

HŌKULI'A

1250 Oceanside, LLC

February 19, 2019

Board of Land and Natural Resources
State of Hawaii
1151 Punchbowl St.
Honolulu, HI 96813

SUBJECT: Request to amend Item D-4 "Amend Grant of Perpetual Non-Exclusive Easements under Land Office Deed (LOD) Nos. S-29,068, S-29,086 and S-29,088, State of Hawaii, Board of Land and Natural Resources, Grantor, to 1250 Oceanside, LLC, Grantee, for Roadway and Utility Purposes, North Kona, Island of Hawai'i, Hawai'i, Tax Map Keys (TMK): (3) 7-9-012:011 (portion); 8-1-004:065 and 079 (portions) for hearing before BLNR on February 22, 2019

Aloha,

My name is Mike Vitousek I am the cultural resource manager for 1250 Oceanside LLC, I work for the developer of the Hokuli'a Community. I am writing to request a small change in the subject application in order to address concerns raised by neighboring lot owners. The current application proposes to relocate Easement R-9 within the Old Government Road (OGR) which is listed on the State Inventory of Historic Properties (SIHP) as site number 50-10-37-10290. The proposed relocated area of Easement R-9 is within the OGR but straddling the boundary of property owned by Ackerman Ranch (TMK 3-7-9-012:011) and 1250 Oceanside LLC (TMK 8-1-004:079). Figure 1. Shows the location of R-9 that is proposed in the subject application.

Consultation with Kuleana Owners:

The intended purpose of easement R-9 is for 1250 Oceanside LLC and its assigns and future lot owners to access across the OGR for Hokuli'a development purposes. One of the groups that may be granted use of the crossing are authorized kuleana owners located within the kailua beach vicinity. 1250

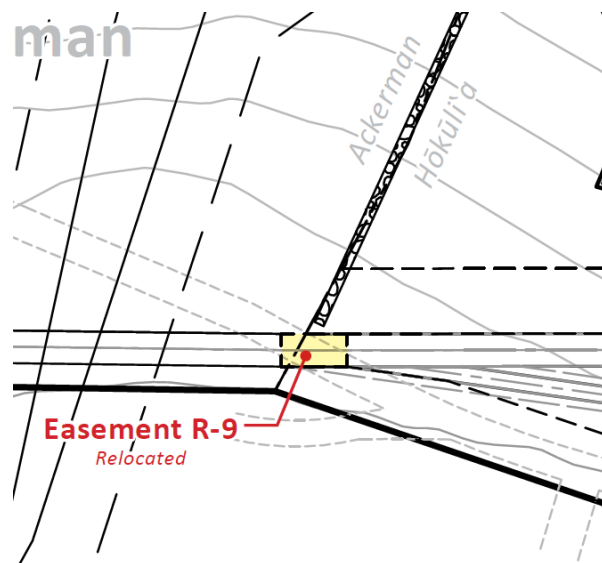


Figure 1. Location of R-9 in the Original application

Oceanside LLC has engaged in consultation with the kuleana owner families over the past few months, and hosted a meeting with the Greenwell, Thompson and Ackerman families on February 11, 2019. At this meeting the Thompson and Greenwell families expressed concern about the proposed location of R-9 as it straddles the Ackerman and Hokuli'a boundary. The kuleana families indicated that the easement should be located entirely within the Hokuli'a property because they believe that the obligation to provide access to their properties is with Hokuli'a and not with Ackerman. They also stated that they believe that moving easement R-9 south so it is entirely within the Hokuli'a property will improve the physical access to their access to their properties. It is the intention of 1250 Oceanside LLC to provide the best access possible for these families while maintaining the value of our

property. We are in full support of their request to locate Easement R-9 within the OGR entirely within Hokuli'a property (TMK 8-1-004:079).

