

From: mailinglist@capitol.hawaii.gov
To: [TECTestimony](#)
Cc: tony96734@yahoo.com
Subject: Submitted testimony for SR119 on Apr 1, 2013 14:55PM
Date: Monday, April 01, 2013 1:18:30 PM

LATE

SR119

Submitted on: 4/1/2013

Testimony for TEC/WTL on Apr 1, 2013 14:55PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
ANTHONY LOCRICCHIO	KAHUKU PLANTATION RESIDENTS ASSOCIATION	Support	No

Comments: I WILL PRESENT AT THE HEARING TODAY MOST RECENT EVENTS INCLUDING THE DISCOVERY OF NEW IWI JUST DISCLOSED THAT WAS FOUND IN MARCH 4, 2013 THAT WAS ATTEMPTED TO BE HIDDEN BY DEVELOPER. ARCHAEOLOGICAL INVENTORY SURVEY H WAS ORDERED IN FEBRUARY WITH ALL WORK TO HAVE BEEN STOPPED IN THAT NO PERMITS WOULD BE ISSUED UNTIL THE AIS WAS COMPLETED. SHPD HAS REFUSED TO ENFOCE ITS OWN ORDER AND THE CIONTRACTOR AS WE SPEAK IS EXCAvcating on the land where the iwi have already been found. at times the excavation is without a mionitor.; yhe latest excavation a massive oti has been dug up only 40 yards from where the first of two different IWI was found after being damaged by excavation in a site that developer never had SHPD approval or any permit. in a pre-contact burial site. SHPD HAS REFUSED TO SEEK PENALTIES THAT COULD BE UP TO \$10,000 PER DAY AND TOTAL NOW OVER 3.2 MILLION DOLLARS FOR THE FIRST VIOLATION ON JULY 2, 2012. NOW A SECOND VIOLATION AGAIN WITH OUT REQUIRED SPAD APPROVAL AND AFTER SHPDA ISSUED AN ORDER THAT AN AISP WAS REQUIRED BEFORE ANY CONSTRUCTION TOOK PLACE. CONTRACTOR, SHPD AND THE DEVELOPER HAVE ALL IGNORED ANY ACTION TO STOP THE EXCAVATION AT THE SITE. THERE ARE REPORTS OF Excavation occurring without even having monitors present.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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RECEIVED

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
INTERIM FIRST DEPUTY

WILLIAM M. TAM
INTERIM DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



'12 NOV 21 A10:01

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

November 20, 2012

City and County of Honolulu
Department of Planning and Permitting
650 South King Street
Honolulu, Hawaii 96813

LOG NO: 2012. 3144
DOC NO: 1211NN08

**SUBJECT: Chapter 6E-42 Historic Preservation Review -
Building Permit Application A2011-10-1323 for Construction of a New One-Story Single
Family Dwelling at 56-419 Kamehameha Highway (Lot V20)
Kahuku Ahupua'a, Ko'olauloa District, Island of O'ahu
TMK: (1) 5-6-002: 027**

Thank you for the opportunity to review and comment on the subject building permit application, which we received at our office on November 1, 2012. The proposed action for this project involves the construction of one [1] single family dwelling at 56-419 Kamehameha Hwy, in Kahuku. The plans were submitted to our office by Jackson Lee of Jenken Architecture on behalf of Continental Pacific, LLC.

According to the United States Soil Service (Foote *et al.* 1972), soils in the project area consist of Jaucas sands, which are known to contain historically-significant deposits, including subsurface cultural layers and human remains/burials. Human remains, a cultural layer and historic properties were identified on the aforementioned TMK during recent construction activities associated with City and County of Honolulu Grading Permit: GP2012-01-0026 (installation of new 8" water line and driveways) and GP2012-05-0240 (waterline and driveways).

Our records indicate that an archaeological inventory survey has not been conducted of TMK (1) 5-6-002: 027. We are concerned that the proposed project may have an adverse effect on human remains/burials and subsurface cultural deposits that may exist within the subject parcel. We recommend that an archaeological inventory survey be conducted of the subject parcel prior to the approval of the aforementioned permit. The purpose of the survey is to identify subsurface cultural layers and/or human burials/remains that may exist within the subject parcel so that appropriate mitigation measures can be approved and implemented. We request the following:

Prior to any construction activities, an archaeological inventory survey plan (AISP) shall be submitted to SHPD for review and approval before implementation of the archaeological inventory survey (AIS). The AISP should include at a minimum: (1) a project abstract; (2) detailed discussion/description of the undertaking; (3) site prediction model that includes location-specific background information, physiographic data, site probability, and expectations; (4) maps: 1:24,000 scale overview and zoomed-in version(s) showing the project area, survey boundaries and locations of proposed subsurface test trenches/units; and (5) methodology section describing proposed field survey/testing procedures, equipment, strategies, and laboratory analysis procedures. The inventory survey should not proceed until the AISP is approved by SHPD.

Please contact Deona Naboa at (808) 692-8019 or Deona.Naboa@hawaii.gov if you have any questions or concerns regarding this letter.

Aloha,

Theresa K. Donham
Archaeology Branch Chief

EXHIBIT C

Fwd: Re: Inadvertent Finding of a Fragmented Human Skeletal ...

