PLANNING COMMISSION



KAAINA S. HULL, CLERK OF COMMISSION

GERALD AKO, CHAIR DONNA APISA, VICE CHAIR JERRY ORNELLAS, MEMBER

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RECEIVED

• The Planning Commission Meeting will be at:

Līhu'e Civic Center, Moikeha Building Meeting Room 2A-2B 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

- OFFICE OF THE COUNTY CLERN COUNTY OF KAUAT
- Oral testimony will be taken on specific agenda items, at the public meeting location indicated on the meeting agenda.
- Written testimony indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted on any agenda item in writing to planningdepartment@kauai.gov or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite 473, Līhu'e, Hawai'i 96766. Written testimony received by the Planning Department at least 24 hours prior to the meeting will be posted as testimony the Planning Commission's website prior to the meeting to (https://www.kauai.gov/Government/Boards-and-Commissions/Planning-Commission). Any testimony received after this time will be retained as part of the record, but we cannot assure the Commission will receive it with sufficient time for review prior to the meeting.

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR <u>ADAVIS@KAUAI.GOV</u> AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

SUBDIVISION COMMITTEE MEETING NOTICE AND AGENDA Tuesday, January 09, 2024 8:30 a.m. or shortly thereafter Līhu'e Civic Center, Moikeha Building Meeting Room 2A-2B 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

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OFFICE OF THE COUNTY CLERK COUNTY OF KAUA'I

- A. CALL TO ORDER
- B. ROLL CALL
- C. <u>APPROVAL OF AGENDA</u>
- D. MINUTES of the meeting(s) of the Subdivision Committee
 - 1. September 12, 2023.

E. RECEIPT OF ITEMS FOR THE RECORD

- F. UNFINISHED BUSINESS
 - 1. Final Subdivision Map Approval
 - a. Subdivision Application No. S-2005-41 Ahukini Makai Subdivision
 Visionary, LLC. DBA Līhu'e Land Company Proposed 49-lot Subdivision
 TMK: (4) 3-7-002: 001 (por.)
 Hanamā'ulu, Līhu'e, Kaua'i
 - 1) Subdivision Report pertaining to this matter.
 - 2) Supplement #1 to Subdivision Report

G. NEW BUSINESS (For Action)

- 1. Preliminary Subdivision Map Approval
 - a. Subdivision Application No. S-2023-3 Wailani Subdivision
 Visionary, LLC.
 Proposed 5-lot Subdivision
 TMK: (4) 3-6-002: 001, 017
 Kalapakī, Hanamā'ulu, Līhu'e, Kaua'i
 - 1) Subdivision Report pertaining to this matter.

1. Preliminary Subdivision Map Approval (Continued)

- b. Subdivision Application No. S-2024-4
 George and Patricia Souza Trust /
 Kevin and Monique Souza Living Trust
 Proposed 2-lot Consolidation and Re-subdivision into 4-lots
 TMK: (4) 4-2-010: 012, 059
 Wailua, Kawaihau, Kaua'i
 - 1) Subdivision Report pertaining to this matter.
- c. Subdivision Application No. S-2024-6 Kukui'ula Parcel HH Subdivision
 BBCP Kukui'ula Infrastructure, LLC. / MP Kaua'i HH Development Fund, LLC.
 Proposed 3-lot Consolidation and Re-subdivision into 51-lots TMK: (4) 2-6-019: 026, 029, and 031 Koloa, Kaua'i
 - 1) Subdivision Report pertaining to this matter.

H. EXECUTIVE SESSION

Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with the County's legal counsel on questions, issues, status and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to the following matters:

- a. Subdivision Application No. S-2005-41 Ahukini Makai Subdivision
 Visionary, LLC. DBA Līhu'e Land Company Proposed 49-lot Subdivision
 TMK: (4) 3-7-002: 001 (por.)
 Hanamā'ulu, Līhu'e, Kaua'i
- b. Subdivision Application No. S-2023-3 Wailani Subdivision
 Visionary, LLC.
 Proposed 5-lot Subdivision⁷
 TMK: (4) 3-6-002: 001, 017
 Kalapakī, Hanamā'ulu, Līhu'e, Kaua'i
- c. Subdivision Application No. S-2024-4
 George and Patricia Souza Trust /
 Kevin and Monique Souza Living Trust
 Proposed 2-lot Consolidation and Resubdivision into 4-lots
 TMK: (4) 4-2-010: 012, 059
 Wailua, Kawaihau, Kaua'i

d. Subdivision Application No. S-2024-6 Kukui'ula Parcel HH Subdivision
BBCP Kukui'ula Infrastructure, LLC. / MP Kaua'i HH Development Fund, LLC.
Proposed 3-lot Consolidation and Re-subdivision into 51-lots TMK: (4) 2-6-019: 026, 029, and 031 Koloa, Kaua'i

I. ADJOURNMENT

KAUA'I PLANNING COMMISSION SUBDIVISION COMMITTEE MEETING September 12, 2023 DRAFT

The regular meeting of the Planning Subdivision Committee of the County of Kaua'i was called to order by Subdivision Committee Chair Gerald Ako at 8:35 a.m. - Webcast Link: <u>https://www.kauai.gov/Webcast-Meetings</u>

The following Commissioners were present:

Mr. Gerald Ako Ms. Donna Apisa Mr. Jerry Ornellas

Excused or Absent

The following staff members were present: Planning Department - Director Ka'aina Hull, Planning Department – Deputy Director Jodi Sayegusa, Staff Planners Dale Cua, Kenny Estes, Romio Idica, Shelea Koga, Planning Staff Duke Nakamatsu and Kristen Romuar-Cabico, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – County Deputy Attorney Laura Barzilai, Office of Boards and Commissions – Support Clerk Lisa Oyama.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Subdivision Committee Chair Gerald Ako: Good morning, everyone. Thank you for being here. Today is Tuesday, September 12th, 2023, and this meeting is for the Subdivision Committee for the Planning Commission. Right now, it is about 8:35 a.m., and I'd like to call this meeting to order. Before we get into the roll call, Mr. Clerk, I was wondering, I just wanted to say thank you to Ellen Ching for letting us you know, use her place out there, and I guess it's nice to be home and to be here again. I hope you have more space and I hope you all have a good meeting today. I also wanted to mention the fact that you know, being right on the verge of 911, being that and yesterday I went to this event and the one thing that I kept on hearing was, may we never forget, may we never forget of what happened as well as coming off this just this disastrous fire out in Maui out there. And you know, I think the theme is the same thing and may we never forget and we maybe we never have this happen again. But I know this, that we forget. As time moves on, we grieve, we heal, and the next generation comes on and it's not as clear as it was for us today. And for me it's just a matter of, as long as we participate in the process, as long as we do whatever we can, we make it personal, then it's okay, and then that way we don't forget because I know today we have staff members from the Planning Department on Maui that has tremendously suffered from this too here, you know, and for us, I guess it's like family and all of that, whether they're on Maui or whether they're here. So, you know, I think if we get off the sidelines and we participate and we do whatever we can then I think at that point we can say we make it personal and we never forget. But with that Ka'aina, I was wondering if you can just take a moment of silence, just so that we can share our thoughts and our hopes with those that have suffered and are suffering right now. So, if we just take a short moment to share. And with that, I thank you. Mr. Clerk, if we can have a roll call, please.

ROLL CALL

D.1. Jan. 9, 2024

Planning Director Ka'aina Hull: Roll call, Mr. Chair. Commissioner Apisa?

Commissioner Donna Apisa: Here.

Mr. Hull: Commissioner Ornellas?

Commissioner Jerry Ornellas: Here.

Mr. Hull: Chair Ako?

Chair Ako: Here

APPROVAL OF AGENDA

<u>Mr. Hull:</u> You have a quorum, Mr. Chair. Coming up next, we have the Approval of the Agenda. The Department would like to ask for one slight adjustment. Recognizing that there may be considerable amount of time dedicated to...I apologize. Yeah. If we could take one agenda item out of order to adjust the agenda to say, have G.1. reviewed immediately after Receipt of Items for the Record. That would be our only recommended amendment.

Ms. Apisa: Motion to approve the agenda as amended.

Mr. Ornellas: Second.

<u>Chair Ako:</u> There's a motion that's been seconded. If there's no other questions, we can call a voice vote for this. All those in favor, say aye. Aye (unanimous voice vote). All those oppose. Motion passes. 3:0, Mr. Clerk.

MINUTES of the meeting(s) of the Subdivision Committee

<u>Mr. Hull:</u> Next we have the minutes of the meeting for Subdivision Committee June 27th 2023, for review and action.

Mr. Ornellas: Move to approve minutes.

Ms. Apisa: Second.

<u>Chair Ako:</u> We have a motion and a second. All those in favor, say aye. Aye (unanimous voice vote). All those oppose. The minutes have been accepted, Mr. Clerk. 3:0.

<u>Mr. Hull:</u> Next, we have no Receipt of Items for the Record that were received prior to the agenda being posted. Of course, after the agenda is posted, we have several pieces of communication that come in pursuant to certain guidance's (inaudible) by the State. We can't transmit that to you folks, until the morning of the meeting. So, you are all going to receive the packets from various communications. I think at this time, Chair, you were looking at taking a 10-minutes for the commissioners to review the packets.

Chair Ako: We're going to take a 10-minute recess to review what we've received. Thank you.

Subdivision Committee went into recess at 8:37 a.m. Subdivision Committee reconvened from recess at 8:46 a.m.

NEW BUSINESS (For Action)

Preliminary Subdivision Map Approval

<u>Subdivision Application No. S-2024-1</u> Jiro Yukimura Trust and Jennie T. Yukimura Trust Proposed 4-lot Subdivision TMK: (4) 3-7-006:002 Hanama'ulu, Lihu'e, Kaua'i

Mr. Hull: I'll turn it over to the planner for the subdivision report pertaining to this matter.

Staff Planner Kenny Estes: Good morning, Commissioners. I'll read the report for the record.

Mr. Estes read the Summary, Project Data, Project Description and Use, Additional Findings, Preliminary Evaluation, and Preliminary Conclusion sections of the Director's Report for the record (on file with the Planning Department).

Chair Ako: Do we have any questions for the staff?

Ms. Apisa: No questions.

Chair Ako: Commissioner Ornellas?

Mr. Ornellas: Can you reiterate about the supposed historic building on the property?

<u>Mr. Estes:</u> So, there's an existing residence on the property that was built in the year 1888, it is considered a historic structure.

Mr. Ornellas: Thank you.

Mr. Hull: The commissioners are also going to see a supplemental communications submitted by Belles Graham and Associates. One, attesting to the full capacity build out of the property, they're requesting that Section 1.L. be removed. The Department has no objections to that and will consider it a friendly amendment to our report. The communications also request concerning historic preservation that the structure itself is not subject to (inaudible) review, and that Condition I. be removed, which the Department also recognizes as a friendly amendment, and then concerning 1. A-H. also be removed concerning curbs, gutters, and sidewalks. The Department will also amend its report to reflect that the request from Belles Graham and Associates also requested that Items 1.J., that's concerning the applicant should be aware that additional mitigations conditions aimed at mitigating or minimizing impacts to historic structures may be imposed for any proposed demolition of a single-family residence, carport, and storage shed at the time of building and zoning permits. They are requesting that that be removed as well, but the Department recognizing that the structure may not be subject to HRS 6 E review is still historic under the County of Kaua'i Historic Preservation law under Chapter 8, so we would not be on our own removing that condition, as well as Condition 5.A. Requirements of the State Historic Preservation Division. The subdivider shall comply with the requirements of the SHPD, if any, prior to final subdivision approval. Again, SHPD does recognize the fact that the structure will not be subject to their review, but any ground penetrating activities would, and therefore we would not be looking at removing that from our recommended conditions of approval, but again as stated, we have by verbal authorization are removing the other recognized conditions of approval. Yes, sorry, we actually should've taken public testimony ahead of Kenny's report. We don't have anybody signed up for this agenda item. Is there anybody that would like to testify on this agenda item that has not signed up for this agenda item? If so,

please approach the microphone. Seeing none. If you guys have any questions for the applicant. If the applicant (inaudible) presentation.

Chair Ako: Please if the applicant would like to have their presentation.

<u>Mr. Max Graham</u>: Good morning, Subdivision Committee Members. I'm Max Graham, I represent the applicant, which is the two Yukimura Trust and Joann Yukimura, seated next to me is the co-trustee of the two trusts. The applicant accepts all of the conditions as modified, if you have any questions, we're happy to answer them. Joann did want to say something briefly, I think.

<u>Ms. Joann Yukimura:</u> Thank you. Good morning, Subdivision Chair Ako and members. I speak to you today as co-trustee of the Jiro Yukimura Trust and the Jennie Yukimura Trust. My father, Jiro passed away in 2017, and my mother, Jennie, passed away last year. The terms of the trust direct me and my brother, who as co-trustees, to distribute the assets of both trusts equally. Among my four siblings. The best way to do this is to subdivide the 28,000 square foot residential lot that my parents lived on for 60 years, into four lots. This will enable my two brothers who live on Kaua'i today to continue to live on Kaua'i and my brother and sister, who presently live off island to come back to live should they so choose. I want to thank Subdivision Planner Kenny Estes, and the Planning Department for their assistance in navigating the subdivision process. I have reviewed the recommended conditions and agree with them as modified and in the interest of time I will just submit my written testimony and ask that you read it. Thank you and I'm available for any questions you may have.

Chair Ako: Commissioners, questions? Commissioner Apisa?

Ms. Apisa: No, no questions.

<u>Mr. Ornellas:</u> So, what becomes of the supposed historic building there? Is it slated for demolition or is it going to be moved?

<u>Ms. Yukimura:</u> We were planning to have it demolished, because it seemed like it hasn't been kept up and it's, it seemed like that was the only option. We have received some interest in preserving the property and we would love to see that happen if possible. And so, we will be following up to see if we can work out something with that option, but right now it's not clear and my primary responsibility is a fiduciary duty to the trust. So, we have to see how that could all work out. And so, if it can, if it's possible in a way that. Allows us to meet the fiduciary responsibilities of the trust, so we have to see how that could all work out. So, if it can, if it's possible in a way that allows us to meet the fiduciary responsibilities of the trust, so we have to see how that could all work out. So, if it can, if it's possible in a way that allows us to meet the fiduciary responsibilities of the trust, we will work to have it preserved, if not, we will have to have it demolished. It's kind of a complex issue.

Mr. Ornellas: Thank you.

<u>Chair Ako:</u> If I can ask, just for clarification. In my mind you have one property you can subdivide and there's, your house kind of encroaches.

<u>Ms. Yukimura:</u> It's a large house, and it would straddle. It would straddle the subdivision lines that we are proposing, so, it's a clear requirement that we have to either remove or demolish the house.

Chair Ako: And that will be determined upon the determination by State Historic Preservation Division.

<u>Ms. Yukimura:</u> It's our understanding that they don't have jurisdiction, there's an exemption, but apparently there's some county considerations under the county law, which I'm not really familiar with, but I presume our attorney Max and the Department will work on those.

<u>Chair Ako:</u> So as soon as that is determined, then we can start moving on one way or another. As soon as the county makes the determination about that historic building or not. Then you can decide whether you going demolish or whether...

Ms. Yukimura: Yeah, I'm not sure of the extent of the county jurisdiction, but whatever it is, yes.