Proposed Amended Location of Easement R-9:

In order to adequately address the concerns raised by the kuleana owners at the February 11, 2019 consultation meeting, 1250 Oceanside LLC proposes to amended the relocated location of easement R-9 by bringing that easement (within the OGR) entirely within the Hokuli'a property. Hereafter referred to as the amended R-9 location. The change from the proposed relocation to the amended location is very small, approximately 5 feet but not more than 10 feet. The exact distance that the easement will have



Figure 2. Approximate location of amended R-9 crossing easement

to move to be completely located within Hokuli'a will be identified through a meets and bounds survey after the conceptual approval of its relocation. There are no physical remnants of the OGR or Ala Loa trail (SIHP 50-1037-21664) in the proposed amended location of easement R-9. This area has been previously breached by a ranch road, and is completely disturbed. There will be no direct effect on intact features of the trail. The easement will not change size, it will just change location in order to better serve its intended purpose. Figure 2 shows the approximate proposed amended location of

easement R-9. The approximate corners of the easement are marked on the ground with survey stakes and the stakes are identified in figure 2 with orange arrows.

The location of the original (un-relocated) R-9 crossing easement was established in a preservation plan Prepared by 1250 Oceanside Partners in 2000. Once the proposed amended relocation is approved by the Board of Land and Natural Resources, the location of R-9 within Hokuli'a would be memorialized in a new preservation plan for the Old Government Road. 1250 Oceanside LLC has hired archaeological consultants from ASM Affiliates to prepare an updated archaeological preservation plan for the Old Government Road (SIHP 10290). The purpose of the updated plan was to remove requirements established in the 2000 preservation plan that would have required resurfacing the trail with modern materials that could have caused adverse effects to the historic integrity of the site. Currently, there is a draft of this preservation plan (prepared by Barna 2017 that is under SHPD review. SHPD has completed the review of this preservation plan. However, acceptance of the preservation plan is on hold pending the outcome of the BLNR decision to relocate the identified easements. Once the relocation is approved by BLNR, the preservation plan can be amended to incorporate any changes that were needed as a result of the consultation, and accepted by SHPD. After the acceptance of the relocated and amended

easement locations by the BLNR and after acceptance of the Preservation plan, 1250 Oceanside LLC will have a meets and bounds description of the amended location of R-9 prepared and recorded.

Consultation with State and Federal Agencies:

1250 Oceanside has discussed the proposed amended location of easement R-9 with multiple state and federal agencies including Department of Land and Natural Resources (DLNR) Land Division, State Historic Preservation Division, Na Ala Hele Program, and the National Park Service Ala Kaha Kai National Historic Trail.

An email received on February 13, 2019 from Kevin Moore of DLNR Land Division stated that "From Land Division's perspective, we would be okay with recommending the slight realignment to the Board as long as SHPD has no issue with it. On February 14, 2019 SHPD Archaeology Branch Chief Susan Lebo was consulted with via telephone. Dr. Lebo stated that SHPD was not opposed to the relocation, but requested that the applicant consult with DLNR Na Ala Hele and National Park Service Ala Kahakai National Historic Trail. On February 14 1250 Oceanside received email confirmation from both the Na Ala Hele Program and Ala Kahakai National Historic Trail that the minor realignment of easement R-9 was acceptable to these agencies. SHPD also provided an email on stating that SHPD can notify Land Division of the approval by consulting parties and that the relocation can be reflected in SHPD's approval of the preservation plan.

Land Division then requested that 1250 Oceanside submit this requested amendment to the BLNR so that the amended location of easement R-9 can be considered at the February 22nd, 2019 meeting.

Thank you very much for your time and consideration.

Mahalo,

A handwritten signature in cursive script that reads "Mike Vitousek".