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From: "cathleen dagher" <cathy@scshawaii.com>

Date: Mar 14, 2013 7:56 PM

Subject: Re: Inadvertent Finding of a Fragmented Human Skeletal Element During Monitoring

To: <kpra2011@gmail.com>, <nalanimattox@gmail.com>

Cc: <bob@scshawaii.com>

Aloha Nalani and Valerie~

I hope things are going well with you. I just wanted to let you know that a fragmented human skeletal element was inadvertently identified during Archaeological Monitoring at the Kahuku Plantation Village last week. Neither additional human skeletal materials or artifacts were encountered. Below is an excerpt of an e-mail authored by the on-site archaeological monitor to Kawika Farm, SHPD Burial Sites Program:

"During monitoring for the Kahuku Village Subdivision project excavations to set a silt fence for a temporary catchment basin encountered a single human skeletal fragment (17cmbs) at approximately 11:00am, March 4, 2013. Once the fragment was identified all work was suspended until I could positively ID the fragment as that of human remains, determine the extent and context of the find, and contact and consult SHPD. I then immediately notified SHPD and made a verbal report to both Susan Lebo and Deona Naboa. I then contacted [Kawika Farm] for direction on how to proceed, including the options for securing the skeletal fragment in short term curation, and for authorization to continue work in a location away from the find spot. [Kawika Farm] requested that I find a location onsite that would ensure the protection of the iwi from project activities, and any other possible disturbance. Permission was given to continue work away from the immediate area once an arbitrary buffer was established.

A secure onsite location will be provided by Johansen Contracting, Inc. With your consent the iwi will be temporarily curated, in a lau hala basket, in an empty room of construction personnel onsite lodging, located at HM 345 Kamehameha Hwy, Kahuku, HI 96731".

Please contact me if you have any questions. I'll be out of the office tomorrow, but I will be back on Monday.

Cathleen Dagher
Senior Archaeologist
Scientific Consultant Services, Inc.
711 Kapi'olani Blvd., Suite 975
Honolulu, HI. 96813
[808 597-1182](tel:8085971182) (office)
[808 597-1193](tel:8085971193) (fax)

LATE

From: mailinglist@capitol.hawaii.gov
To: [TECTestimony](#)
Cc: nalanimattox@gmail.com
Subject: Submitted testimony for SR119 on Apr 1, 2013 14:55PM
Date: Monday, April 01, 2013 2:08:25 PM
Attachments: [Testimony.SR119,Mattox-Primacio.4.1.13.pdf](#)

SR119

Submitted on: 4/1/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Nalani Mattox-Primacio	Individual	Support	No

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Testimony in favor of S.R. 119
M. Nalani Mattox-Primacio
April 1, 2013

LATE

Mahalo for this opportunity to submit testimony.

As a Phase 5 Kahuku Village resident (House #372), a Native Hawaiian and a member of the resident Burial Committee, I am in favor of this resolution.

As a community builder and non-profit administrator for 27 years in Ko'olauloa, I have been documenting the actions of development and Hawaiian concerns for many years. Many of the residents in my area are kupuna and 40% are Native Hawaiian. During the last 2 years, I have observed that the landowner, Continental Pacific, has become increasingly opaque and hostile in its transactions with residents. I can tell you that the treatment we have received is considered "*developer terrorism*". I feel ignored and belittled, even as we have been active and have put up with continual changes and misinformation as a distraction.

As a member of the Burial Committee I am concerned that, our collaborative burial plan, with information gathered through the hired archeologists, still has not been submitted to SHPD from the owner. This lengthens the time our 'iwi have been in "storage" now to 9 months. This is not in compliance with State law for re-internment. It is not an appropriate treatment for our ancestors. It is not an appropriate response to non-resident developers who have claimed they don't have to obey the Hawaii State Burial Act in court.

Our family takes the following stand to favor this resolution:

- Continental Pacific and SHPD must obey the State laws, including leveling and paying the stated daily penalties for violations through SHPD/DLNR.
- Continental Pacific must cease to work on the land without valid and specific permits, or move our 'iwi from location to location without authority, qualified individuals or appropriate storage conditions that are secure.
- Continental Pacific must implement an archaeological inventory survey for the entire Kahuku Village project which covers several tax key maps. We must ensure all 'iwi are treated according to State law, have a collaborative approach and approved burial plans. As landowners, the AIS costs and burial treatment conditions for planning changes must not be passed to the residents, and the process should be transparent.
- Continental Pacific and its partners should be held responsible for the continuing sales of lots and homes, including any investigations or penalties, when the AIS is completed and affects purchase agreements.

Due to the lack of accountability and violations outside of State burial law, our family requests that State Historic Preservation Division submit a stated written report to the Legislature regarding the Kahuku Village project and the SHPD actions and justifications on the Kahuku village project. We also feel strongly that any other State permits granted be viewed in context and association with all Continental Pacific's development in Kahuku and on O'ahu.

At the same time, we encourage the State of Hawai'i to work with the City & County of Honolulu Department of Planning and Permitting on a review of permits awarded, and continuing violations.

Finally, our family requests that this resolution also include the Kahuku Village Phase 5 residents *as partners* in ongoing communications, updates, plans and changes as represented by the Kahuku Plantation Residents Association-Board of Directors.

Mahalo,



M. Nalani Mattox-Primacio

Resident of Phase 5 Kahuku Village, Burial Committee Member and Native Hawaiian