<u>Mr. Hull:</u> I can that the applicant has been in touch with not just our subdivision program, but as well as our historic preservation program, and the assessment is that for the historical integrity of a structure it needs to retain its, from its original concept, the structures been adjusted and amended so many times that it hasn't been officially determined, and I can say tentatively the determination that its lost its historical integrity from architectural stand point is there. The state requirement their exempt from because it doesn't apply to single family homes, but the County of Kaua'i Historic Preservation Ordinance recognizes that if it qualifies to be on the register for an array of different criteria standards set by the Secretary of Interior that it still is recognized as a historic site, and so, that's not to say that Historic Preservation Program, once historical integrity is lost we'll prevent the demolition from happening should it have to happen, but if demolition does occur, mitigation measures such as (inaudible), photo documentation so it can be recorded as well as perhaps a recognition plaque, or something to that effect, recognizing the historical significance of the site for any future land users.

<u>Mr. Ornellas:</u> I'm assuming the condition of the building will be taken into consideration, I mean if it's beyond rehabilitation then...

<u>Mr. Hull:</u> Yeah, and that can be in this situation because the building had been adjusted so many times, even if the structural integrity remain, because of the architectural amendments that have been made to the structure overtime from a historical preservation standpoint, the architectural historical preservation standpoint, those adjustments if we keep on changing and building, changing and building, it essentially in the preservation eyes, is reduced its historical integrity and from just that piece (inaudible) and how many amendments had been made to the home, it's tentatively (inaudible) that its lost its historical integrity, but again, the historical nature of the site within some of that criteria of the Secretary of Interior Standards will still recognize the site as historic, which is why mitigation and documentation may be appropriate.

Mr. Ornellas: Thank you.

Chair Ako: any other questions, Commissioners? Do we have a staff recommendation?

Mr. Estes: The Department is recommending tentative subdivision approval.

Mr. Hull: With the oral adjustments I made on the record.

Mr. Estes: Right.

Chair Ako: So, at this time I'd be willing to entertain a motion with the amendments.

Ms. Apisa: I move that we approve Subdivision Application No. A-2024-1, the Yukimura Trust.

Ms. Barzilai: With conditions as amended, Chair.

Ms. Apisa: With conditions as amended.

Ms. Barzilai: Thank you.

Mr. Ornellas: Second.

<u>Chair Ako:</u> Okay, we've got a motion on the floor, we've got a second. Any other questions? If not, Mr. Clerk, can we have a roll call vote please.

Mr. Hull: Roll call, Mr. Chair. Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioner Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair 3:0.

Mr. Graham: Thank you very much.

Ms. Yukimura: Thank you.

<u>Mr. Hull:</u> With the indulgence of the commission, I'm looking at the size of the crowd and we'll be here for several hours. I'll ask the question, if you'd be willing to take two more agenda items which we anticipate to be relatively short out of order. The request that we review items G.2.A and B out of order if that's appropriate.

<u>Ms. Barzilai:</u> Mr. Chair, I would recommend that you suspend the rules to take those items out of order. You can just suspend the rules and proceed to take the items out of order.

Chair Ako: Okay, if we can suspend the rules and take these two items out of order, G.2.A and B.

Mr. Hull: G.2. Request to Terminate a Subdivision Application.

<u>Subdivision Application No. S-2022-9</u> <u>Hōkūala Resort Subdivision 1</u> <u>Tower Kaua'i Lagoons Sub 1, LLC.</u> <u>Proposed 10-lot Consolidation into 1-lot</u> <u>TMK: (4) 3-5-004: 100 to 109</u> <u>Kalapaki, Lihu'e, Kaua'i</u>

Mr. Hull: Kenny, you want to give a brief assessment of what's occurring?

<u>Mr. Estes:</u> Transmitted to folks through the supplement report, is a letter from the applicant dated July 27, 2023, requesting to terminate their preliminary subdivision map approval for Subdivision Application No. S-2022-9, as represented the applicant is in the process of creating new subdivision maps for 1/3 acre lots,

and will submit a new subdivision application for the revised subdivision layout. Based on the applicant's representations the Department has no objections to the request.

Mr. Hull: The applicant is here. Do you have any statements, Mr. Siracusa?

<u>Mr. Gary Siracusa:</u> I am happy to answer any questions from the Chair and Committee Members. Thank you.

Mr. Hull: Any questions?

<u>Chair Ako:</u> Mr. Clerk, on this one, I know we have one letter requesting the termination of the two applications, but we have two agenda items, is this something we can take together or is it separately.

Mr. Hull: Because this agenda is separate, I think we ought to do it separately.

Chair Ako: Thank you.

<u>Mr. Hull:</u> With that, we don't have anybody signed up for public testimony on this agenda item. Would anybody like to testify on this agenda item. If so, please approach the microphone. Seeing none.

Ms. Barzilai: So, Chair, we need a motion on each subdivision application number.

<u>Chair Ako:</u> Okay. With that, are there any other questions that we may have for staff or the applicant on application number S-2022-9? If not, I'd be willing to entertain a motion.

Mr. Ornellas: Move to terminate Subdivision Application No. S-2022-9.

Ms. Apisa: Second.

<u>Chair Ako:</u> Okay, we've got a motion and a second. If there are no other questions, Mr. Clerk, if we can have a roll call vote, please.

Mr. Hull: Roll call, Mr. Chair. Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair 3:0. Next we have.

<u>Subdivision Application No. S-2022-10</u> <u>Hōkūala Resort Subdivision 1A</u> <u>2014 Tower Kaua'i Lagoons Golf, LLC. /</u> <u>Tower Kaua'i Lagoons Land, LLC. /</u> <u>Tower Kaua'i Lagoons Sub 7, LLC.</u> <u>Proposed 2-lot Consolidation and Re-subdivision into 3-lots</u>

<u>TMK: (4) 3-5-001: 027 and 168</u> <u>Kalapaki, Lihu'e, Kaua'i</u>

<u>Mr. Hull:</u> This is the exact same letter that was sent in for request to terminate. Does the applicant have any statement to make for this application?

Mr. Siracusa: Once again, Gary Siracusa for the applicant, I'm happy to answer any questions.

<u>Mr. Hull:</u> Seeing none, we don't anybody signed up to testify on this agenda item. I anybody would like to testify on this agenda item, please approach the microphone. Seeing none, Mr. Chair.

Chair Ako: Do we have any questions from our commissioners? If not, I'd be happy to entertain a motion.

<u>Mr. Ornellas:</u> Move to terminate Subdivision Application No. S-2022-10.

Ms. Apisa: Second.

<u>Chair Ako:</u> Okay, we got a motion, and we got a second. If no other questions, Mr. Clerk, can we have a roll call vote, please.

Mr. Hull: Roll call, Mr. Chair. Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Chair Ako?

Chair Ako: Aye.

Mr. Hull: Motion passes, Mr. Chair 3:0.

Mr. Siracusa: Thank you very much for your consideration.

Chair Ako: Thank you.

Mr. Hull: Next, we are on to Agenda Item, F.1.

Preliminary Subdivision Extension Request

Subdivision Application No. S-2021-7 5425 Pa'u A Laka, LLC. Proposed 2-lot Consolidation and Resubdivision into 4-lots TMK: (4) 2-8-014: 032 Kōloa, Kaua'i

<u>Mr. Hull:</u> I'll turn it over to Kenny. Hold on Kenny. I know we have a lot of people here to testify on these particular agenda items. So, just for clarification for members of the public that are here to testify on these upcoming two subdivision applications, during the subdivision committee you can provide testimony, and this will also be separately handled on the main Planning Commission agenda during the

appeal petition. You can testify in both agenda items or you can just choose to testify on one, so just wanted to make that clear for members of the audience that are here to testify on these two particular agenda items. We want to call for public testimony for those who have signed up and those who would like to speak, just be aware that there will be a second call for testimony again during the planning commission meeting for these exact same agenda items, so we'll call for public testimony right now.

<u>Chair Ako:</u> I think I'll just reiterate what the Clerk has said that we will be taking this up at the scheduled 9 o'clock, full commission meeting, so I just want to warn you guys, that maybe you don't want to do it two times, your testimonies, so if you want to wait, we can wait until it gets to the full planning commission.

<u>Mr. Hull:</u> Okay, so for S-2022-6, we have signed up Roslyn Cummings. If you could state your name for the record, and you have three minutes for testimony.

Ms. Roslyn Cummings: Aloha no. Good morning, everyone. Thank you for giving us your time. Ko'u inoa, Manawai'akea, Roslyn Nicole Manawai'akea Malama mare Cummings, (speaking Hawaiian). On the record, for the record, I see that Laura is here as your legal representative. Good morning. I just wanted to bring forward the 'oia'i'o, the truth of what's happening in the Koloa ahupua'a, and how this subdivision towards the subdivision committee is affecting our people as kanaka maoli and I heard you guys bring up Lahaina in memory of the people who have lost their lives, and I want you guys to really think about the effects that these subdivisions cause when you start to develop more and more and deplete our waterways, our natural way of life, and also maybe think about what it's causing, increase of traffic increase in waste usage, waste management. I hope you guys all understand that we're already at capacity with the waste systems in Koloa. There's also depletion of waters happening in the streams. I have many people coming forward that saying that they're coming in and piping all the stream, not all, but most of the streams in the Lawa'i ahupua'a, the ' Oma'o ahupua'a for these developments and this particular development is going to be at the interest and the cost of the people that live here, but who benefits, mostly is the po'e haole, the foreigners that are coming in and moving into these luxury units and it's going to deplete and it's very peril to the kānaka maoli people who for 150 years have been displaced, and God created us all as equals as kanaka, as men and women, and I believe that sometimes you got to bring in the truth of what's happening. Not only is it increasing traffic, increasing the usage of our water, depleting our waterways, putting pollutions into our kahakai, into our oceans, affecting our precipitation, affecting mauka, it's also an increase in landfill. The county already knows this, so, I'm asking this agency to really think about the decisions that you're making that's going to affect manawa from the past and the present for the future generations. So, I thank you for your time. And have a good day. Mahalo.

Mr. Hull: Next, we have signed up, Elizabeth Okinaka.

<u>Ms. Elizabeth Okinaka:</u> Aloha. Mahalo for the time. For the record on the record. Since we have multiple times to testify, I first and foremost I would like to bring forward my concerns, as we know now that the tentative approval has lapsed for both these developments, and it's the same developer but, just first and foremost, I think we need to realize that this developer has been working illegally. They are owner of a multi-billion-dollar company, and they don't realize they've lapsed on these approvals. We filed a complaint back in 2021 when they were doing the same thing. They were illegally grubbing and grading that property multiple times and you know we came forward with that. We filed complaints, and I just think it's very, very concerning that these developers can't even meet their basic requirements and the truth of the matter is that they never got that final approval, because they never were able to meet any of those conditions, they couldn't show it, they couldn't prove it and we knew that was going to happen. Just like others have stated, I think for months we have been testifying that a huge, huge problem with these developments, there's no traffic, there's no concern for what's going to happen, if there is, God forbid, a mass evacuation plan. And this developer has drastically changed this area. I think we really, really need

to take into concern. In February you guys had a Planning Commission meeting where this developer came forward and he wanted to bypass his traffic conditions and it was granted, but he had already lapsed in that approval. So, I just stated for the record to please stop allowing this developer request bypassing these conditions and using these loopholes because it's wrong and they have never met with any of these conditions that they needed to, and there is a great, great conflict of interest here. Everybody in this room should know, there was a county agreement that was made in 2003, this was made on Christmas Eve. The County Attorney that approved that agreement is now sitting in this room today, and she's working for this developer. This developer is using that agreement as leverage against you guys, against the county, against the Planning Commission as a threat of a lawsuit, so I hope you know that we stand with you guys. Don't let these guys keep bullying you. Don't let them extort our natural resources and come here to solely profit financially off these projects and worsen the housing crisis and push out the local community while desecrating sacred sites, burial sites and critical habitat and cave ecosystem model. Mahalo.

Chair Ako: Thank you.

Mr. Hull: Next, we have signed up is Bridget Hammerquist.

Ms. Bridget Hammerquist: Good morning, Chair, Members of the Subcommittee.

Chair Ako: Good morning.

<u>Ms. Hammerquist:</u> I hope you can hear. I just want to say that I don't know why we suspended Mr. Estes, from reading the staff recommendation, but it might help us with our testimony because I think if it is the staff recommendation that no extension of time be granted, that would be what we'd be looking for. I think that it's clear that this particular developer allowed both the tentative approvals to lapse, one lapsed in August of 22, the other lapse to February of 23. I joined Miss Okinaka and her testimony that they should not have been relieved of their requirement imposed for a traffic impact assessment report, the State Department of Transportation filed by a rather lengthy letter in 2014 pointing out the need to have a traffic impact assessment report on Kiahuna Plantation Drive. We have 1200 homes in there now with many occupants, and there's one road in and one road out, a small, narrow two-lane road. All 1200 homes that currently exist in there have to exit that particular road, so it is a hazard, it is a trap for any emergency situation, and I strongly suggest that we start at a minimum to relook this, relook this particular development and one of the best ways to start that is not to get any extension on their tentative subdivision approvals which lapsed as a matter of law (inaudible). Thank you.

<u>Mr. Hull:</u> Next, we have signed up is Andrew Cabebe. Andrew? If you could state your name for the record and you have three minutes for testimony.

Mr. Andrew Cabebe: Good morning.

Chair Ako: Morning.

<u>Mr. Cabebe:</u> My name is Andrew Cabebe. My kānaka is Kaninau. I know where all my land is on every island, but can I get to it? Why can't I get to my land? Which seems to be the problem today for all of us in Hawai'i. What we going through today is unimaginable, but was told to me as a young boy, this is where we were going to be, this is where our food was going, this is where our health was going, this is where our country was going, this is where our land was going, our water, everything today all ruined because of the mismanagement of first contact. From first contact we were able to take care of ourselves very, very well, not like today, we have to depend on you to tell us what to do, and it should be the other way around. Are you listening to us today? We are calling you to accountability. Right? We are calling you accountability. What are you accountable for? What are the charges? What do you face today in

Hawai'i as we look to what is happening. We have a big view of what we do in Hawai'i today. As the people we protect what we have, and that is only our spirit, we just have our spirit today to depend on to keep us in the majesty of who we are. We are on this land to take care of this land. Everything, everybody. God gave us this land to care for, to feed everybody. This is the Garden Island, where is our part as a kānaka, to be a part of all of this. How do we be a part of this? 77,000 people on Kaua'i. We all, we all...if we not in pray, praying for the best today then where are we, where are we, and who got the best that is not giving us what we need. I know what's going on, I was told about this as a young kid...

Mr. Hull: Three minutes, Mr. Chair. Sir, if you could wrap up your testimony.

<u>Mr. Cabebe:</u> ...everything that I needed I was taught to grow. The farmers club. I just reminding you guys. You guys are being called to accountability, by the higher power. You guys all in prayer, we all in prayer today. We looking for those rockets to come. But Hawai'i going be the last place to go. I telling you guys right now.

Mr. Hull: Three minutes, thirty seconds, Mr. Chair.

Chair Ako: Thank you. Thank you very much, Mr. Cabebe.

<u>Mr. Cabebe:</u> You guys, you guys think you get the last word, my braddah. I praying for all you guys, as all we get.