Mike Vitousek
Cultural Resource Manager

Exhibit A. Conceptual map of amended R-9 relocation to bring R-9 entirely within Hōkuli'a

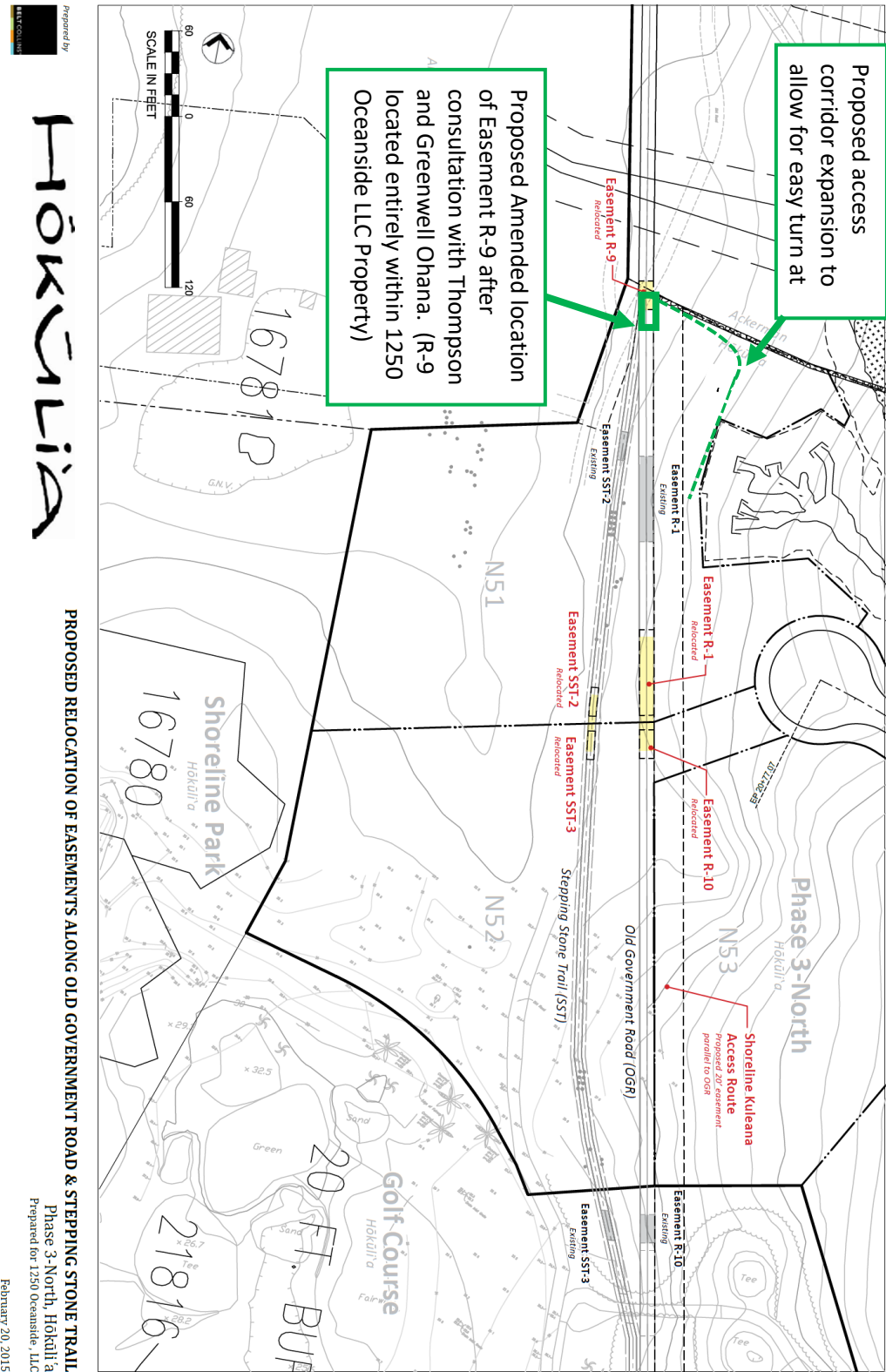


Exhibit B. emails from agency consultation:

