

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD STE 555
KAPOLEI HI 96707

Testimony of
WILLIAM AILA, JR
Chairperson

Before the Senate Committee
JUDICIARY AND LABOR

Wednesday, April 10, 2013
10:00 am
Conference Room 016

In consideration of
SENATE CONCURRENT RESOLUTION 162, SENATE DRAFT 1/
SENATE RESOLUTION 119, SENATE DRAFT 1

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.

Senate Concurrent Resolution 162, Senate Draft 1/Senate Resolution 119, Senate Draft 1, is an effort to allow residents of Kahuku Villages to stay in their homes until an archaeological inventory survey is completed by Continental Pacific, LLC. The resolutions urge State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources (Department) to work with Continental Pacific to engage in the following actions:

1. Develop and implement an archaeological survey for the entire Kahuku Village Project
2. Ensure that burial remains unearthed during construction that fell outside of the scope of the permit are properly treated in accordance with state law;
3. Develop and implement an appropriate burial treatment plan in an expeditious manner
4. Ensure that within the scope of the permits granted to Continental Pacific no further burial sites are disturbed without an archaeological inventory survey;
5. Consult with the Department of Planning and Permitting (City and County of Honolulu) to ensure that the project proceeds properly within the scope of permits granted to Continental Pacific
6. Submit a written report to the Legislature

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

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

The Department appreciates the intent of the resolutions, but provides the following concerns and comments.

Actions (1), (2) and (3) under the resolutions are already being done. SHPD cannot do action (4) because an archaeological inventory survey does not ensure that all burials on a property are found. The Department has requested archaeological monitoring for work being done after the archaeological inventory survey is complete, and Continental Pacific has agreed to this condition.

Outside of the historic preservation review, SHPD has no jurisdiction and is not involved in the permitting process. Therefore, with regard to action (5), the Division is consulting with the Department of Planning and Permitting (DPP) to ensure that historic preservation concerns are addressed, but that is the limit of SHPD meetings with the DPP.

SHPD would be happy to provide the Legislature with copies of the Burial Treatment Plan and the Archaeological Inventory Survey Report upon completion of each.

Condominium schemes allow landowners to avoid the subdivision process, which is where an Archaeological Inventory Survey would normally be requested. Developers using this scheme to develop their rural lands have been able to initially avoid SHPD review even when SHPD has requested an archaeological inventory survey in earlier reviews of subdivision permits. The Legislature may want to consider a review of Section 514B-83, Hawaii Revised Statutes, to address the nexus of condominium schemes and historic preservation review.

SHPD does agree that an archaeological inventory survey needs to be done on the entire parcel before construction happens.

hee7 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 09, 2013 9:42 PM
To: JDLTestimony
Cc: verlamore@hawaii.rr.com
Subject: *Submitted testimony for SR119 on Apr 10, 2013 10:00AM*

SR119

Submitted on: 4/9/2013

Testimony for JDL on Apr 10, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Verla K. Moore	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 09, 2013 5:41 PM
To: JDLTestimony
Cc: kent@trisland.com
Subject: *Submitted testimony for SR119 on Apr 10, 2013 10:00AM*

SR119

Submitted on: 4/9/2013

Testimony for JDL on Apr 10, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kent Fonoimoana	Individual	Support	Yes

Comments:

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