Chair Ako: Thank you. Thank you very much. Thank you so much.

<u>Mr. Hull:</u> Thank you for your testimony. For this particular subdivision agenda item, we don't have anybody else signed up, but is there anybody else in the public that would like to testify on this agenda item, if so, please approach the microphone. If you could state your name for the record and you have three minutes for testimony.

Ms. Terrie Hayes: Aloha, Terrie Hayes for the record. It's incredible to me that this continues in the way that it has, especially with all the legal, the obvious violations, the roads, I mean once those 1200 homes come out, where do they go, they can go to the right, towards the fire department, which is sometimes underwater, to the roundabout that one accident shuts it up or they can go to the left, which is covered by guinea grass and end up on the bypass where they think they're going to build trusses and put trucks in. Our dear friend and I would like to just...was hit on his bicycle. He's lived here for over 40 years. Jim Phillips is currently in the hospital on O' ahu because of a builder rushing up a little street in Po'ipū where dear Jim rode all the time. So please pray for him because he was seriously injured and to me it's just the blatant disregard that people are trying to talk to you about, the people that live here, we live here. Billy's lived here his whole life. His father is from Ni'ihau, asked him what he thinks we should be doing. We're here doing what we do because we were made to do it. You know, Kaneiolouma has a designation as a historical site that we are the stewards of to protect it and everything around it, I mean it's...I get anxiety, I'm sorry this morning, especially driving up and seeing all the dried guinea grass that is on Grove Farm property that's on Knudsen property. Why aren't they taking care of it, maybe the county doesn't have the resources, but they surely do, and it needs to be addressed immediately. Billy said, "what do they think we're just going to have another fire here". And where would they go because we don't have that nice (inaudible) Lahaina. You know it's dangerous to go into...it's, it's incredible to me that these considerations are being made without the effects of what's really going to happen, like they're saying, like Liz is saying. We're so short sighted, you're short sighted. I'm sorry to say so. If you don't address the real issues that are at hand here, which is overdevelopment too much traffic. Where is the septic and sewage going? Where does it go? We asked at the Climate Conference of the Climate Committee for cultural preservation. Bless that girl and I hope her family survived on Maui. She could barely even talk

to us, but it's just to me, and that was only a month ago and it's like, ok, well down the road, everything let's just keep moving along the way we've been going, it's not appropriate any longer. Smoking used to be legal at one point they thought it was ok too. You gotta change with the information. Thank you. Mahalo. Aloha.

Chair Ako: Thank you very much.

<u>Mr. Hull:</u> Again, we don't have any other individuals signed up to testify. State your name for the record and you have three minutes for testimony.

Ms. Nakai'elua Villatora: Aloha mai ka kou, o Nakai'elua Villatora ko'u inoa no ka record. (Speaking Hawaiian). I wanted to just state my testimony as in opposition for this proposal for the applicant to be able to extend it's time on the permitting because of the fact that when developers like his particular applicant is wanting to extend their projects so that they can continue to get away with desecration of iwi kūpuna, desecration of 'aina, the depletion of our natural resources, our kumu Waiwai. It really is detrimental to our kanaka maoli and not only the kanaka maoli people but just people in general. Like, kind of example, what happened to Lahaina in August, it really puts into perspective for not only other islands but all over the world about what these kind of commissions, what your folks decisions are that will affect our future, and for me, I'm a makuahine, I'm a mother and I see that the decisions that you folks make and that this department has made in the past is going to make a great impact on our environment and for the future and for me, I'm very, very scared for for my children, for my grandchildren, for all the children, because it breaks my heart to see that lives have to be sacrificed for the advancement of greed and corporate interests, and when it comes to it, as people, as humans, we have the right to have a life with fresh water and abundancy of our natural resources so that we can continue to live, and as kanaka we have that in our laws back in the 1800s in the kingdom, so understanding that the choices that you folks make, that this department makes really will influence the kind of examples, kalamai my for my keiki. Yeah, that's my keikis down there and I just wanted to thank you folks for. This time and colorfully, that's it for today. Mahalo.

Mr. Hull: Thank you. If you can state your name for the record and you have three minutes for testimony.

Ms. Ana Mo Des: Aloha, mahalo, good morning. My name is Ana Mo Des. Thank you for being here this morning for volunteering for this position, and I was grateful to hear that you are all advising against this extension being granted to this developer. There is no way that two laws can exist that contradict each other. For instance, in capitalism, you're not allowed to profit off of exploitation. It's what's resulting in so many of the issues that the community is stepping forward to share. The way that you can realistically imply that is through these protocols that developers must operate on. For instance, having an environmental assessment and other factors taking into consideration the native Hawaiian and the cultural implications, there is a cultural study that must be done, and it's just three-step process so, for this particular parcel there was only an inventory cultural assessment, the first step, there was never a data recovery process where a team goes in and analyzes each of the significant artifacts, heiau's, burials, whatever the potential is that was there. This was land that was previously undeveloped, undisturbed and there was machinery that went in without cultural monitors present because the three process of the cultural survey was not done. You all should understand that the community has paid attention to this particular parcel for a reason. There's a lot of value there and it should have been respected in a way to honor the protocols that the developers must do in order to build, operate, and profit. So, this isn't about being against the visitor industry that provides work and civility for so many residents. This is about balancing what is appropriate, what is proper, what is pono, and there are rules in place in order to have you all facilitate that for the community to make sure that we are the ones that are not implicated by everything that has been mentioned previously by testifiers. So, the simple fact that the developer did not honor these certain protocol covers you, so if they do want to come forward and sue the county or

whatever they're threatening, you're covered because you're following the rules and that is enough of a basis to not implicate yourselves as a county that you are making sure that these developers are following the rules in order to do what their business plan entails, this developer for certain has not, and there is evidence, there is documentation of this, so feel comfortable standing firm.

Mr. Hull: Three minutes, Mr. Chair.

<u>Ms. Mo Des:</u> Thank you, Director. I'll wrap it up very quickly. Actually, I'll just come back next time, thank you.

Chair Ako: Thank you.

<u>Mr. Hull:</u> Again, if there's anybody who would like to testify on this specific agenda item, we don't have anymore signed up, but please approach the microphone. Seeing none, I'll turn it over to Kenny for a report on this matter.

<u>Mr. Estes:</u> Just to clarify this is for Subdivision Application No. S-2021-7. Transmitted it to the Planning Commission through Supplement #1 to Subdivision Report, is a letter from the Department, dated August 21st, 2023, that was a mailed to the applicant stating that on August 10th, 2021, the above referenced subdivision received Tentative Preliminary Map Approval in accordance with the Kaua'i County Code, Section 9-3.8 C.1. Final Subdivision Map, applicant failed to timely file with the Department a Subdivision Final Map, or a request for an extension of time prior to the preliminary subdivision map expiration. The preliminary subdivision map is therefore deemed void as a matter of law. The Department is requesting that the subject correspondents be received for the record.

<u>Chair Ako:</u> Do we have any questions for staff at this time? Is there anybody from that applicant that would like to present now knowing that it's going to be coming up again in the full Planning Commission.

<u>Ms. Barzilai:</u> Excuse me, Chair. Does that indicate that at this time you're going to be taking action on the request for extension of time? If we're going to be taking substantive argument and position from the applicants.

Chair Ako: No.

Ms. Barzilai: You can proceed to do that if you wish.

<u>Mr. Hull:</u> I think one approach, Chair, is the confusion of when the Department has issued a determination that the application is void because it missed the deadline that the Commission could essentially receive that determination. Ultimately, the applicant is in the upcoming full Planning Commission meeting, appealing that determination. So, it's really at the discretion of the Commission really.

<u>Ms. Barzilai:</u> So, the Commission right now can take action, the full Commission can take action on the request for extension of time. You can take action on this as well and report on it, or you can defer it until the full Planning Commission meeting.

Chair Ako: Okay.

Ms. Barzilai: To be handled together with the appeal.

Ms. Apisa: So, I would like to make a motion to defer it to the full Planning Commission.

Chair Ako: Okay.

Mr. Ornellas: Second.

<u>Chair Ako:</u> Okay, so we've got a motion and a second. Any other questions that we want to bring up right now between the commissioners, if not, Mr. Clerk, can we take a voice vote on this? Yeah. So, all those in favor of the motion, say aye. Aye (unanimous voice vote). All those oppose. 3:0. Okay, we shall defer this to the full...

Mr. Hull: Full Planning Commission meeting, as a whole. Next, we have Agenda Item F.1.B.

Subdivision Application No. 5-2022-6 Kukui'ula Development Company, LLC. / MP Kaua'i HH Development Fund, LLC. Kukui'ula Parcel HH Subdivision Proposed 3-lot Consolidation and Resubdivision into 51-lots TMK: (4) 2-6-019: 026, 029, 031 Koloa, Kaua'i

<u>Mr. Hull:</u> We'll take public testimony at this time, again, like the previous one, if members of the public would like to testify on this agenda item, just so that you're aware it will be coming up at the full Planning Commission meeting. You're free to testify on both agenda items, but if you'd like to defer it to the later meeting that's fine as well, so I'll call those who have signed up. Rosalyn Cummings.

Ms. Cummings: I'll defer.

Mr. Hull: Elizabeth Okinaka.

<u>Ms. Okinaka</u>: Aloha. For the record on the record. I'll be really brief, and I'll go up again, but just wanted to again state that this is another development from the same developer, who has again lapsed on their approval. There's also been work on this property done illegally. There's been multiple heavy machinery advertisements up, already trying to sell these properties and entice people to put down payments and just once again, that these developers have not been truthful to the community. This is another culturally significant site where there are caves, there are lava tubes, possible burials, possible critical habitats, and very similar to the other property that this same developer has descrated. Mahalo.

Chair Ako: Thank you.

Mr. Hull: Next we have signed up, Bridget Hammerquist.

Ms. Hammerquist: I'll defer to the main agenda. Thank you for your service.

<u>Mr. Hull:</u> Okay. We have no other individual signed up, but if you would like to testify on this agenda item, you may approach the microphone. Just state your name and you have three minutes for testimony. Seeing none, I'll turn it back over to Kenny for a brief report pertaining to this matter.

<u>Mr. Estes:</u> Transmitted to the Planning Commission through Supplement Report #1 to the Subdivision Report is the letter from the Department dated August 21st, 2023, that was mailed to the applicant, stating that on February 8th, 2022, the above referenced subdivision received revised tentative preliminary map approval. In accordance with Kaua'i County Code Section 9-3.8 C1 final subdivision map applicant failed to timely file with the Department a subdivision final map or a request for an extension of time prior to

the preliminary subdivision map expiration. The preliminary subdivision map is therefore deemed void as a matter of law. The Department is requesting that the subject correspondence we received for the record.

Chair Ako: So, with that, if we can entertain a motion to defer.

<u>Ms. Apisa:</u> To defer. I move to defer Subdivision Application No. S-2022-6 to the full Commission meeting.

Mr. Ornellas: Second.

<u>Chair Ako:</u> Okay. We got a motion; we got a second. We'll take a voice vote. All those in favor say aye. Aye (unanimous voice vote). All those oppose. Mr. Clerk, the motion passes. 3:0.

Mr. Hull: With that we have no further agenda items.

Chair Ako: With that, I thank you for all your testimony, and thank you staff for putting all this together and the Commissioners, thank you for your time. I'll entertain a motion to adjourn.

Mr. Ornellas: Move to adjourn.

Ms. Apisa: Second.

Chair Ako: All those in favor say aye. Aye (unanimous voice vote). Meeting is adjourned. 3:0.

Chair Ako adjourned the meeting at 9:38 a.m.

Respectfully submitted by:

Lisa Oyama

Lisa Ŏyama, Commission Support Clerk

() Approved as circulated (add date of meeting approved).

() Approved as amended. See minutes of _____ meeting.

COUNTY OF KAUA'I PLANNING DEPARTMENT

<u>S</u> <u>U</u> <u>B</u> <u>D</u> <u>I</u> <u>V</u> <u>I</u> <u>S</u> <u>I</u> <u>O</u> <u>N</u> <u>R</u> <u>E</u> <u>P</u> <u>O</u> <u>R</u> <u>T</u> (REVISED)

S - 2 0 0 5 - 4 1

Applicant: VISIONARY LLC. Surveyor/Authorized Agent Clyde T. Kodani/Kodani & Associates, Inc.

Jan. 9, 2024

MAY 0 9 2023

Date Accepted: January 15, 2009 Prelim Approval _Not Applicable

Map Title <u>SUBDIVISION OF PORTION OF PARCEL 1 (TMK: 3-7-02)</u>, <u>BEING PORTIONS OF R.P. 4481, L.C. AW.</u> 7713, <u>APANA 2</u>, <u>PART 7 TO V. KAMAMALU INTO LOTS 1 THROUGH 45</u>, <u>AT KALAPAKĪ AND HANAMĀ'ULU</u>, <u>LĪHU'E, KAUA'I, HAWAI'I</u>

	GENE	RA	L	INF	ORM	Α	Т	ΙΟ		e Land Use		
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			Classificat							num Density		
Amount of Lots			Ag Parcel	,	Permit		uired		Utilized			
45			Applicabl			None			No			
CZO Requirements I was approved by the Plan to Industrial District (I-G)	ning Commission	n on 2/08	If No, Ex /96. The a	imendment rec	bject parcel	obtain tions c	ed a z of the p	oning an property	nendment from Agri	(ZA-96-2) which culture District (A		
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✓ DOT-Highways:	January 03, 200	06	✓ SHPI	D: April 18	, 2005		0	ther:				
	* E X I S T	ING	ROA	DRIG	HT-OF	- w	AV	(s)	k			
Road Name	211101	Exist		Required	Paved			Reserve		Dedication		
		Widt		Width	YES	NO	0			Dedication		
Kāpule Highway		Vari		80 feet	✓							
Ahukini Road		Vari	es	80 feet	~							
			PPLI	CABLE	E FEES	*						
Environmental Imp	act Assessmen	t (EIA)	P	ark Dedicati	ion		De	etermine	ed by Ap	praisal Report		
2 roadway lots within subject to the applicab Planned Area. As suc he conditions of the o	le requirements h, the EIA & Pa rdinance.	s of Ord ark Fees	inance No shall be	o. PM-326-9 determined u	6, which wa apon further	as a p r deve	art of elopm	the Līh	u'e-Han	amā'ulu Maste		
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- 1. Requirements of the Planning Department:
 - a. An updated preliminary title report shall be submitted to the Planning Department for review.

