.**
 - b. That the applicant, in consultation with the community, amend the current development plan to include larger open space areas that more sensitively integrate and protect the natural, historical, and cultural features of the landscape, including trails and other cultural sites, as well as natural features of the terrain such as drainage channels, and native plants.**

Mahalo for your consideration of the CRC's review. If you have any questions concerning this matter, please contact Kevin Sullivan at kevin.sullivan@hawaiiicounty.gov.

Sincerely,



Aaron J. Spielman (Jul 18, 2023 15:31 HST)

Aaron J. Spielman, Chairman
Cultural Resources Commission

KS:klt

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cc via email: Daryn Arai, Representative for Kona Three LLC
Zendo Kern, Planning Director
Cultural Resources Commission

Enclosure: Permitted Interaction Group Report

Cultural Resources Commission

5/10/2023

<u>Project:</u>	Kona Three LLC.	<u>Attending:</u>	CRC – Nicole Lui, Kuulei Keakealani, Aaron Spielman; Guest of CRC – Lehua Kamaka; Kona Three LLC
<u>Ref. No.:</u>	PL-CRC-2022-000002.		– Richard Wheelock, Robert Williams, Michael Matsukawa (counsel), Glenn Escott (archaeologist), Daryn Arai (planning consultant); SHPD – Sean Naleimaile, Nicole Mellow; Na Ala Hele (State) – Jackson Bauer, Rick Gmirkin, Loke Davis.
<u>Site Visit:</u>	3/23/2023 (Thursday).		
<u>Location:</u>	Holualoa Hui Lands, Holualoa 1, 2, & 3, North Kona, Hawaii.		
<u>Time:</u>	10.15a – 1.45p.		

Re: Permitted Interaction Group Report on Site Visit to the Subject Parcel.

Outline Notes:

1. Introductions.
2. Opening Pule.
3. Archaeologist review of the LCA & overlaps with different maps.
4. Access to the subject parcel was through a different parcel mauka. A makai access does not seem to have been established. Unclear where construction access will be.
5. Railroad boundaries/berms.
6. Portion of site walls heading mauka, discussion of mauka trails near Holualoa Hotel.
7. Mauka boundaries, wall alignments, stream bed that runs through subject parcel.
8. Site walls and trail makai of railroad, discussion on these elements and history, Kuulei's mana'o, Nicole's mana'o. Daryn Arai stated that the applicant has been working for seven years on this request for a time extension. This area appears to have been used as a trail during and before the historical ranching period and might need to be considered in light of the Highways Act.
9. Walked further makai along the same trail makai of the railroad. Site walls to north and south of trail have different characteristics and states of repair. South wall more intact, north wall more scattered. South wall appears to use somewhat smaller rocks. North wall has enormous rocks still in place. Rick Gmirkin mentioned haka haka stones and the appearance of what might have been a holua sled at one time.
10. Crossed south of this same trail and walked through an area that is known to have been bulldozed. Scattered rocks (remnants of terraces?) and generally sloped terrain that is less defined than the trail to the north bounded by the site walls.

11. Walked mauka through what appears to be a terraced area and arriving at what feels very much like a homesite, at the level grade under the large tree. Nicole discovered a working pohaku and shared with the archaeologist to record and preserve with an ancestral descendant.
12. Walked mauka to railroad and then south to the next section of site walls and trail.
13. Nicole shared insights at this southern trail area bounded by lava rock walls. Request to archaeologist to preserve this feature in place to make part of the proposed community. Unclear that this feature is recorded in the applicant's documentation.
14. Break/snack time.
15. Closing pule and mele.

Lessons Learned.

1. Establish protocols for future PIG site visits (pule, introductions, meeting, closing).
2. Important for all Owners to attend entire PIG site visits.
3. Mr. Wheelock suffered injuries towards the end of the site visit when navigating the access point to the subject parcel via ladder tied to a hog-trap over a lava rock wall. Access for PIG site visits must be safe for all attending parties.
4. Time should be allotted for access to the entire property for all PIG members.
5. Visiting group should move as one party throughout the property.