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GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 11, 2018

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2018 MAY 16 P 3:44
JEFFREY T. PEARSON, P.E.
OFFICE OF CONSERVATION
AND COASTAL LANDS
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

MEMORANDUM:

TO: Samuel Lemmo, Administrator
Office of Conservation and Coastal Lands

FROM: Curt Cottrell, Administrator
Division of State Parks 

SUBJECT: Removal of Sand from Kī'ope Fishpond and Disposal of Sand on Adjacent Beach, Hulihe'e Palace
Ahupua'a of Keōpū III, District of North Kona, Island of Hawaii
TMK: (3) 7-5-007:020 (por.) and Adjacent Submerged Land

On Behalf of The Daughters of Hawai'i, The Department of Land and Natural Resources (DLNR), Division of State Parks seeks a No Objection determination for the proposed removal of sand from Kī'ope Fishpond and disposal of this sand on the beach located along the northern end of the Hulihe'e Palace grounds (Figures 1-3). Kī'ope Fishpond is located within the grounds of Hulihe'e Palace which encompasses 1.284 acres and is delineated by a stone/concrete wall on all sides. The property is defined by Kailua Bay to the west, a sand beach to the north, Ali'i Drive to the east, and Kailua Town or Village to the south. Within the property are the Palace building, a caretaker's cottage, a restroom, a gift shop building, concrete pathways, and Kī'ope Fishpond. The grounds are mostly open lawn with landscaping. The Palace and its grounds constitute a significant historic property that is listed in both the State and National Registers of Historic Places (Site No. 50-10-28-7001). Kī'ope Fishpond has also been assigned a State site number (SIHP No. 50-10-28-30477).

Periodically, due to high surf, sand enters Kī'ope Fishpond through the *mākāhā* and accumulates within the interior of the Fishpond. According to The Daughters of Hawai'i, sand accumulates in the pond every year and, for many years since 1927, the pond was cleaned out twice a year by the local community with the aid of the Keauhou Canoe Club. However, this type of clean-up/sand removal has not been done for many years, and currently much of the pond is filled in with sand (Photos 1-2).

The scope of work includes removing by hand any sand that has built up within the Fishpond. All removal of sand will be done by hand with shovels and 5 gallon buckets. Note, no machinery will be used to remove any of the sand or during the disposal process. This type of maintenance clean-up/sand removal by hand will occur 1-2 times a year, with the aid of the local community and the Keauhou Canoe Club. The removal of the sand shall be periodically monitored by the State Parks archaeologist. All sand removed from the Fishpond will be evenly spread out at the sand beach at the northern end of the Palace property. This beach is considered submerged land and is therefore also subject to Conservation District regulations. This location was chosen through previous consultation with Mr. Lemmo of Office of Conservation and Coastal Lands (Figure 3 and Photo 3).

State Parks believes that the proposed actions do not need a Conservation District Use Permit (CDUP) because they fall under HAR §13-5-22(b) P-8, A1 (maintenance of existing structure) and §13-5-24(c) R-5, A-1 (maintenance dredging). Removing sand from the fishpond and spreading it evenly over the beach are minor maintenance actions that will result in negligible changes. These changes will subsequently be subject to ongoing and routine wave action. Sand extracted from the Fishpond will not exceed the dredging limits for an area that has been previously dredged, in this case repeatedly. State Parks is thus requesting a No Objection letter to confirm that a CDUP is not required for these proposed actions.

State Parks has also determined that the proposed actions are exempted from an Environmental Assessment under HRS Chapter 343 because they will have minimal or no significant effect on the environment and they fall within Exemption Class 1, Item 28 of the DLNR Exemption List (maintenance of historic sites to maintain the integrity of historic structures and sites).

We thank you in advance for your review of our proposed scope of work to maintain Kī'ope Fishpond at Hulihe'e Palace. If you have any questions please contact Tracy Tam Sing, Hawai'i Island Parks Archaeologist, at (808) 313-0858 or Tracy.l.tamsing@hawaii.gov.