I

- b. The Applicant shall resolve with the State Highways Division the establishment of a future road widening reserve along the frontage of Kāpule Highway and Ahukini Road. Should a reserve be required, it shall be subject to the specifications of the State Highways Division. There shall be no new structures permitted within the reserve, and any new structures should be setback from the reserve. The reserve along with its restrictions shall be incorporated into the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
- c. All existing and proposed easements shall be identified in the deed descriptions of affected lots and shown on the final subdivision map. Draft copies of the deed descriptions shall be submitted to the Planning Department for review and approval.
- d. The Applicant is made aware that the streets designated within the subdivision must be officially named before the Department approves the construction plans. Street names should be in Hawaiian and be submitted to our Department for review and approval, along with a request letter and 12 maps (on $8\frac{1}{2}$ " x 14" paper). The maps should be detailed such that emergency vehicles, police services, postal deliveries, etc., are able to locate the street. References to roadway, such as the highway and other surrounding roads, should be shown on the street-naming map.
- e. The Applicant shall prepare and obtain construction plan approvals for necessary road, water, drainage, electrical and telephone utilities and facilities, and either construct the same or post a surety bond for completion.
- f. There shall be no direct access permitted onto Kāpule Highway and Ahukini Road from any of the lots within the proposed subdivision. Semi-circles denoting no direct access permitted shall be shown on the final subdivision map. This provision shall be incorporated as a restrictive covenant for the subject lots, draft copies of which shall be submitted to the Planning Department for review and approval.
- g. The Applicant shall be subject to the applicable requirements of Ordinance No. PM-326-96. Specifically, the following conditions shall apply to this subdivision:

Conditions of Ordinance No. PM-326-96:

- 4. (EIA credit)
- 6. (design criteria outlined in "Draft Urban Design Plan")
- 7. (park master plan)
- 8. (roadway system)
- 10. (construction material disposal site)
- 11. (solid waste landfill site)
- 12. (intersection improvements)
- 13. (civil defense infrastructure)
- 14. (affordable housing requirements)
- 15. (infrastructure master plan)
- 17. (density)
- 19. (no development zone)
- 21. (status report)
- h. Relative to the requirements/standards setforth in Ordinance No. 777, the subdivider shall resolve with the Planning Department the provision of public access.

If public access is required, the applicant shall propose an access plan identifying the access location(s) for the review and approval of the Planning and Public Works

Departments. Furthermore, proper documents shall be prepared and ready for execution <u>prior</u> to final subdivision approval. The Planning Department reserves the right to impose additional conditions relating to this matter while in the process of resolving this condition

- i. As noted on the subdivision application, the zoning designation for the project area is General Industrial District (I-G). In reviewing the subdivision layout as represented on the preliminary subdivision map, it is the department's position that Lots 21 and 23 is undersized to accommodate industrial-type uses based on its present configuration. Prior to final subdivision approval, the Applicant shall work with the Planning Department to seek feasible alternatives to resolve this matter.
- j. The department strongly encourages the Applicant to consider establishing common driveway access locations for lots that are adjacent to one another, affecting Lots 7 through 45, in order to minimize access points along Roadway Lot 6, facilitate industrial vehicular traffic, and to assure public health, safety, and welfare is not compromised.

It would be the department's preference that common driveways serve as the primary access for adjacent lots and that it would be wide enough to accommodate two-way vehicular traffic.

- k. The proposed subdivision is situated in close proximity to the Lihu'e Airport and will be impacted by the aircraft noise nuisances from this facility. As such, the subdivider shall establish covenants or disclosure documents to inform potential buyers within the project area that the proposed lots are subject to aircraft noise nuisances. Draft copies of the documents shall be submitted to the Planning Department for review and approval.
- 1. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua'i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.
- 2. Requirements of the Department of Public Works (DPW):

DRAINAGE

- a. There are natural drainage ways and swales that flow through and along the property. These natural water courses will collect and concentrate storm flows through the site. A Drainage Study and provisions need to be established to prevent structures from being built in flood prone areas and to preserve the function and capacity of the watercourses.
- b. The natural pond in Lot 4 should be maintained.
- c. The subdivision and subsequent development of residences and other impermeable surfacing will increase storm water flowage. A Drainage Study needs to be made to evaluate the impact of the increased storm runoffs. Measures to keep flow rates and drainage patterns to predevelopment levels are required. There shall be no increase in storm flowage to the County Līhu'e Refuse Transfer Station.
- d. A Grading Permit will be required for this project. The property size is more than 10 acres. The maximum area that may be opened for grading or grubbing at any one time is ten (10) acres. The area of land that may be opened shall not exceed ten (10) acres. Grading/grubbing shall be accomplished in increments not more than 10 acres. Best Management Practices (BMP's) shall be provided to the maximum extent practicable to prevent damage by erosion, sedimentation and dust to streams, water courses, natural drainage areas, and the property of others.

- e. If required, curbs, gutters, and sidewalks shall be provided. Sidewalks shall comply with the American Disability Act and shall comply with the American Disability Act. A copy of the final document review by DCAB shall be submitted to the County's ADA Coordinator and to the Department of Public Works.
- f. The Applicant shall obtain construction plan approvals for the necessary roadways, water, drainage, electrical, telephone and derby cable utilities.
- 3. Requirements of the Department of Water (DOW):
 - a. The subdivider shall prepare and receive Department of Water's approval of a Water Master Plan for full development of the Līhu'e-Hanamā'ulu Master Plan by the Applicant. The Water Master Plan shall also address all source, storage and transmission requirements for the planned development area.
 - b. The subdivider shall pay the Department of Water, a Facilities Reserve Charge of \$202,400* (44 lots at \$4,600 per lot). The subdivider shall pay any rate increase and/or applicable charges in effect at the time of receipt.

* The subdivider is made aware that FRC offsets may apply if source, storage or qualifying transmission facilities are provided by the subdivider.

- c. The subdivider shall prepare and get Department of Water's approval on construction drawings for necessary water system facilities and either construct said facilities or post a performance bond for construction. These facilities shall also include:
 - (1) All water system facilities as required for the subdivision in the approved Water Master Plan.
- d. If a bond is filed to secure final subdivision approval, the subdivider shall clearly letter the following on the approved construction plans, final subdivision map and deeds:

"Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kaua`i."

The subdivider shall record this deed restriction with the Bureau of Conveyances within ninety (90) days of final subdivision approval by the Planning Department.

- 4. Requirements of the State Department of Health (DOH):
 - a. The subject project is located in close proximity to the County sewer system serving the Līhu'e area. All new wastewater generated shall be disposed in the County sewer system serving the Līhu'e area.
 - b. The property could be harboring rodents that will be dispersed to the surrounding areas when the site is cleared. In accordance with Chapter 11-26, entitled "<u>Vector</u> <u>Control</u>", Title 11, HAR, the Applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.
 - c. Noise will be generated during the site preparation and construction phase of this project. The applicable maximum permissible sound levels as stated in Chapter 11-46, entitled "<u>Community Noise Control</u>", Title 11, HAR, shall not be exceeded unless a noise permit is obtained from the Department of Health.
 - d. Temporary fugitive dust emissions could be emitted when the subdivided lots are developed. In accordance with Chapter 11-60.1, entitled "<u>Air Pollution Control</u>", Title 11, HAR, effective air pollution control measures shall be provided to

minimize or prevent any fugitive dust emissions caused by the construction work from impacting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.

- e. In accordance with Chapter 11-58.1, entitled "<u>Solid Waste Management Control</u>", Title 11, HAR, the construction waste that will be generated by the project shall be disposed of at a solid waste disposal facility that is in compliance with the State Department of Health. The open burning of any of these wastes on or off site is prohibited.
- f. The Department of Health, Clean Water Branch (CWB) has reviewed the subject document and offers these comments. Please note that the review is based solely on the information provided in the subject document and its compliance with Hawai'i Administrative Rules (HAR), Chapters 11-54 and 11-55. The Applicant may be responsible for fulfilling additional requirements related to the department's program. The department recommends that the Applicant reads the standard comments found on our website at: http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-

http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf.

- (1) Any project and its potential impacts to State waters must meet the following criteria:
 - (A) Antidegradation policy (HAR Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected;
 - (B) Designated uses (HAR Section 11-54-3), as determined by the classification of the receiving State waters; and
 - (C) Water quality criteria (HAR Sections 11-54-4 through 11-54-8).
- g. The Army Corps of Engineers should be contacted at (808) 438-9258 to identify whether a Federal Permit (including a Department of Army Permit) is required for this project. Pursuant to Section 401(a)(1) of the Federal Water Pollution Act (commonly known as the "Clean Water Act"), a Section 401 Water Quality Certification is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters..."
- h. A National Pollutant Discharge Elimination System (NPDES) general permit coverage is required for discharges of wastewater, including storm water runoff, into State surface waters (HAR Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, the Applicant may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:
 - Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Section 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi);
 - (2) Construction activities including clearing, grading, and excavation that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and different schedules under a larger common plan of development or sale. An NPDES Permit is required before the commencement of the construction activities.
 - (3) Discharge of treated effluent from leaking underground storage tank remedial activities;
 - (4) Discharge of once through cooling water less than one (1) million gallons per day;
 - (5) Discharge of hydrotesting water;
 - (6) Discharge of construction dewatering effluent;
 - (7) Discharge of treated effluent from petroleum bulk stations and terminals;

- (8) Discharge of treated effluent from well drilling activities;
- (9) Discharges of treated effluent from recycled water distribution systems;
- (10) Discharges of storm water from a small municipal separate storm sewer system; and
- (11) Discharge of storm water from decorative ponds and tanks.
- i. The Clean Water Branch (CWB) requires that a Notice of Intent (NOI) to be covered by a NPDES general permit for any of the above activities be submitted at least 30 days before the commencement of the respective activities. The NOI forms may be picked up at our office or downloaded from our website at <u>http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genlindex.html</u>.
- j. The Applicant may be required to apply for an individual NPDES Permit if there is any type of activity in which wastewater is discharged from the project into State waters, and/or coverage of the discharge(s) under the NPDES general permit(s) is not permissible. An application for the NPDES Permit is to be submitted at least 180 days before the commencement of the activities. The NPDES application forms may be picked up at our office or downloaded from our website at http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html.
- k. Hawai'i Administrative Rules, Section 11-55-38, also requires the owner to either submit a copy of the NOI or NPDES Permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD) or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. The Applicant shall provide a copy of the request for review by SHPD or SHPD's determination letter for the project along with the NOI or NPDES permit application, as applicable.
- 1. Please note that in general, anyone causing or contributing to a violation of the State water quality standards must apply for an NPDES permit coverage. Discharges which are not an integral and normal part of the operation, but are caused by heavy rains, floods, or other events outside the reasonable control of the owner or operation must also be permitted. Point sources include vehicle wash discharges or a discharge or processed wastewater from your construction activity. If there is a discharge of any pollutant to State waters, Hawai'i Revised Statutes (HRS), Section 342D-30, provides for penalties of up to \$25,000 per day for each violation.

The owner/applicant is advised to contact the CWB at 808.596.4309 to resolve any NOI or NPDES concerns.

5. Requirements of the Highways Division of the State Department of Transportation (DOT):

Highway Issues

- a. The proposed location of accesses to our State road/highway will need to be reviewed and approved by our Highways Division. The Applicant should submit a written request for any new accesses or change of existing accesses to our Right-of-Way Branch, Highways Division. The Highways Division will likely impose a number of conditions and requirements on the grant of new accesses or the revision of existing ones. The DOT may require changes to the proposed accesses based on an evaluation of the access openings, including, without limitation, the location and number of accesses.
- b. A Traffic Impact Analysis Report (TIAR), including intersection signal studies, reflecting the development timetable and impact of all the subdivisions through to

full build out (including the potential for further subdivisions of the subject properties) should be prepared by Visionary LLC (Visionary) and submitted to the DOT for review and approval. This should be done before Visionary is permitted to proceed with the development.

For any changes or revisions to the development plans or timetable, Visionary must submit a supplement and update to the TIAR, addressing the changes or revisions, for the DOT's review and prior written approval. This should be done before Visionary is permitted to continue the development.

Any TIAR submitted to the DOT must contain recommendations regarding traffic mitigation measures and improvements. The TIARs should also contain Visionary's commitment to pay for and fund the design, construction and implementation of the traffic mitigation and improvements measures. Without the proper mitigation and roadway improvements, the development of the proposed subdivisions will likely create significant adverse traffic impacts to our facilities. If the Applicant has development plans for the subdivisions, the plans, drawings, maps and other supporting documentation should be submitted with the TIARs and any supplements thereto.

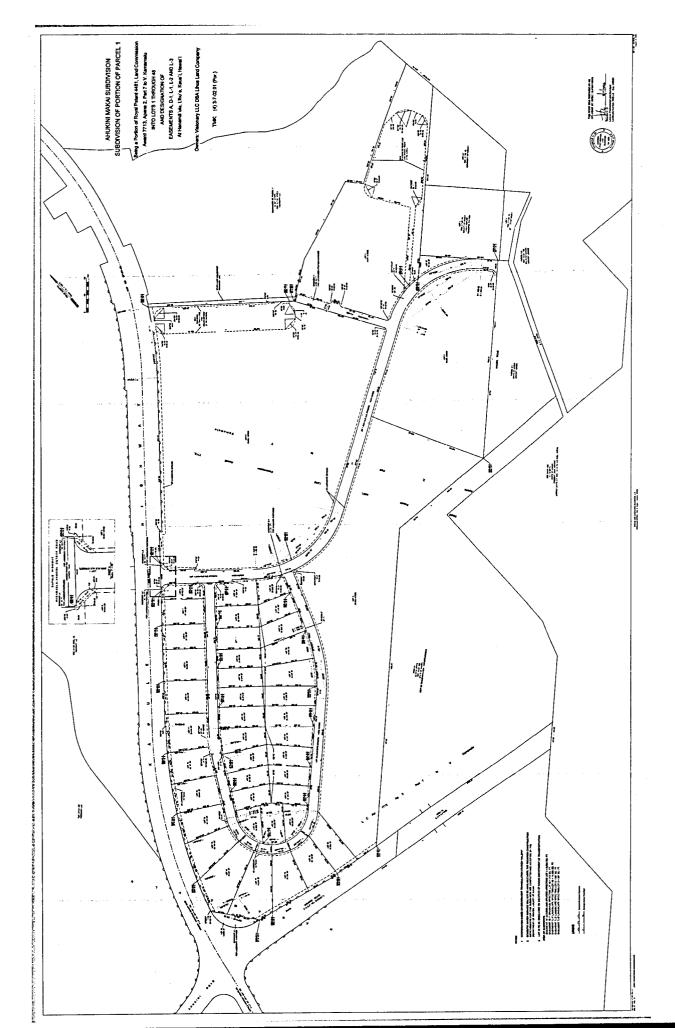
- c. No additional storm water runoff will be allowed onto our road/highway right-ofways.
- d. Construction plans for any work within or adjoining our road/highway right-ofway must meet our highway standards and be submitted to our Highways Division for prior review and approval. The Applicant (and/or its contractors) will need to obtain and have applicable building and environmental permits, including a permit to work in our road/highway right-of-ways from our Highways Division.
- e. The Applicant will be required to enter into and comply with use and occupancy agreement(s) with our Highways Division for all utilities and services to the subdivisions that are within our road/highway right-of-way.

Airport Issues

- f. No access connection to Ahukini Road from the proposed Road "B" and "C" will be considered at this time. Such access would require resolution of a number of issues. Access to and use of airport roads require terminal road circulation study, security controls and arrangements for the use, management and maintenance of the roads meeting FAA guidelines, and detailed reviews by our Airports Division for consistency and compatibility with Līhu'e Airport (LIH) development and expansion plans.
- g. The development of the subdivision will affect our LIH helicopter operations and any developed lots in this Ahukini Makai area will be impacted by aircraft noise and flight patterns and any future expansion of LIH. Development of the subdivision lands with structures and other improvements will alter the conditions under which aircraft and pilots now operate. At a minimum, safety perimeter or other clear or safety zones may have to be established within the Ahukini Makai area. Consequently, to address these and other issues relating the development impact on airport and aircraft operations, we strongly recommend consulting with our Airports Division before the subdivision/development plans progress any further.
- h. Also, the Airports Division has had previous discussions with Visionary or its predecessor about possible acquisition of land in the Ahukini Makai area based on the land's agricultural zoning and designation. The land area would be used for the expansion of LIH and to accommodate existing and/or additional airport activities at LIH. Our Airports Division has been in the process of seeking

funding approval for the acquisition. We plan to continue these discussions with Visionary.