From: Gmirkin, Richard <rick_gmirkin@nps.gov>

Sent: Thursday, February 14, 2019 4:02 PM

To: Mike Vitousek <mvitousek@hokulia.com>

Cc: Lebo, Susan A <susan.a.lebo@hawaii.gov>; Millay, Michael V <michael.v.millay@hawaii.gov>; Moore, Kevin E <kevin.e.moore@hawaii.gov>; Tsuji, Russell Y <Russell.Y.Tsuji@hawaii.gov>; Rowland, Moana <moana.rowland@hawaii.gov>; Eric Bose <ebase@suncap.com>; Bauer, Jackson M <jackson.m.bauer@hawaii.gov>; La Crivello <crrivello@hokuliacclub.com>

Subject: Re: [EXTERNAL] Relocation of Easements on Old Government Road

Aloha Mike,

Thanks for reaching out and consulting with the Ala Kahakai National Historic Trail regarding the proposed minor relocation of Easement R-9.

Ala Kahakai National Historic Trail has no issues with the proposed relocation of Easement R-9 across the Old Government Road to approximately 5 feet south per the description and map provided, and for this relocation to be included in the Barna (2017) preservation plan.

Thanks again for consulting with the Ala Kahakai NHT.

Mahalo nui,

Rick

From: Bauer, Jackson M <jackson.m.bauer@hawaii.gov>
Sent: Thursday, February 14, 2019 3:13 PM
To: Mike Vitousek <mvitousek@hokulia.com>; Lebo, Susan A <susan.a.lebo@hawaii.gov>
Cc: Millay, Michael V <michael.v.millay@hawaii.gov>; 'Rick Gimirkin (rick_gmirkin@nps.gov)' <rick_gmirkin@nps.gov>; Moore, Kevin E <kevin.e.moore@hawaii.gov>; Tsuji, Russell Y <Russell.Y.Tsuji@hawaii.gov>; Rowland, Moana <moana.rowland@hawaii.gov>; Eric Bose <ebose@suncap.com>; La Crivello <ccrivello@HokuliaClub.com>
Subject: RE: Relocation of Easements on Old Government Road

Aloha Mike,

I concur and approve the relocation of easement R-9 approximately 5 feet south per Michael Vitousek's description and map.

Jackson M. Bauer
Hawai'i Island Nā Ala Hele Trails and Access Specialist,
Division of Forestry and Wildlife,
Department of Land and Natural Resources
19 East Kawili Street
Hilo, Hawai'i 96720
808-657-8041
jackson.m.bauer@hawaii.gov

From: Lebo, Susan A <susan.a.lebo@hawaii.gov>

Sent: Thursday, February 14, 2019 2:52 PM

To: Mike Vitousek <mvitousek@hokulia.com>; Naleimaile, Sean P <sean.p.naleimaile@hawaii.gov>

Cc: Millay, Michael V <michael.v.millay@hawaii.gov>; rick_gmirkin@nps.gov; Moore, Kevin E <kevin.e.moore@hawaii.gov>; Tsuji, Russell Y <Russell.Y.Tsuji@hawaii.gov>; Rowland, Moana <moana.rowland@hawaii.gov>; Eric Bose <ebose@suncap.com>; Bauer, Jackson M <jackson.m.bauer@hawaii.gov>; La Crivello <crrivello@HokuliaClub.com>

Subject: FW: Relocation of Easements on Old Government Road

Importance: High

Hello Mike,

Thanks for the very informative discussion. I look forward to receiving written approval from consulting parties to the proposed relocation of Easement R-9 across the Old Government Road to approximately 5 feet south and for this relocation to be included in the Barna (2017) preservation prior to the plan being approved by SHPD.

SHPD can then notify Kevin Moore, DLNR Land Division, of approval by the consulting parties and the proposed revision of the Barna (2017) preservation plan to reflect this relocation prior to SHPD's approval of the preservation plan.

Sincerely,

Susan

Susan A. Lebo, PhD
Archaeology Branch Chief
State Historic Preservation Division
Department of Land and Natural Resources
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Kapolei, HI 96707
(808) 692-8019
Susan.A.Lebo@hawaii.gov