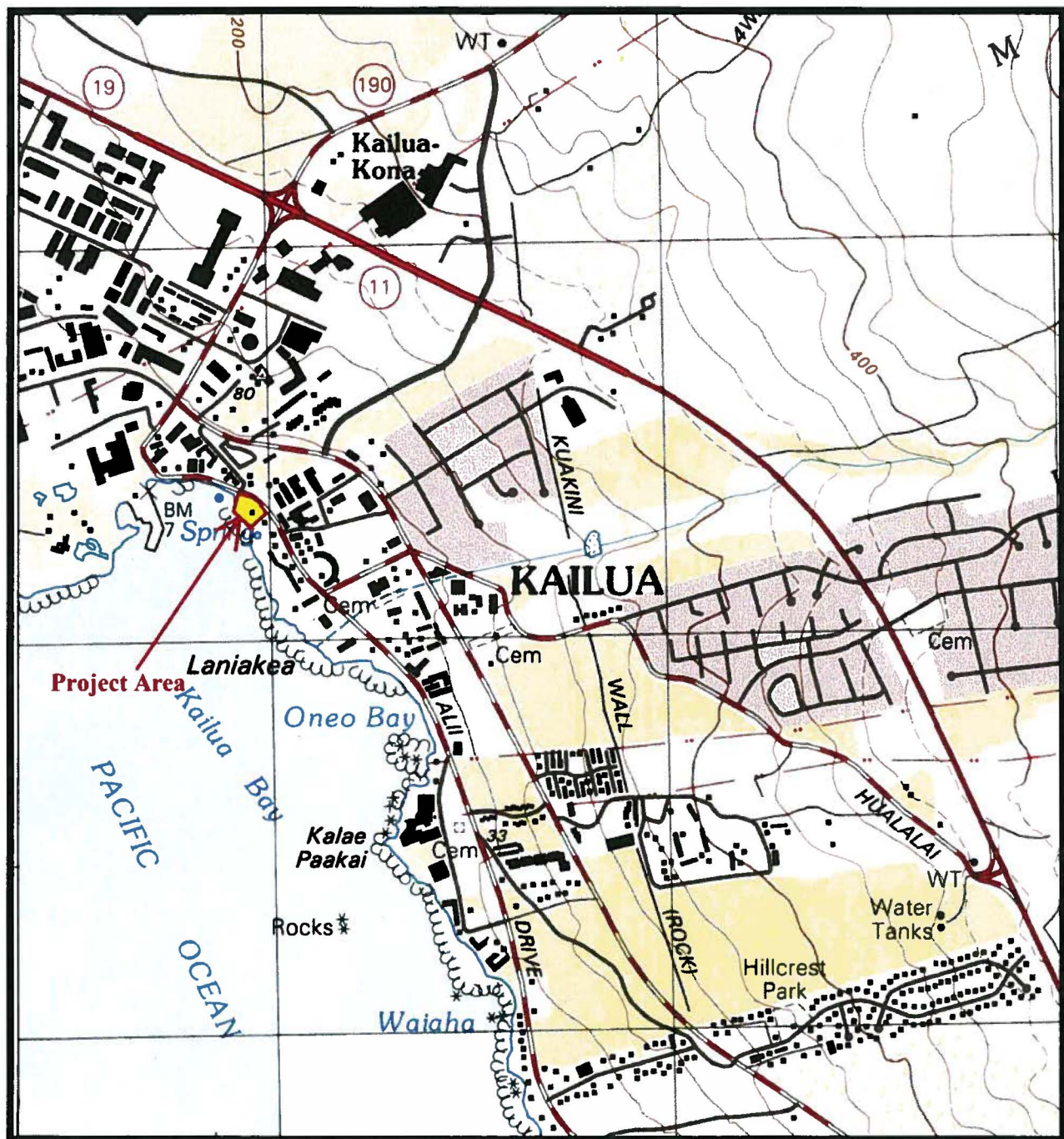


Fig. 1. Detail of the general location of Hulihe'e Palace and Kī'ope Fishpond in Kailua-Kona, Hawai'i Island (USGS, Kailua Quad Topo Map, 1996, scale 1:24,000). The Project Area is highlighted in yellow and outlined in red.