- i. The topography of the Ahukini Makai area has surface and storm water drainage and runoff sloping toward our LIH roads and property. No such additional flow from the proposed subdivision development will be allowed onto our airport roads, drainage systems and land areas.
- j. Similar to Condition 5.d. above, for our highways, the same requirements for construction plans are applicable to work affecting or next to LIH and Ahukini Road and with submittals going to our Airports Division.
- k. The Applicant is made aware that the Department's concerns should be first addressed and resolved to our satisfaction because of the impacts to our facilities. The Department is willing to discuss our transportation concerns and our interest in the Ahukini Makai lands with Visionary.
- 6. As recommended by the State Historic Preservation Division of the Department of Land and Natural Resources, in the event that historic resources including human skeletal remains are identified during routine construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the State Historic Preservation Division, Kaua'i Section, needs to be contacted immediately at (808) 742-7033.
- 7. The applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).







COUNTY OF KAUA'I PLANNING DEPARTMENT 4444 RICE STREET, SUITE A473 LĪHU'E, HAWAI'I 96766 (808) 241-4050

SUBDIVISION APPLICATION ROUTING FORM DATE: January 30, 2023

Subdivision Map Review and Approval								
REQUEST:	☐ Prelimi REQUEST: ⊠ Pre-Fin		ry 🗍 Final					
SUDIVISION APPLI	NO:	Pre-Final Subdivision No. 2005-41						
Owner(s)/Applicant(s):	Ahukini Makai Subdivision						
		nt: Visionary LLC. DBA Līhu'e Land Company						
Name of Surveyor/Engineer/Authorized Agent:								
Tax Map Key:	Tax Ma	ap Key (4) 3-7	-002:001	Assigne	ed to:	Kenny		
Improvements:								

Route To:

DPW-Engineering		Department of Transportation - STP
DPW-SolidWaste		DOT-Highway, Kauai
DPW-Wastewater	\boxtimes	State Department of Health
Fire-Department	\boxtimes	State Historic Preservation Division
Department of Parks & Recreation		UH Sea Grant
County Housing-Agency	\boxtimes	U.S. Postal Department
KHPRC		Other:
County Water Department		
County Transportation Agency		

COMMENTS from DPW Engineering:

We have no further comments and recommend proceeding to Final Map.

Sincerely,

Digitally signed by Michael Moule Date: 2023.01.30 15:24:24 -10'00'

Michael Moule, P.E. Chief, Engineering Division



4398 PUA LOKE STREET LIHU'E, KAUA'I, HAWAI'I 96766 PHONE: (808) 245-5400 / FAX: (808) 245-5813

SUBDIVISION REPORT

TO:PLANNING DEPARTMENTFROM:DEPARTMENT OF WATER

		2 7 02 001		Grove Farm, Inc.		<i>V</i> 1 ·		0 2005 41	
TM	K:	3-7-02:001	NAME:	(Ahukini Makai)	SURVEYOR:	Kodani	REPORT NO:	S-2005-41	
1.	Domestic water is adequate. Tentative approval is recommended.								
	Wa	ter Requirement	s are not affected	. Tentative approval is	recommended.				
2.	All requirements have been fully met and; therefore, Final approval is recommended.								
3.	Before final approval can be recommended, the subdivider must:								
	A.	Pay the Departs these charges in		e following charges in e	ffect at the time of	freceipt. At	the present time	· 🗌	
		1) The Facili	ties Reserve Cha	rge (FRC):					
			Lot @ \$14,115 p						
		2) the subdiv	ider causes a dela	r relocate, service ay in the service connect all be charged the increa	ion installation af	ter one year	ost of \$ I since final map	f	
		2) Deposit (th	he subdivider wil	l either be billed or return of \$ for construct	ned the difference	e between th		, □	
	B. Submit to the Department of Water a copy of the subdivider's permit to perform work upon a State highway from the State Highways Division								
	C. Prepare and receive Department of Water's approval of construction drawings for the necessary water system facilities and either construct said facilities or post a performance bond for construction. These facilities shall also include:								
	D. Prepare and convey to the Department of Water a Right-of-Entry and Temporary Grant of Easement for the purpose of construction, repair, maintenance, and operation of the subdivision water system improvements installed in other than County-owned property.							r	
	E.	the approved co	onstruction plans,	subdivision approval, th final subdivision map,	and deeds:			'n	
		"Domestic wate subdivision are	er service will no completed and a	t be available until the re ccepted by the Departme	equired construction ent of Water, Court	on improver nty of Kaua'	nents for this i."		
		This deed restri	ction shall be rec	corded with the Bureau of ining Department.					
				ill not be required until r able service connection			de. The applicar	ıt	
5.	Oth	er (or remarks):							

Steven yono Steven Kyono (Apr 25, 2020)

Steve Kyono, P.E., Board Advisor Department of Water, County of Kauai 04/24/2020

Date





STATE OF HAWAII DEPARTMENT OF HEALTH KAUAI DISTRICT HEALTH OFFICE 3040 UMI STREET LIHUE, HAWAII 96766

January 22, 2020

County of Kauibruce S. Anderson, ph.D. Director of Health

> JANET M. BERREMAN, M.D., M.P.H., F.A.A.P. District health officer

RECEIVE

JAN 31

20

Mr. Ka'aina Hull, Director County of Kauai Planning Department 4444 Rice Street, Suite A473 Lihue, Hawaii 96766

Dear Mr. Hull:

SUBJECT: **PRE-FINAL** Subdivision Map Review and Approval Subdivision No.: **S-2005-14** Applicant: **Visionary, LLC**

We have no additional environmental health concerns to add to those previously submitted on March 31, 2009.

Should you have any questions, please call me at 241-3323.

Sincerely,

Patrick Peck, Chief 2 District Environmental Health Program Kauai

Enc. PP:DT/ckn GQVERNOR



CHIYOME LEINAALA FUKUNO, M.D. DIRECTOR OF HEALTH

DILEEP G. BAL, M.D., M.S., M.P.H. KAUAI DISTRICT HEALTH OFFICER

De Martin Parties Martin Parties Martin Parties

STATE OF HAWAII DEPARTMENT OF HEALTH KAUAI DISTRICT HEALTH OFFICE 3040 UMI STREET LIHUE, HAWAII 96766

March 31, 2009

Mr. Ian Costa, Director County of Kauai Planning Department 4444 Rice Street, Suite 473 Lihue, HI 96766

Dear Mr. Costa:

SUBJECT:

CT: **REVISED** Preliminary Subdivision Map Review and Approval Subdivision No.: **S-2005-41** Applicant: **Visionary LLC.**

We have reviewed the subject application and the comments that we previously submitted on May 26, 2005. We offer the following updated environmental health concerns for your consideration.

- 1. The subject project is located in close proximity to the County sewer system serving the Lihue area. All new wastewater generated shall be disposed in the County sewer system serving the Lihue area.
- 2. The property may harbor rodents which will be dispersed to the surrounding areas when the site is cleared. In accordance with Chapter 11-26, entitled <u>Vector Control</u> of Title 11, Hawaii Administrative Rules (HAR), the applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.

3.

Noise will be generated during the site preparation and construction phase of this project. The applicable maximum permissible sound levels as stated in Title 11, HAR, Chapter 11-46, entitled <u>Community Noise Control</u> shall not be exceeded unless a noise permit is obtained from the Department of Health.

- 4. Temporary fugitive dust emissions could be emitted when the project site is prepared for construction and when construction activities occur. At the time in accordance with Title 11, HAR, Chapter 11-60.1 entitled <u>Air Pollution Control</u> effective air pollution control measures shall be provided to prevent or minimize any fugitive dust emissions caused by construction work from impacting the surrounding areas. This includes the off-site roadways used to enter/exit the project.
- 5. The construction waste that will be generated by the project shall be disposed of at a solid waste disposal facility that is in compliance with the applicable provisions of Title 11, HAR, Chapter 11-58.1 entitled <u>Solid Waste Management Control</u>. The open burning of any of these wastes on or off site prohibited.
- 6. The Department of Health, Clean Water Branch (CWB) has reviewed the subject document and offers these comments on your project. Please note that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at http://www.hawaii.gov/health/environmental/envplanning/landuse/CWB-standardcomment.pdf.
 - I. Any project and its potential impacts to State waters must meet the following criteria:
 - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
 - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
 - II. Please call the Army Corps of Engineers at (808) 438-9258 to see if this project requires a Department of the Army (DA) permit. Permits may be required for work performed in, over, and under navigable waters of the United States.

Projects requiring a DA permit also require a Section 401 Water Quality Certification (WQC) from our office.

- III. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:
 - a. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi).
 - b. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the start of the construction activities.
 - c. Treated effluent from leaking underground storage tank remedial activities.
 - d. Once through cooling water less than one (1) million gallons per day.
 - e. Hydrotesting water.
 - f. Construction dewatering effluent.
 - g. Treated effluent from petroleum bulk stations and terminals.
 - h. Treated effluent from well drilling activities.
 - i. Treated effluent from recycled water distribution systems.
 - j. Storm water from a small municipal separate storm sewer system.



- k. Circulation water from decorative ponds or tanks.
- 7. You must submit a separate NOI form for each type of discharge at least 30 days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 before to the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at: http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html.
- 8. For types of wastewater not listed in Item 3 above or wastewater discharging into Class 1 or Class AA waters, you must obtain an NPDES individual permit. An application for an NPDES individual permit must be submitted at least 180 days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at http://www.hawaii.gov/health/environmental/water/cleanwater/forms /indiv-index.html.
- 9. You must also submit a copy of the NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project. Please submit a copy of your request for review by SHPD or SHPD's determination letter for the project along with your NOI or NPDES permit application, as applicable.
- 10. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54 and/or permitting requirements, specified in HAR, Chapter 11-55 may be subject to penalties of \$25,000 per day per violation.

If you have any questions, please visit our website at <u>http://www.hawaii.gov/health/environmental/water/cleanwater/index</u>.html, or contact the Engineering Section, CWB, at (808) 586-4309.

Due to the general nature of the application submitted, we reserve the right to implement future environmental health restrictions when more detailed information is submitted.



Sincerely,

Huald n Jahamur

Gerald N. Takamura, Chief District Environmental Health Program

GNT

JOSH GREEN, M.D. GOVERNOR



STATE OF HAWAII DEPARTMENT OF TRANSPORTATION HIGHWAYS DIVISION KAUAI DISTRICT 1720 HALEUKANA STREET LIHUE, HAWAII 96766

February 23, 2023

Mr. Kaaina Hull, Director County of Kauai Department of Planning 4444 Rice Street, Ste. A473 Lihue, Hawaii 96766 Attention: Mr. Kenneth A. Estes, Planner

Dear Mr. Hull:

Subject: Pre-Final Subdivision Map Review and Approval Subdivision No. S-2005-41 (Ahukini Makai Subdivision) Applicant: Visionary LLC dba Lihue Land Company

The subject map was received at our Director's office in Honolulu on September 6, 2022. The Kauai District Office completed the initial review and forwarded comments to Visionary on September 20, 2022. Visionary responded with the requested information on January 18, 2023.

We have completed our review and find the Pre-Final Subdivision Map received on September 6, 2022, to be acceptable.

Should you have any questions, please contact me at (808) 241-3006 or via email at lawrence.j.dill@hawaii.gov.

Sincerely,

Lawrence J. Dill, P.E. Kauai District Engineer

c: David Hinazumi, Visionary LLC

EDWIN H. SNIFFEN DIRECTOR

Deputy Directors DREANALEE K. KALILI TAMMY L. LEE ROBIN K. SHISHIDO JAMES KUNANE TOKIOKA

IN REPLY REFER TO:

DIR 0854 HWY-K 4.230038 JOSH GREEN, M.D. GOVERNOR



County of Kaua'i PLANNING DEPT.

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April 21, 2023

RECEIVEL

Mr. Kaaina Hull, Director County of Kauai Department of Planning 4444 Rice Street, Suite A473 Lihue, Hawaii 96766

Attention: Mr. Kenneth A. Estes, Planner

Dear Mr. Hull:

Subject: Pre-Final Subdivision Map Review and Approval Ahukini Makai – Subdivision No. S-2005-41 Lihue, Kauai, Hawaii Tax Map Key: (4) 3-7-002:001

The State of Hawaii, Department of Transportation, Airports (DOTA) is in receipt of your April 12, 2023, memorandum requesting review and approval to the Pre-Final Subdivision Map dated July 1, 2022, Subdivision No. S-2005-41.

Based on DOTA's review of the Pre-Final Subdivision Map and discussions with the landowner, DOTA approves the Pre-Final Subdivision Map dated July 1, 2022.

If there are any questions, please contact Mr. Mike Auerbach, Land Agent of our Airports Property and Business Development Staff at (808) 838-8684, or by email at mike.auerbach@hawaii.gov.

Sincerely,

tel fr

EDWIN H. SNIFFEN Director of Transportation EDWIN H. SNIFFEN DIRECTOR

Deputy Directors DREANALEE K. KALILI TAMMY L. LEE ROBIN K. SHISHIDO JAMES KUNANE TOKIOKA

IN REPLY REFER TO:

AIR-PM 23.0353

DAVID Y. IGE GOVERNOR OF HAWAII





STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION KAKUHIHEWA BUILDING 601 KAMOKILA BLVD, STE 555 KAPOLEI, HAWAII 96707

September 28, 2018

Paul Togioka County of Kauai Public Works, Engineering Division 4444 Rice Street, Suite 275 Lihue, HI 96766 ptogioka@kauai.gov

Dear Mr. Togioka:

SUBJECT: Chapter 6E-42 Historic Preservation Review – REVISED COMMENTS Clearinghouse Application No. CL-2017-031 Ahukini Makai Subdivision (S-2005-41), PW 08.17.087 Hanamā'ulu Ahupua'a, Puna District, Island of Kaua'i TMK: (4) 3-7-002:001

This letter provides the State Historic Preservation Division's (SHPD's) revised comments regarding the subject application. SHPD received the original application submittal on September 15, 2017 from the County of Kauai Department of Public Works. The submittal indicated that the owners, Visionary LLC, proposed to grade a 127.68-acre portion of the 171.9-acre parcel, including excavation of 239,626 cubic yards and an embankment of 122,419 cubic yards.

On March 28, 2018, SHPD requested an archaeological inventory survey (AIS) be conducted as SHPD had insufficient information to assess the potential for the proposed project to impact significant historic properties (Log No. 2017.02067, Doc No. 1803GC32).

