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# SENATE CONCURRENT RESOLUTION

URGING CONTINENTAL PACIFIC, LLC, AND THE STATE HISTORIC PRESERVATION DIVISION TO, AMONG OTHER THINGS, PLACE AN IMMEDIATE STAY OF EVICTION TO ALLOW RESIDENTS OF KAHUKU VILLAGE TO REMAIN IN THEIR HOMES UNTIL AN ARCHAEOLOGICAL INVENTORY SURVEY CAN BE COMPLETED FOR THE ENTIRE PROJECT AND ENSURE THAT THE KAHUKU VILLAGE PROJECT ADHERES TO ALL REQUIREMENTS, INCLUDING REQUIREMENTS FOR THE TREATMENT OF BURIAL REMAINS AND FOR CONDOMINIUM PROPERTY REGIMES.

1 WHEREAS, in 1890, the Kahuku Sugar Plantation was founded  
2 on the property owned by James Campbell; and  
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4 WHEREAS, workers were imported from Asia and elsewhere and  
5 housed onsite to keep up with the production demands of the  
6 sugar mill; and  
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8 WHEREAS, this is how the town of Kahuku began and was  
9 populated; and  
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11 WHEREAS, in 1971, the Kahuku Sugar Mill ceased operation  
12 and the James Campbell Estate worked with the community to  
13 buffer the negative impact of its closure by allowing tenants to  
14 stay in Kahuku Village at a reduced rent; and  
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16 WHEREAS, historically, plantation camps have been the  
17 responsibility or "kuleana" of large landowners to provide  
18 lifelong housing to their tenant workers and tenant workers'  
19 families; and  
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21 WHEREAS, large landowners have long recognized the value  
22 and intrinsic connection between the success of the plantations  
23 and the sacrifices made by their tenant workers; and  
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25 WHEREAS, today, Kahuku Village tenants include multi-  
26 generational families who have deep personal connections and



1 experiences with the former Kahuku Sugar Plantation or Kahuku  
2 Town; and

3  
4 WHEREAS, Kahuku Village V currently comprises about seventy  
5 residential homes originally built for plantation workers on the  
6 makai side of Kamehameha Highway on land formerly owned by the  
7 James Campbell Estate; and

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9 WHEREAS, in 2006, Continental Pacific, LLC (Continental  
10 Pacific), purchased Kahuku Village from the James Campbell  
11 Estate with plans to convert Kahuku Village into a condominium  
12 property regime, a process that will allow for the sale of  
13 single-family residential lots to the Kahuku Village occupants;  
14 and

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16 WHEREAS, additionally, necessary infrastructure  
17 improvements are planned to be completed in and around the  
18 Village, such as existing and new roadway improvements, new  
19 water lines for fire protection, replacement of existing  
20 cesspools with septic tanks, storm run-off remediation and  
21 related drainage improvements; and

22  
23 WHEREAS, in January 2012, Continental Pacific began  
24 construction at Kahuku Village by installing a road; and

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26 WHEREAS, during the construction, Continental Pacific  
27 unearthed burials in an area outside of the planned construction  
28 area that was designated by permit; and

29  
30 WHEREAS, the State Historic Preservation Division of the  
31 Department of Land and Natural Resources has indicated that no  
32 new permits will be granted to Continental Pacific until the  
33 developer has conducted an archaeological inventory survey in  
34 the area; and

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36 WHEREAS, the State Historic Preservation Division never  
37 reviewed the Kahuku Village project to determine whether an  
38 archaeological inventory survey was necessary before Continental  
39 Pacific started road, sewer, and water work; and

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41 WHEREAS, the Department of Land and Natural Resources  
42 reported that the City and County of Honolulu Department of  
43 Planning and Permitting never notified the State Historic



1 Preservation Division when the Department of Planning and  
2 Permitting issued permits, as required under city law; and

3  
4 WHEREAS, the issuing of permits would have triggered a  
5 state review; and

6  
7 WHEREAS, as a result, an archaeological inventory survey  
8 was never conducted prior to the start of construction; and

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10 WHEREAS, Continental Pacific is currently working with  
11 community members to formalize a burial treatment plan; and

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13 WHEREAS, section 514B-83, Hawaii Revised Statutes, requires  
14 a developer's public report to contain any facts, documents, or  
15 information that would have a material impact on the use or  
16 value of a unit or any appurtenant limited common elements or  
17 amenities of the project available for an owner's use, or that  
18 may be required by the Real Estate Commission; and

19  
20 WHEREAS, section 514B-83, Hawaii Revised Statutes, also  
21 requires a developer to promptly amend the public report to  
22 report any pertinent or material change or both in required  
23 information; and

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25 WHEREAS, however, in February 2012, Continental Pacific  
26 initiated the process of instituting a condominium property  
27 regime that would allow for the sale of single-family  
28 residential lots to the Kahuku Village occupants, many of whom  
29 are descendants from the original Kahuku Plantation workers; and

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31 WHEREAS, to date, no single-family residential lots have  
32 been sold to Kahuku Village occupants, and sixteen Kahuku  
33 Village occupants have been sent eviction notices by Continental  
34 Pacific while numerous other occupants have been forced to  
35 relocate due to construction; now, therefore,

36  
37 BE IT RESOLVED by the Senate of the Twenty-seventh  
38 Legislature of the State of Hawaii, Regular Session of 2013, the  
39 House of Representatives concurring, that Continental Pacific,  
40 LLC, is urged to place an immediate stay of eviction to allow  
41 residents of Kahuku Village to remain in their homes until an  
42 archaeological inventory survey can be completed for the entire  
43 project; and



1 BE IT FURTHER RESOLVED that the State Historic Preservation  
2 Division of the Department of Land and Natural Resources is  
3 urged to work with Continental Pacific to:

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- 5 (1) Develop and implement an archaeological inventory  
6 survey for the entire Kahuku Village project;  
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- 8 (2) Ensure that the burial remains unearthed during  
9 construction that fell outside of the scope of the  
10 permit are properly treated in accordance with state  
11 law;  
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- 13 (3) Develop and implement an appropriate burial treatment  
14 plan in an expeditious manner;  
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- 16 (4) Ensure that within the scope of the permits granted to  
17 Continental Pacific no further burial sites are  
18 disturbed without an archaeological inventory survey;  
19 and  
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- 21 (5) Consult with the Department of Planning and Permitting  
22 of the City and County of Honolulu to ensure that the  
23 project proceeds properly within the scope of the  
24 permits granted to Continental Pacific; and  
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26 BE IT FURTHER RESOLVED that Continental Pacific is  
27 requested to consult with the Real Estate Commission to ensure  
28 that the project adheres to the statutory requirements for  
29 condominium property regimes; and  
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31 BE IT FURTHER RESOLVED that the State Historic Preservation  
32 Division submit a written report to the Legislature regarding  
33 the Kahuku Village project with respect to the development and  
34 implementation of a burial treatment plan and archaeological  
35 inventory survey no later than twenty days prior to the  
36 convening of the Regular Session of 2014; and  
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38 BE IT FURTHER RESOLVED that certified copies of this  
39 Concurrent Resolution be transmitted to the Chief Executive  
40 Officer of Continental Pacific, LLC; Administrator of the State  
41 Historic Preservation Division of the Department of Land and  
42 Natural Resources; Chairperson of the Real Estate Commission;  
43 and Director of the Department of Planning and Permitting of the  
44 City and County of Honolulu.