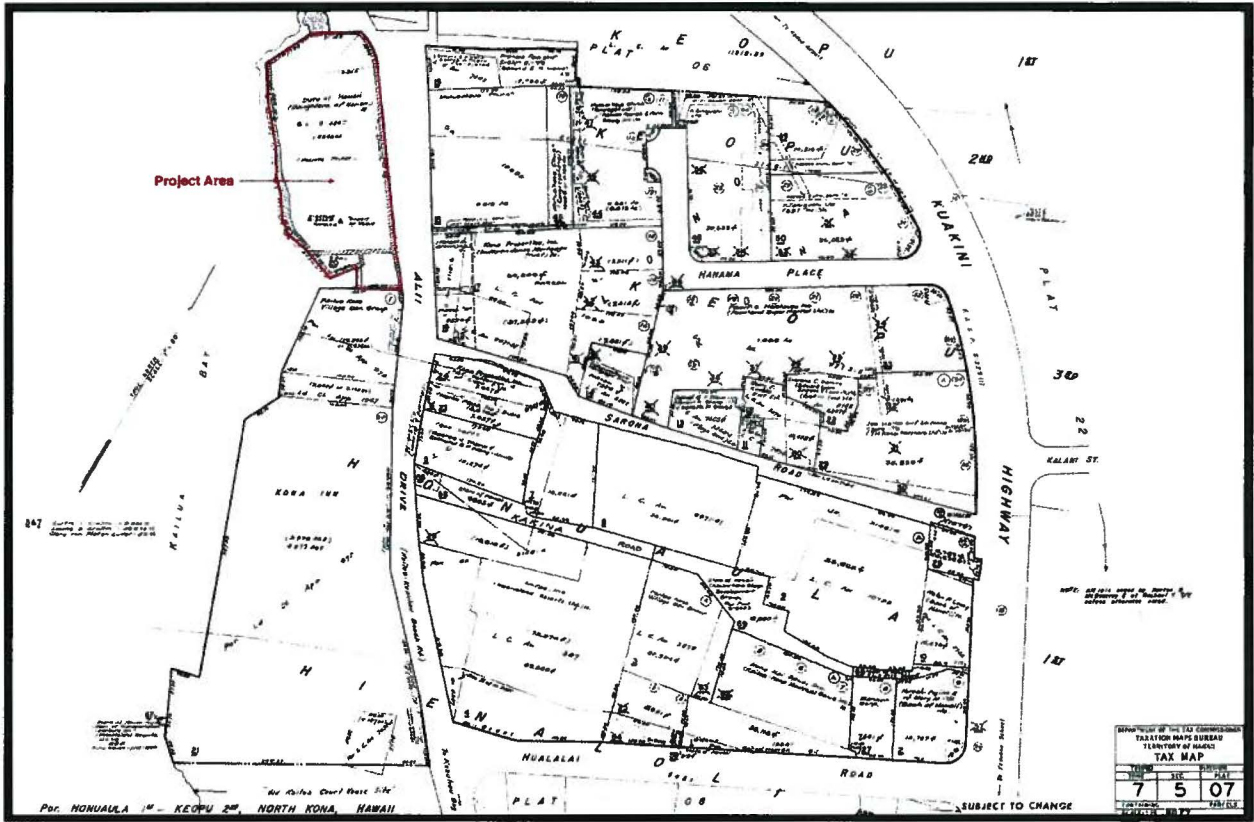


Fig. 2. The location of Hulihe'e Palace identified by TMK: (3) 7-5-007: 020 por.

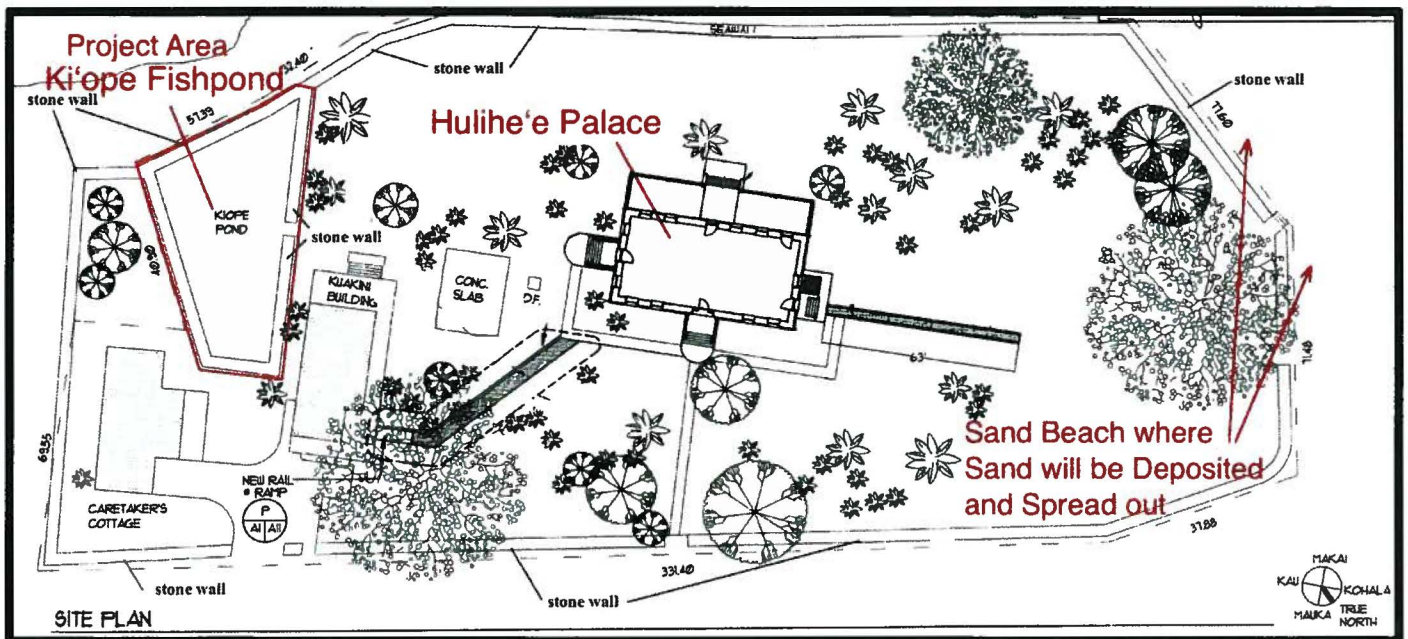


Fig. 3. A map of the grounds of Hulihe'e Palace showing the Palace Building, Ki'ope Fishpond, and the location of the sand beach to the North of the Palace grounds, where all removed sand from the Fishpond will be placed and spread out.