On April 17, 2018, SHPD received supplemental information from Kodani & Associates Engineers, LLC, requesting reconsideration of SHPD's request for an AIS to be conducted. The supplemental information included a copy of a previous SHPD determination letter and an AIS titled *Additional Archaeological Inventory Survey Molokoa Lands Project Area, Lands of Hanamā'ulu and Kalapaki, Līhu'e District, Island of Kaua'i* (Franklin and Walker, 1994). The AIS covered 552.3 acres within Hanamā'ulu and Kalapaki, including the current project area. The Ahukini Makai parcel comprises 143.8 acres. Franklin and Walker (1994) indicated that due to extensive agricultural pursuits and land alterations it is unlikely that surface or subsurface historic properties will be encountered. No historic properties were documented during a pedestrian survey for this specific parcel. In a letter dated October 25, 1994, SHPD commented on the *Lihue Hanamaulu Master Plan, The Lihue Plantation Co Ltd. (AMFAC/JMB)* and indicated that the project areas were adequately covered by the Walker and Franklin (1994) archaeological study. The SHPD determined that no significant sites occur in the project area and that the project will have no effect on significant historic properties (Log No. 12985, Doc. No. 9410NM17).

Based on the information provided, SHPD's determination is no historic properties affected for the subject application pursuant to HRS 6E; no significant historic properties have been identified within the current project area. Pursuant to HAR §13-284-7(e), "When the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD's written concurrence and historic preservation review ends". The historic preservation review process is ended. The permit issuance may proceed.

SUZANNE D. CASE CHARPERSON BOARD OF LAND AND NATURAL RESOURCES COMMISSION ON WATER RESOURCE MANAGEMENT

> ROBERT K. MASUDA FIRST DEPUTY

JEFFREY T. PEARSON, P.E. DEPUTY DIRECTOR - WATER

AQUATIC RESOLUCES BOATRO AD OCEAN RECREATION BURENIO F CONVEYANCES COMMISSION ON WATER RESOLUCE MANAGEMENT CONSERVATION AND RISOLUCES ENFORCEMENT ENDIMERINO FORESTRY AND WILDLIFE HISTORIC PRESERVATION KAHOOLA WE ISLAND RESERVE COMMISSION LAND STATE PARKS

IN REPLY REFER TO: Log No. 2017.02067 Doc No. 1809GC15 Archaeology Mr. Togioka September 28, 2018 Page 2

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Please contact Ka'āhiki Solis, SHPD Cultural Historian, at <u>Sheleigh.Solis@hawaii.gov</u> for any cultural resources concerns and Dr. Susan A. Lebo, Archaeology Branch Chief, at <u>Susan.A.Lebo@hawaii.gov</u> or at (808) 692-8019 for any questions regarding archaeological resources or this letter.

Aloha, *Alan Downer*

Alan S. Downer, PhD Administrator, State Historic Preservation Division Deputy, State Historic Preservation Officer

cc: Chance Bukoski, <u>cbukoski@kauai.gov</u> Kaina Hull, <u>khull@kauai.gov</u> Andy Miles, Kodani & Associates Engineers, LLC, <u>andy@kodani.com</u>



DEREK S.K. KAWAKAMI, MAYOR REIKO MATSUYAMA, MANAGING DIRECTOR

SUPPLEMENT #1 TO SUBDIVISION REPORT

DATE: December 26, 2023

RE: Subdivision Application No. S-2005-41 (Ahukini Makai Subdivision)

APPLICANT: Visionary, LLC.

Background

At the Planning Commission Meeting held on May 9, 2023, the subject subdivision application was featured as an agenda item on the Subdivision Committee's agenda for Final Subdivision Map Approval. During the meeting there were concerns raised regarding the requirement and submission of a Ka Pa'akai O Ka'aina Analysis for the project area. Consequently, the Planning Commission voted to refer the subdivision application back to the Subdivision Committee, pending the submission of a Ka Pa'akai O Ka'aina Analysis.

On December 6, 2023, the Applicant submitted a Ka Pa'akai O Ka'aina Analysis for project area, and it is attached as Exhibit 'A' for the Planning Commission's reference.

Evaluation and Conclusion

A Ka Pa'akai O Ka'aina Analysis was prepared by Cultural Surveys Hawai'i, Inc. for the proposed development. The analysis describes the historic and traditional accounts associated with the Hanamā'ulu Ahupua'a as well as provides a summary of archaeological studies that have been conducted in the vicinity of the project area. The analysis also provides a detailed summary of the community outreach that was conducted including oral and written testimony of individuals that were contacted.

The consultation outreach involved attempting to contact Hawaiian organizations, agencies, and community members as well as cultural and lineal descendants in order to identify individuals with cultural expertise and/or knowledge of the project area and vicinity. Community outreach letters were sent to 37 individuals or groups by email and/or U.S. Postal Service with additional follow-up by text or phone. As represented, Cultural Surveys Hawaii completed the community consultation in July 2023 and ten (10) individuals had responded in which two provided written testimony, and two of these Kamā'aina and/or Kūpuna met with Cultural Surveys Hawaii for more in-depth interviews.



Based on the information contained in the analysis and evaluating the historical information that was available to the department, the department finds that the proposed development at its designated location should have no impact on any known Hawaiian traditional or customary practices for the following reasons:

- There are no known traditional or customary practices of Native Hawaiians that are presently occurring at the project site.
- There are no known special gathering practices taking place or resources located at the project site or within the vicinity of the project site.
- The Project should not detrimentally inhibit access to any streams; access to the shoreline or other adjacent shoreline areas; gathering along any streams, the shoreline or in the ocean.
- There are no records of trails running through the Ahukini Makai Subdivision project area.
- o There are no known religious practices taking place within the project site.
- There are no known pre-contact cultural or historic sites or resources located within the Project Site.
- o There are no known burials within the Project Area.

The analysis also discussed concerns regarding the indirect adverse impacts to the 'āina, wai, and kai of Hanamā'ulu by project-related erosion or wastewater management. As discussed in the analysis, the County of Kaua'i has a drainage policy that applies to development projects. A drainage report was prepared for this project and approved by the County of Kaua'i. Based on the proposed grading and drainage improvement designs, the post-development drainage conditions will be less than the pre-development drainage conditions.

Recommendation

Following the evaluation and conclusion outlined above, the department maintains its recommendation of Final Subdivision Map Approval for Subdivision Application No. S-2005-41, as recommended at the Planning Commission Meeting held on May 9, 2023.

for Director of Planning

S-2005-41; Supplement Report #1 to Subdivision Report Visionary, LLC. 01.09.2024 **2** | P a g e

Exhibit 'A'

(Ka Pa'akai O Ka'aina Analysis)



LETTER OF TRANSMITTAL

Date: December 6, 2023

To: Kenny Estes Staff Planner Planning Department County of Kauai 4444 Rice Street, Suite A473 Lihue, HI 96766 23 DEC -6 P2:20 PLANNING DEPT

Re: TMK (4) 3-6-002:001, 017 and 027 TMK (4) 3-7-001:001 and (4) 3-7-002:012 TMK (4) 3-7-002:001

We are sending you (X) enclosed () under separate cover, the following:

Copies of Final Ka Pa`akai Analysis Covering: Wailani Subdivision Project Ahukini Mauka Subdivision Project Ahukini Makai Subdivision Project

- (X) For your information
 () For your files
 () For review and comment
 () For correction
 () For distribution
 () Per your request
 () Per our agreement
 () Per our conversation
 () Approved
-) Approved as noted
-) Disapproved
- () For payment

- () For necessary action
 - For signature in BLACK INK & RETURN
- () For signature in BLACK INK and FORWARD TO:
 - For filing or recording
 Checks enclosed to cover filing or recording fee

(X) See remarks below

REMARKS: Enclosed are copies of the Final Ka Pa`akai Analysis for the above-referenced project sites. Should you have any questions, please feel free to contact me at 808-245-3775.

()

By:

David Hinazumi Senior Vice President

Encl.

Final

Ka Pa'akai Analysis for the Ahukini Makai Subdivision Project, Hanamā'ulu Ahupua'a, Līhu'e District, Kaua'i TMK: (4) 3-7-002:001

Prepared for Visionary LLC

Prepared by Kellen Tanaka, B.A., David W. Shideler, M.A., and Hallett H. Hammatt, Ph.D.

Cultural Surveys Hawai'i, Inc. Kailua, Hawai'i (Job Code: HANAMAULU 15)

December 2023

www.culturalsurveys.com

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Oʻahu Office
P.O. Box 1114
Kailua, Hawai'i 96734
Ph.: (808) 262-9972
Fax: (808) 262-4950

Maui Office 1860 Main St. Wailuku, Hawai'i 96793 Ph.: (808) 242-9882 Fax: (808) 244-1994

Management Summary

Reference	Ka Pa'akai Analysis for the Ahukini Makai Subdivision Project,
	Hanamā'ulu Ahupua'a, Līhu'e District, Kaua'i, TMK: (4) 3-7-002:001 (Tanaka et al. 2023)
Date	December 2023
Project Number(s)	Cultural Surveys Hawai'i, Inc. (CSH) Job Code: HANAMAULU 15
Agencies	County of Kaua'i Department of Planning
Land Jurisdiction	Private, Visionary LLC
Project Location	The Ahukini Makai Subdivision is proposed on a 171.869-acre (69.4- hectare) TMK (4) 3-7-002:001 parcel of fallow, former sugarcane land in <i>makai</i> (seaward) Hanamā'ulu Ahupua'a on southeast Kaua'i just southwest of Hanamā'ulu Bay and approximately 2.0 km northeast of the county capital, Līhu'e. On the northwest side the proposed Ahukini Makai Subdivision is bounded by Kapule Highway and is roughly bounded on the southeast side by Ahukini Road which also bounds the south side. The north side is effectively bounded by deeply dissected Hanamā'ulu Valley. The project area is depicted on a portion of the 1996 Lihue and Kapaa U.S. Geological Survey (USGS) 7.5-minute topographic quadrangles (Figure 1) as well as several other maps and aerial photographs. An approximately 32.84 acre (13.29 hectare) Remainder of parcel 001 will not be developed but will remain in conservation (see Ahukini Makai Subdivision map, Figure 4).
Project Description	Visionary LLC is proposing to construct industrial lots and supporting infrastructure for an Ahukini Makai Subdivision. A subdivision map is provided (Figure 5). Development will involve grading and excavation for utilities, roads, industrial sites, and landscaping.
Project Acreage	Approximately 170 acres
Document Purpose and Regulatory Context	The Kaua'i County Planning Department has indicated a need for Ka Pa'akai Assessment studies to attend applications for Planning Department processing. The Planning Department has kindly supplied a Kaua'i Planning Department Worksheet for Ka Pa'akai Assessment which is regarded here as the guiding document.
	The purpose of the present Ka Pa'akai Analysis and Assessment is to assist the client and the Kaua'i Planning Department in their effort to 1) ensure the applicant has sufficiently assessed that the proposed project/action will not harm traditional and customary practices exercised by Native Hawaiians; and 2) to provide sufficient documentation to support the applicant's assessment.
	This work is designed to address the letter and spirit of the following:

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	 Ka Pa'akai O Ka'aina v. Land Use Commission (94 Hawai'i 31), in which the Hawai'i Supreme Court established a three-part analytical framework to assist the state and counties in fulfilling their constitutional obligation to preserve and protect traditional and customary practices (TCP ["TCP" is used here as it is used in the Kaua'i Planning Department Worksheet for Ka Pa'akai Assessment to refer to "traditional and customary practices]) exercised by Native Hawaiians, to the extent feasible, and The mandate set forth by the Hawai'i State Constitution (Articles IX and XII), courts, Hawai'i Revised Statutes (HRS), and Hawai'i Administrative Rules (HAR) and other Hawai'i State laws requiring government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups.
Results of Background	Background research for this study yielded the following results, presented in approximate chronological order:
Research	 The original <i>moku</i> (district) for the study area covered in this report was Puna, which means "spring of water." Līhu'e (literally translated as "cold chill;" Pukui et al. 1974:132) became the modern political name for the traditional <i>moku</i> of Puna. According to Ethel Damon (1931:402), the name Līhu'e was first applied to this area by Kaikio'ewa, Governor of Kaua'i in the 1830s, perhaps after Kaikio'ewa's upcountry residence on the island. This late derivation of the name has been recently disputed (Griffin 2012:46). The project area is in the <i>ahupua'a</i> (traditional land division usually extending from the mountains to the sea) of Hanamā'ulu. The <i>ahupua'a</i> name means "tired (as from walking) bay" (Pukui et al. 1974:41). Wichman (1998:61) relates that Hanamā'ulu Bay was given this name because it was "off the main around-the-island trail and a traveler had to walk extra miles to get there." Very little is documented regarding traditional settlement patterns at Hanamā'ulu prior to the documentation of native tenant claims following the Māhele land division of 1848. A few authors that have attempted historical study of the <i>ahupua'a</i> (Kalima and Wong Smith in Corbin et al. 2002:B-1 through B-12, Creed 2006:6-28) are easily distracted by the wealth of data pertaining to Wailua Ahupua'a up the coast. "Few sources refer specifically to Hanamā'ulu and the information contained in them is general in nature" (Kalima and Wong Smith in Corbin et al. 2002:B-1). There are relatively few <i>ka'ao</i> or legends pertaining to Hanamā'ulu and the references in most accounts like that of the volcano goddess Pele, her lover Lohi'au, and the cultural hero Kawelo are somewhat in passing. The suggestion of inhospitality

 at Hanamā'ulu recorded by Rice ("Lohiau found all the houses but one closed" [Rice 1923:16]) is reminiscent of the Hawaiian proverb <i>No Hanamā'ulu</i> kaj pupuhu, or "the quickly emptied container belongs to Hanamā'ulu were often bare—a plausible reason for the local residents to be stingy. The Wichman (1998:60–61) account of the Hanamā'ulu were often bare—a plausible reason for the local residents to be stingy. The Wichman (1998:60–61) account of the Hanamā'ulu were often bare—a plausible reason for the local residents to be stingy. The Wichman (1998:60–61) account of the Hanamā'ulu were often bare—a plausible reason for the local residents to be stingy. The Wichman (1998:60–61) account of the Hanamā'ulu people being known as miserly is notable. 5. In pre-Contact and early historic times, the <i>ahupua'a</i> of Hanamā'ulu was permanently inhabited and intensively used with traditional taro growing and fishing and a dispersed hamlet of thatched houses in the <i>makai</i> portion of Hanamā'ulu valley. The characterization of the surrounding coastal plateau land (Figure 8) as "grassy land with volcanic boulders here and there" and the relatively low coastal rainfall help us understand why our accounts of traditional Hawaiian habitation and agriculture were almost exclusively in the <i>makai</i> portion of Hanamā'ulu valley. The existence of a "village" in the uplands of Hanamā'ulu valley. The existence of a "village" in the uplands of Hanamā'ulu valley and settlement. 6. The relative absence of early identified archaeological sites (Bennett mentions two, one shared with Wailua Ahupua'a) suggests a general absence of intensive traditional Hawaiian activity outside of Hanamā'ulu valley. Bennett's reference to his Site 103 dune burials may indicate a normative burial practice in coastal sands to north. 7. Victoria Kamāmalu was awarded the <i>ahupua'a</i> of Hanamā'ulu (and Kalapakī) under Land Commission Award (LCA) 7713:2. The Victoria Kamāmalu was awarded the <i>ahupua'a</i> of Hanamā'ulu (and Kalapakī) un
997 mm (39.3 inches) at the neighboring coastal Libue Airport
997 mm (39.3 inches) at the neighboring coastal Lihue Airport Station (which is suggested as marginal for non-irrigated agriculture) to 2,490 mm (98.0 inches) per year at the Kukaua Station on Kilohana Crater (Giambelluca et al. 2013) suggests

