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## SENATE RESOLUTION

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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  
27 experiences with the former Kahuku Sugar Plantation or Kahuku  
28 Town; and  
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1 WHEREAS, Kahuku Village V currently comprises about seventy  
2 residential homes originally built for plantation workers on the  
3 makai side of Kamehameha Highway on land formerly owned by the  
4 James Campbell Estate; and

5  
6 WHEREAS, in 2006, Continental Pacific, LLC (Continental  
7 Pacific), purchased Kahuku Village from the James Campbell  
8 Estate with plans to convert Kahuku Village into a condominium  
9 property regime, a process that will allow for the sale of  
10 single-family residential lots to the Kahuku Village occupants;  
11 and

12  
13 WHEREAS, additionally, necessary infrastructure  
14 improvements are planned to be completed in and around the  
15 Village, such as existing and new roadway improvements, new  
16 water lines for fire protection, replacement of existing  
17 cesspools with septic tanks, storm run-off remediation and  
18 related drainage improvements; and

19  
20 WHEREAS, in January 2012, Continental Pacific began  
21 construction at Kahuku Village by installing a road; and

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23 WHEREAS, during the construction, Continental Pacific  
24 unearthed burials in an area outside of the planned construction  
25 area that was designated by permit; and

26  
27 WHEREAS, the State Historic Preservation Division of the  
28 Department of Land and Natural Resources has indicated that no  
29 new permits will be granted to Continental Pacific until the  
30 developer has conducted an archaeological inventory survey in  
31 the area; and

32  
33 WHEREAS, the State Historic Preservation Division never  
34 reviewed the Kahuku Village project to determine whether an  
35 archaeological inventory survey was necessary before Continental  
36 Pacific started road, sewer, and water work; and

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38 WHEREAS, the Department of Land and Natural Resources  
39 reported that the City and County of Honolulu Department of  
40 Planning and Permitting never notified the State Historic  
41 Preservation Division when the Department of Planning and  
42 Permitting issued permits, as required under city law; and

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1 WHEREAS, the issuing of permits would have triggered a  
2 state review; and

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

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

9  
10 WHEREAS, section 514B-83, Hawaii Revised Statutes, requires  
11 a developer's public report to contain any facts, documents, or  
12 information that would have a material impact on the use or  
13 value of a unit or any appurtenant limited common elements or  
14 amenities of the project available for an owner's use, or that  
15 may be required by the Real Estate Commission; and

16  
17 WHEREAS, section 514B-83, Hawaii Revised Statutes, also  
18 requires a developer to promptly amend the public report to  
19 report any pertinent or material change or both in required  
20 information; and

21  
22 WHEREAS, however, in February 2012, Continental Pacific  
23 initiated the process of instituting a condominium property  
24 regime that would allow for the sale of single-family  
25 residential lots to the Kahuku Village occupants, many of whom  
26 are descendants from the original Kahuku Plantation workers; and

27  
28 WHEREAS, to date, no single-family residential lots have  
29 been sold to Kahuku Village occupants, and sixteen Kahuku  
30 Village occupants have been sent eviction notices by Continental  
31 Pacific while numerous other occupants have been forced to  
32 relocate due to construction; now, therefore,

33  
34 BE IT RESOLVED by the Senate of the Twenty-seventh  
35 Legislature of the State of Hawaii, Regular Session of 2013,  
36 that Continental Pacific, LLC, is urged to place an immediate  
37 stay of eviction to allow residents of Kahuku Village to remain  
38 in their homes until an archaeological inventory survey can be  
39 completed for the entire project; and

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41 BE IT FURTHER RESOLVED that the State Historic Preservation  
42 Division of the Department of Land and Natural Resources is  
43 urged to work with Continental Pacific to:  
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- 1 (1) Develop and implement an archaeological inventory
- 2 survey for the entire Kahuku Village project;
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- 4 (2) Ensure that the burial remains unearthed during
- 5 construction that fell outside of the scope of the
- 6 permit are properly treated in accordance with state
- 7 law;
- 8
- 9 (3) Develop and implement an appropriate burial treatment
- 10 plan in an expeditious manner;
- 11
- 12 (4) Ensure that within the scope of the permits granted to
- 13 Continental Pacific no further burial sites are
- 14 disturbed without an archaeological inventory survey;
- 15 and
- 16
- 17 (5) Consult with the Department of Planning and Permitting
- 18 of the City and County of Honolulu to ensure that the
- 19 project proceeds properly within the scope of the
- 20 permits granted to Continental Pacific; and
- 21

22 BE IT FURTHER RESOLVED that Continental Pacific is  
 23 requested to consult with the Real Estate Commission to ensure  
 24 that the project adheres to the statutory requirements for  
 25 condominium property regimes; and

26  
 27 BE IT FURTHER RESOLVED that the State Historic Preservation  
 28 Division submit a written report to the Legislature regarding  
 29 the Kahuku Village project with respect to the development and  
 30 implementation of a burial treatment plan and archaeological  
 31 inventory survey no later than twenty days prior to the  
 32 convening of the Regular Session of 2014; and

33  
 34 BE IT FURTHER RESOLVED that certified copies of this  
 35 Resolution be transmitted to the Chief Executive Officer of  
 36 Continental Pacific, LLC; Administrator of the State Historic  
 37 Preservation Division of the Department of Land and Natural  
 38 Resources; Chairperson of the Real Estate Commission; and  
 39 Director of the Department of Planning and Permitting of the  
 40 City and County of Honolulu.

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