Photo 1. A photo of Kī'ope Fishpond at high tide, view to the southeast. Note, the large amount of sand accumulated at the bottom of the Fishpond, where at high tide the pond is less than 12 inches deep.



Photo 2. A photo of Kī'ope Fishpond at high tide, view to the east. Note, the large amount of sand accumulated at the bottom of the Fishpond.



Photo 3. A photo of the sand beach at the northern end of the Palace property, view to the southeast. This is the location of where all removed sand from Kī'ope Fishpond will be placed and spread out, as previously recommended by OCCL.

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LAND
STATE PARKS

ref:OCCL:MC

Correspondence: HA-18-237

MEMORANDUM

To: Curt Cottrell, Administrator, Division of State Parks

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

SUBJECT: Correspondence HA-18-237
Kī'ope Fishpond Maintenance
Hulihe'e Palace, Ahupua'a of Keōpū III, North Kona, Hawai'i
Offshore of TMK (3) 7-5-007:020

JUN 19 2018

The Office of Conservation and Coastal Lands (OCCL) has reviewed the information State Parks provided regarding maintenance work at Kī'ope Fishpond on the above subject parcel. The pond itself is not within the State Land Use Conservation District, although part of the project will occur on State-owned submerged lands makai of the pond and within the Resource Subzone.

The 1.284-acre Kī'ope Pond is located within the grounds of Hulihe'e Palace, a former vacation home for Hawaiian royalty. It was converted into a museum in 1927, and is currently administered by the Division of State Parks and managed by the Daughters of Hawai'i under a long-term lease. The palace, grounds, and fishpond are listed in both the State and National Register of Historic Places.

During high surf events sand enters through the mākāhā and accumulates in the pond. The Daughters of Hawai'i, with the assistance of the Keauhou Canoe Club, manually clear the sediment approximately twice a year. However, the maintenance clearing has not occurred for the past several years, and approximately two to three cubic yards of sand are now in the pond.

The Daughters of Hawai'i propose to coordinate the manual removal of the sand using shovels and five gallon buckets, and to deposit the sand above the high water mark on the small beach north of the property. The beach is protected by a small seawall, and lies makai of the parcel boundaries, and thus on State-owned submerged lands.

OCCL finds that the placement of sand from the fishpond is minor in scope and will result in a negligible change to the land, natural, and cultural resources of the area.

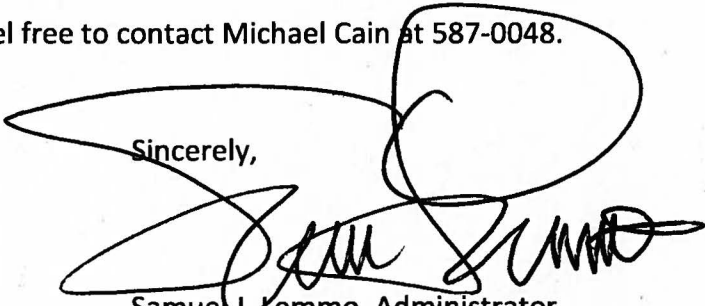
State Parks has determined that the project is exempt from requiring an Environmental Assessment pursuant to Hawai'i Administrative Rules (HAR) §11-200-8, Exempt Classes of Action, Exemption Class 1, *Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing*; Subclass 28, *Repair and maintenance of historic and archaeological sites to maintain the integrity of historic structures, archaeological features and sites*. OCCL concurs with this determination.

Our office has no objections to the proposed maintenance provided that:

1. That in issuing this letter, the Department and Board has relied on the information and data that the correspondent has provided in connection with the letter. If, subsequent to this letter, such information and data prove to be false, incomplete or inaccurate, this letter may be modified, suspended or revoked;
2. The correspondent shall implement typical Best Management Practices (BMP) while conducting any land use in the conservation district;
3. The proposed project is minor in scope and may be considered an exempt action pursuant to Hawaii Revised Statutes (HRS), §343, as amended, and Hawaii Administrative Rules (HAR), §11-200-5, Environmental Impact Statement Rules and §11-200-8, Exempt Classes of Action; and
4. If the scope of the project changes or the cumulative natural resource impacts is perceived to be moderate or major, the department may require additional authorizations or approvals for the proposed land use.

Should you have any questions feel free to contact Michael Cain at 587-0048.

Sincerely,



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