	 upland activities would have most likely been significantly inland where the rainfall could support a more diverse biome. 9. Following the death of Victoria Kamāmalu in 1866, her 9,177 acres in Hanamā'ulu (according to the acre number in the Mähele award) were purchased in 1870 by Paul Isenberg (manager of Lihue Plantation from 1862–1878), which he established as a separate company, the Hanamaulu Plantation. 10. While it is unclear when most of the coastal table lands of Hanamā'ulu were developed in sugarcane, it appears to have been well before 1900. Historic maps and aerial photographs from 1900 (Figure 10), 1906 (Figure 11), 1910 (Figure 12), 1924 (Figure 13), 1941 (Figure 14), 1950 (Figure 15), 1959 (Figure 16), and 1965 (Figure 18) show the project area in a dense sea of sugarcane subject to re-plowing after each harvest. This is believed to have existed until close to 17 November 2000 when Lihue Plantation ceased operations. 11. A State Historic Preservation Division (SHPD) <i>§6E-42 Historic Preservation Review</i> dated 28 September 2018 (Log No. 2017.02067, Doc. No. 1809GC15) renders a determination of "no historic properties affected" for the Ahukini Makai Subdivision based largely on the Franklin and Walker (1994) archaeological inventory survey. The Ahukini Makai Subdivision lands were also subject to study in the Creed et al. (2006) archaeological linentory survey. No historic properties have been identified on the <i>makai</i> table lands of Hanamā'ulu south of Hanamā'ulu stream valley. About 250 m to the northwest of the groject area is a site (State Inventory of Historic Places [SIHP] # 50-30-11-01847) designating approximately 53.0 acres of the flat, level Hanamā'ulu valley floor as a prehistoric agricultural historic property (Walker et al. 1991:A-6). This does serve to highlight that the area of LCAs on the valley floor is also likely to be relatively rich in archaeological rosonces. Kikuchi and Remoaldo (1992:76) indicate the location of a cemetery designated SIHP #
Results of Community Consultation	In most cases, two or three attempts were made to contact individuals, organizations, and agencies. Community outreach letters were sent to 37 individuals or groups; ten responded, two provided written testimony,
consumation	

	and two of these <i>kama 'āina</i> (native born) and/or <i>kūpuna</i> (elders) met with CSH for more in-depth interviews. Some concerned parties are opposed to development with little specificity regarding the nature of adverse impacts tied to a specific geographic area or specific project. While one might question whether a categorical opposition to development on Kaua'i falls within a Ka Pa'akai analysis that attempts to identify specific adverse impacts to traditional Hawaiian cultural practices by a specific project it should be stated that some Native Hawaiian parties absolutely see development as an adverse impact to traditional Hawaiian cultural practices. The testimony of Kimo and Kaniela Kaleikaumaka Matsushima was particularly compelling due to their family's indicated very long-standing involvement in Hanamā'ulu and very long history of involvement in traditional Hawaiian subsistence practices (see Section 7.5 and Appendix C). Kimo Matsushima expressed concerns for human burials he believes are present in the steep slope going down to the beach in the Ahukini Makai Subdivision project area.
Identification of Cultural Practices	The testimony of Kimo and Kaniela Kaleikaumaka Matsushima was particularly compelling due to their family's indicated very long- standing involvement in Hanamā'ulu and very long history of involvement in traditional Hawaiian subsistence practices of <i>mahi'ai</i> (farming) and <i>lawai'a</i> (fishing) drawing upon the resources of the ' <i>āina</i> (land), <i>wai</i> (freshwater) and <i>kai</i> (seas) of Hanamā'ulu and adjacent lands (see Section 7.5 and Appendix C).
Identification of Impacts to Cultural Practices	Kaniela Kaleikaumaka Matsushima writes of ongoing adverse impacts to traditional Hawaiian practices and expresses his confidence that further development will make matters worse. The reader is referred to his verbatim testimony in Appendix C but concerns are expressed for the exacerbation of rain-induced erosion and trash polluting the valley and adversely impacting the plants and animals of the valley used for traditional Hawaiian subsistence, the exacerbation of pollution of the Hanamā'ulu Stream and its plants and animals used for traditional Hawaiian subsistence, sewage flooding the valley and the river causing a lot of harm to not only humans, but also to their livestock, crops, and the wildlife that call the valley home including many <i>maoli holoholona</i> (native animals including endangered species) that live in the valley like the <i>pua'a</i> (pigs), <i>'alae 'ula</i> (Hawaiian gallinule), <i>ae 'o</i> (Hawaiian stilts), <i>kõloa maoli</i> (native ducks), <i>auku 'u</i> (black crowned night herons), <i>nēnē</i> (Hawaiian goose), <i>koa'e kea</i> (white tailed tropic birds), <i>pinao</i> (native dragon flies), <i>'o 'opu</i> (native gobies) and many more; and pollution of coastal waters leading to a decrease in the availability of fishes and other seafood including <i>'opihi</i> (limpets) and <i>limu</i> (seaweed) and even endangering safe swimming.

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A related, but somewhat separate issue is that adverse impacts to marine resources also adversely affect 'aumakua (family or personal god) species such as honu (turtles) and $h\bar{n}h\bar{n}manu$ (eagle rays).
While Mr. Matsushima acknowledges he is addressing existing, unaddressed problems, his concern is that development will only compound this burden on the 'āina, wai, and kai of Hanamā'ulu and neighboring lands.
Kimo Matsushima also expressed concern regarding increased runoff polluting the waters of Hanamā'ulu Stream and Hanamā'ulu Bay. He discussed how the conditions of Hanamā'ulu Stream and Hanamā'ulu Bay have changed over the years. When he was growing up, the pollution from runoff was not as bad and the water in Hanamā'ulu Bay was clean. He noted that from the 1990s to the present, pollution from runoff has caused the water in the bay to become murky, sometimes even looking like chocolate.
He recalled catching fish and crabs in Hanamā'ulu Bay and setting up prawn traps in Hanamā'ulu Stream. He stated he is still able to catch crabs in Hanamā'ulu Bay, however, he noted he must filter out the pollution before it is safe to eat. He also mentioned there are still prawns in Hanamā'ulu Stream, but not as much as in the "good old days."
Kimo Matsushima stated runoff from the existing Hanamā'ulu Subdivision has negatively impacted the quality of water in the stream and bay. From his farm, which is located on both sides of Hanamā'ulu Stream, he has observed the impacts of runoff to the health of the stream as well as fish and other animals who use the stream. He noted that following heavy rainfall, the water in Hanamā'ulu Stream and Hanamā'ulu Bay is very dirty. He has observed prawns and mud turtles resting on the banks of the stream to avoid the polluted water following heavy rain. He also pointed out Hanamā'ulu Stream is located in the flood zone and following heavy rain, runoff drains into the stream and right into the pasture where his cattle and goats feed. This runoff carries debris he and his 'ohana must clean. He also mentioned sewage spills at the Kapaia Sewage Pump Station occur often causing sewage to enter into Hanamā'ulu Stream that eventually flows into Hanamā'ulu Bay.
Mr. Kimo Matsushima mentioned there are <i>iwi kūpuna</i> in the slope going to the beach in the Ahukini Makai project area. He also mentioned there are <i>iwi kūpuna</i> in Hanamā'ulu Valley whose locations are marked by rocks.
Ms. Kanani Fu shared her concerns regarding the quality of <i>wai</i> (water) in Hanamā'ulu Ahupua'a. She described the drastic changes to the water quality of Hanamā'ulu Stream and Hanamā'ulu Bay she has observed over the years. Before she left for boarding school around 1990, the

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	water was clear and when she returned to Kaua'i around the year 2000, she noticed a distinct difference in color due to pollution. She also observed changes in the quality and quantity of fish in the bay.
	Ms. Fu would like to see a balance between progress and honoring what Kaua'i is. She emphasized that Hanamā'ulu is one of those things that should be honored. She would like the quality and abundance of the <i>wai</i> restored in perpetuity so resources that were once abundant within Hanamā'ulu Stream and Hanamā'ulu Bay can be replenished.
	Ms. Fu is optimistic damage to the quality of <i>wai</i> can be reversed. She believes cultural resources associated with the Hanamā'ulu Stream and Hanamā'ulu Bay still exist and can be restored with proper management. She noted that as part of the entitlement process, it is the landowner's obligation to mitigate potential negative impacts to Hanamā'ulu Stream and Hanamā'ulu Bay. She pointed out that Grove Farm has developed a management plan that calls for a biological monitoring program of the water quality within Hanamā'ulu Stream and Hanamā'ulu Bay which just needs to be implemented.
Mitigation Possibilities Identified During Background Research and Consultation	This is a somewhat unusual case in that testimony clearly identifies existing adverse impacts to traditional cultural practices of long duration (going back more than 50 years). There is independent support for this, in particular in that "the beach at Hanamā'ulu was closed for public use due to the high bacterial pollution levels in the nearshore waters and in the adjoining stream" from 1972 to 1974 (Clark 1990:6).
	For starters, mitigation would seem to be to ensure that any development projects do not make matters worse, minimally by ensuring best management practices.
	It is suggested that appropriate mitigation should aim not for maintaining the status quo of traditional and customary practices, but for net improvement. Given that the county and state are likely to experience financial gain from taxes from any development projects, it seems germane to suggest the county's duty in "fulfilling their constitutional obligation to preserve and protect traditional and customary practices" (Kaua'i Planning Department Worksheet for Ka Pa'akai Assessment) includes addressing what would appear to be an unacceptable history of adverse impact to traditional and customary practices that has existed for at least 50 years.
	The identification of sources of the existing adverse impact to traditional and customary practices is beyond the scope of this study (although identification of the nature and extent of existing pollution sources might be a first step of mitigation). Sources of existing pollution to be addressed and mitigated may include surface run-off into Hanamā'ulu valley, trash disposal management, the existing sewerage system in the

	Hanamā'ulu watershed, existing septic tanks, "fecal matter from pasture animals in the upper valley and from the piggeries in upper Kapaia" (Clark 1990:6)
	It is understandable that many Native Hawaiians of Kaua'i feel development will only compound the existing burden to the 'āina, wai and kai. It is to be hoped that proper county management and mitigation associated with development projects could result in a net improvement to the 'āina, wai, and kai and traditional and customary practices and result in a win-win situation.
Ka Pa'akai Analysis	In <u>Ka Pa'akai vs Land Use Commission</u> , 94 Hawai'i (2000) the Court held the following analysis must also be conducted:
	 The identity and scope of valued cultural, historical, or natural resources in the project area, including the extent to which traditional and customary native Hawaiian rights are exercised in the project area; The extent to which those resources—including traditional and customary native Hawaiian rights—will be affected or impaired by the proposed action; and The feasible action, if any, to be taken by the LUC to reasonably protect native Hawaiian Rights if they are found to exist. Based on information gathered from the cultural and historical background and community consultation for this project, the only culturally significant resources identified within the project area per se are human burials. Mr. Kimo Matsushima mentioned there are <i>iwi</i> <i>kūpuna</i> in the slope going to the beach in the Ahukini Makai project area. No development will occur in this area and thus there will be no
	disturbance of human burials. At present, no documentation or testimony indicates traditional or customary Native Hawaiian rights are currently being exercised "for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778" (Hawai'i State Constitution, Article XII, Section 7) within the project area per se. While no cultural resources, practices, or beliefs were identified as currently existing within the project area, Hanamā'ulu Ahupua'a maintains a rich cultural history in the exercise of traditional or customary Native Hawaiian rights within the project <i>ahupua'a</i> .
	Given the location well back from the coast, with no notable landforms in the vicinity, the relatively low rainfall, the absence of potable water, the prior land history of intensive sugarcane cultivation with frequent plowing of the entire project area and the prevailing vegetation regime

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	dominated by a mat of exotic grasses, it is concluded that no traditional and customary Native Hawaiian resources will be affected by the proposed action within the specific project area.
	Concerns have also been expressed in the testimony of Kaniela Kaleikaumaka Matsushima (see present Appendix C) that the development of the proposed Ahukini Makai Subdivision project area (and/or the development of the proposed Ahukini Mauka and Wailani subdivisions) will have deleterious impacts to subsistence fishing and gathering along Hanamā'ulu Stream, in Hanamā'ulu Bay, and along the adjacent coasts of Kalapakī and Hanamā'ulu. In addition to adverse impacts to subsistence practices, additional degradation of the coastal environment is suggested to have a potential adverse impact on ' <i>aumakua</i> species such as <i>honu</i> and <i>hīhīmanu</i> .
	Kimo Matsushima also expressed concern regarding potential impacts to the waters of Hanamā'ulu Stream and Hanamā'ulu Bay due to increased runoff from the proposed Ahukini Makai Subdivision project area (and/or the development of the proposed Ahukini Mauka and Wailani subdivisions). He pointed out Hanamā'ulu Stream is located in the flood zone and following heavy rain, runoff drains into the stream and right into the pasture where his cattle and goats feed. He also mentioned sewage spills at the Kapaia Sewage Pump Station occur often causing sewage to enter into Hanamā'ulu Stream that eventually flows into Hanamā'ulu Bay. The County of Kaua'i has a drainage policy that applies to development projects. A drainage report was prepared for this project and approved by the County of Kaua'i. Based on the proposed grading and drainage improvement designs, the post-development drainage conditions will be less than the pre-development drainage conditions.
	Kanani Fu also shared her concerns regarding the quality of <i>wai</i> in Hanamā'ulu Ahupua'a. She described the drastic changes to the water quality of Hanamā'ulu Stream and Hanamā'ulu Bay she has observed over the years. She also observed changes in the quality and quantity of fish in the bay.
	Ms. Fu would like the quality and abundance of the <i>wai</i> restored in perpetuity so cultural resources that were once abundant within Hanamā'ulu Stream and Hanamā'ulu Bay can be replenished. She believes cultural resources associated with the Hanamā'ulu Stream and Hanamā'ulu Bay still exist and can be restored with proper management. She noted that as part of the entitlement process, it is the landowner's obligation to mitigate potential negative impacts to Hanamā'ulu Stream and Hanamā'ulu Bay. She pointed out Grove Farm has developed a management plan that calls for a biological monitoring program of the

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water quality within Hanamāʻulu Stream and Hanamāʻulu Bay which just needs to be implemented.
An evaluation of the secondary, and/or cumulative impacts of development on Kānaka Maoli (Native Hawaiian) subsistence fishing and gathering along Hanamā'ulu Stream, in Hanamā'ulu Bay, and along the adjacent coasts of Kalapakī and Hanamā'ulu is beyond the scope of the present study. Kaniela Matsushima makes a compelling case that the status quo of Kaua'i County actions and inactions adversely impact subsistence practices and <i>'aumakua</i> species at present (and of long standing). Appropriate mitigation may include dedication of any enhanced county tax resources to addressing the present and long
standing adverse impacts of county actions and inactions to these subsistence practices.

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Section 1 Introduction

1.1 Project Description

Visionary LLC is proposing to construct industrial lots and supporting infrastructure for an Ahukini Makai Subdivision on a 171.869-acre (69.4-hectare) TMK (4) 3-7-002:001 parcel of fallow, former sugarcane land in *makai* Hanamā'ulu Ahupua'a on southeast Kaua'i just southwest of Hanamā'ulu Bay and approximately 2.0 km northeast of the county capital, Līhu'e. On the northwest side the proposed Ahukini Makai Subdivision is bounded by Kapule Highway and is roughly bounded on the southeast side by Ahukini Road which also bounds the south side. The north side is effectively bounded by deeply dissected Hanamā'ulu Valley. The project area is depicted on a portion of the 1996 Lihue and Kapaa U.S. Geological Survey (USGS) 7.5-minute topographic quadrangles (Figure 1), a tax map plat (Figure 2), a 2013 aerial photograph (Figure 3), and client's subdivision maps (Figure 4 and Figure 5). It should be noted that the "Remainder of Parcel 1 (32.837 acres, TMK 3-7-002:001por)" in the northeast (coastal) area is not part of the development project and is to remain in conservation.

At the request of Visionary LLC, Cultural Surveys Hawai'i, Inc. (CSH) has prepared this Ka Pa'akai Analysis study to address any concerns of the Kaua'i County Planning Department within the regulatory context discussed below, as well as to address any possible concerns of Native Hawaiian Organizations.

1.2 Regulatory Context

The Kaua'i County Planning Department has indicated a need for Ka Pa'akai Assessment studies to attend applications for Planning Department processing. The Planning Department has kindly supplied a Kaua'i Planning Department Worksheet for Ka Pa'akai Assessment which is regarded here as the guiding document (text supplied below). We have added (in bold and italics) after each subheading where in the present study the point has been addressed:

Kaua'i Planning Department Worksheet for Ka Pa'akai Assessment

In Ka Pa'akai O Ka'aina v. Land Use Commission (94 Hawai'i 31), the Hawai'i Supreme Court established a three-part analytical framework to assist the State and Counties in fulfilling their constitutional obligation to preserve and protect traditional and customary practices (TCP ["TCP" is used here as it is used in the *Kaua'i Planning Department Worksheet for Ka Pa'akai Assessment* to refer to "traditional and customary practices"]) exercised by Native Hawaiians, to the extent feasible. The analytical framework was developed to assist with balancing both the rights of Native Hawaiians to exercise their TCPs, and the private landowners.

Before determining an application is complete for processing, the Planning Department will review the application to ensure: 1) the applicant has sufficiently assessed that the proposed project/action will not harm TCP rights exercised by Native Hawaiians; and 2) the applicant has provided sufficient documentation to support its assessment. The applicant's documentation should provide sufficient information for the Planning Department to apply the Ka Pa'akai 3-step analytical framework as set forth below.

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Introduction

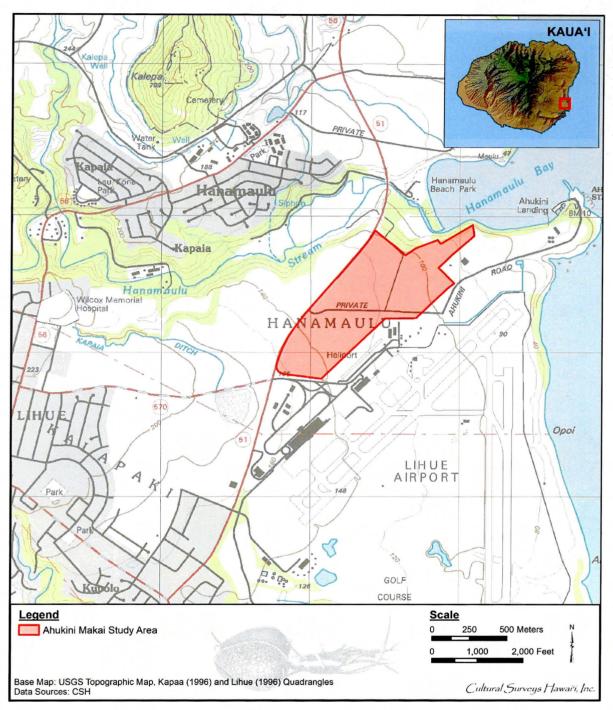


Figure 1. Portions of the 1996 Lihue and Kapaa USGS 7.5-minute topographic quadrangles showing the location of the project area

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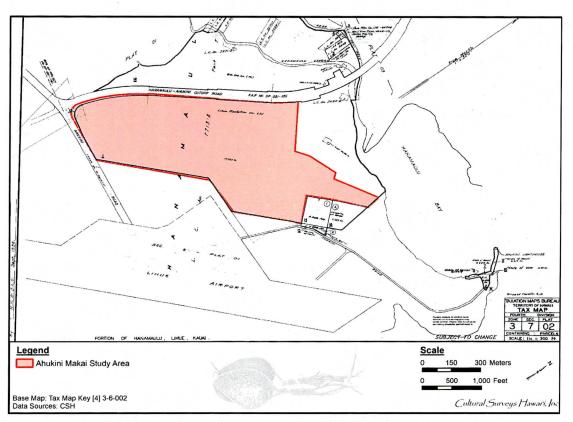


Figure 2. Tax Map Key (TMK) [4] 3-7-002 showing the project area (Hawai'i TMK Service 2014)

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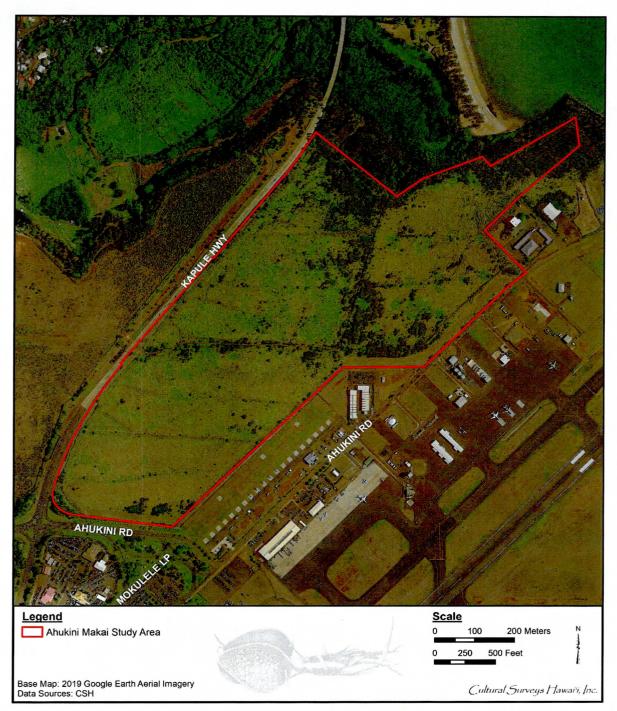


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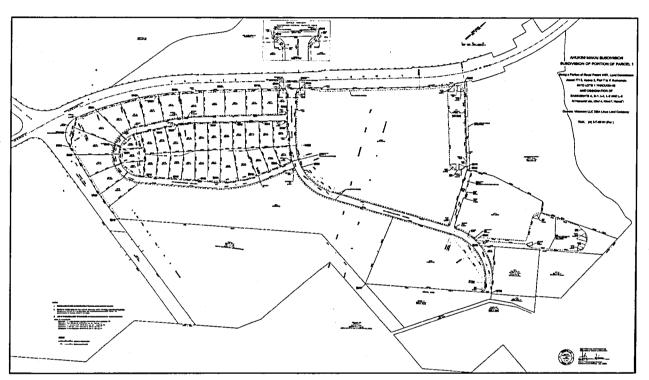


Figure 4. Ahukini Makai Subdivision map (courtesy of client), note the "Remainder of Parcel 1 (32.837 acres, TMK 3-7-002:por)" in the northeast (coastal) area is not part of the development project and is to remain in conservation

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Figure 5. Ahukini Makai Subdivision map superimposed on a contemporary aerial photograph (courtesy of client)

1. Identify whether any valued cultural, historical, or natural resources are present within the project area, and identify the extent to which Native Hawaiian TCP rights are exercised.

Depending on the project, the applicant's documentation may include but not be limited to the following information and documentation:

a. A detailed map of the project area

The map shall include any proposed development in relation to the *ahupua'a*. This includes land commission awards (LCA), *kuleana* [native tenant land rights] lands (including *kama'āina* testimony during the Commission to Quiet Land Titles hearing), trails (within the *ahupua'a* and lateral to the *ahupua'a*), streams, shoreline. *[We have included overlays of the project area on 20 maps and aerial photographs to better analyze and present the history of traditional cultural practices in the project area and ahupua'a.]*

- b. **Cultural consultation** with families, Native Hawaiian Organizations, Office of Hawaiian Affairs, and the Aha Moku Advisory Council who may have a relationship or knowledge of the *ahupua* 'a and specific project area, including TCP of gathering, hunting, religious ceremonies, etc. [Cultural consultation outreach to 37 parties is summarized in Section 6 and Section 7.]
- c. Summary of community outreach if any, that may include community concerns, especially from Native Hawaiians, about destruction of resources, denial of access, etc. [The cultural consultation outreach and responses are summarized in Section 6.]
- d. Archaeological Inventory Survey that includes the names of LC Awardees and kuleana awardees to identify potential descendants of the ahupua'a, archival research of previous archaeological studies, including the mo'olelo (stories) of the ahupua'a and adjacent areas, cultural consultations, etc., identification of known cultural and historic resources, including burials, heiau [pre-Christian place of worship], cemeteries, lo'i kalo [irrigated taro patch] terraces, etc.; and history of the land uses from pre-contact to present, including agricultural uses, grading and grubbing, habitation, vacant lands, etc. [The findings of the archaeological inventory survey and other archaeological studies are presented in Section 5 of this study. An SHPD Chapter 6E-42 Historic Preservation Review dated 28 September 2018 (Log No. 2017.02067, Doc. No. 1809GC15, renders a determination of "no historic properties affected" for the Ahukini Makai Subdivision based largely on the Franklin and Walker 1994 archaeological inventory survey. Additional information on the history of land use in Hanamā'ulu Ahupua'a is provided in Section 4.]
- e. **Cultural Impact Assessment** that includes ethnographic interviews, identification of cultural, historic, and natural resources and TCP. *[Findings* on the cultural history of Hanamā'ulu and the Ahukini Makai Subdivision in particular are summarized in Section 7 and Section 8.]

Ka Pa'akai Analysis for the Ahukini Makai Subdivision Project, Hanamā'ulu, Līhu'e, Kaua'i TMK: (4) 3-7-002:001

- f. Environmental Studies that include botany studies about potential native plants, and other relevant information [It is understood a compendium of environmental studies is being produced under other covers.]
- 2. Determine the extent to which the identified resources and rights will be affected or impaired by the proposed project. This will be case-by-case depending on the facts, but consider the following:
- a. Overlay the known trails, access, sensitive areas, historic sites, cultural sites (including burials), LCAs, etc. over the proposed project, including installation of utilities, to determine the proposed project's potential impacts to the valued cultural, historic, and natural resources; [The relationship of identified resources and rights to the project area are summarized in Section 8 and Section 9.] and
- b. Information in the material provided by the applicant or during the public meetings or hearings from *ahupua'a* descendants or members of the community regarding potential impacts. [Addressed in Section 9]
- 3. Specify any feasible action, if any, to be taken to reasonably protect Native Hawaiian rights if they are found to exist, either currently or possibly in the past. This will be case-by-case depending on the facts, but consider the following:
- a. Information in the material provided by the applicant or during the public meetings or hearings from *ahupua'a* descendants or members of the community regarding any feasible action to preferably avoid impacts, and if avoidance is not possible then potential mitigation measures; [Addressed in Section 9] and
- b. Consider a condition that Cultural Descendants who have traditionally and customarily fished, hunted, or gathered in the area shall have right to access the subject property to fish, hunt, or gather, and they shall coordinate access with the landowner in advance, and this right shall run with the land. [Addressed in Section 9]

1.3 Document Purpose

The purpose of the present Ka Pa'akai Analysis and Assessment is to assist the client and the Kaua'i Planning Department in their effort to 1) ensure the applicant has sufficiently assessed that the proposed project/action will not harm traditional and customary practices exercised by Native Hawaiians; and 2) to provide sufficient documentation to support the applicant's assessment.

This work is being carried out to address the letter and spirit of the following:

• Ka Pa'akai O Ka'aina v. Land Use Commission (94 Hawai'i 31), in which the Hawai'i Supreme Court established a three-part analytical framework to assist the state and counties in fulfilling their constitutional obligation to preserve and protect traditional and customary practices exercised by Native Hawaiians, to the extent feasible, and

• The mandate set forth by the Hawai'i State Constitution (Articles IX and XII), courts, Hawai'i Revised Statutes (HRS), and Hawai'i Administrative Rules (HAR) and other Hawai'i State laws requiring government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups.

1.4 Natural Environment

The Ahukini Makai project area is located in Hanamā'ulu Ahupua'a with the northeast corner adjacent to the cliffs of southwest Hanamā'ulu Bay and the project area extending to the southwest. The project area is on a gently sloping plateau rising from approximately 80 feet (ft) above mean sea level at the northeast corner to approximately 170-ft elevation at the southwest corner.

1.4.1 Ka Lepo (Soils)

The project area is almost entirely on Lihue silty clay, 0 to 8% slope soils (LhB) with very small areas of Rough broken land (rRR) in the extreme northwest side and a small area of Koloa silty clay, 15 to 25% slope soils (KvD) in the extreme northeast corner (Figure 6).

Lihue Series soils are described as follows:

[...] well-drained soils on uplands on the island of Kauai. These soils developed in material weathered from basic igneous rock. They are gently sloping to steep. Elevations range from nearly sea level to 800 feet. [...] These soils are used for irrigated sugarcane, pineapple, pasture, truck crops, orchards, wildlife habitat, woodland, and homesites. The natural vegetation consists of lantana, guava, koa haole, joee, kikuyugrass, molassesgrass, guineagrass, bermudagrass, and Java plum. [Foote et al. 1973:82]

LhB soils are further described as, "This soil is on the tops of broad interfluves in the uplands.[...] Permeability is moderately rapid. Runoff is slow, and the erosion hazard is no more than slight" (Foote et al. 1973:82).

Rough broken land (rRR) is described as follows:

Rough broken land (rRR) consists of very steep land broken by numerous intermittent drainage channels. In most places it is not stony. It occurs in gulches and on mountainsides on all the Islands except Oahu. The slope is 40 to 70 percent. Elevations range from nearly sea level to about 8,000 feet. The local relief is generally between 25 and 500 feet. Runoff is rapid, and geologic erosion is active. The annual rainfall amounts to 25 to more than 200 inches.

These soils are variable. They are 20 to more than 60 inches deep over soft, weathered rock. In most places some weathered rock fragments are mixed with the soil material. Small areas of rock outcrop, stones, and soil slips are common. Included in mapping were areas of colluvium and alluvium along gulch bottoms.

This land type is used primarily for watershed and wildlife habitat. In places it is used also for pasture and woodland. The dominant natural vegetation in the drier areas consists of guava, lantana, Natal redtop, bermudagrass, koa haole, and molassesgrass. Ohia, kukui, koa, and ferns are dominant in the wetter areas. Puakeawe, aalii, and sweet vernalgrass are common at the higher elevations. [Foote et al. 1973:119]

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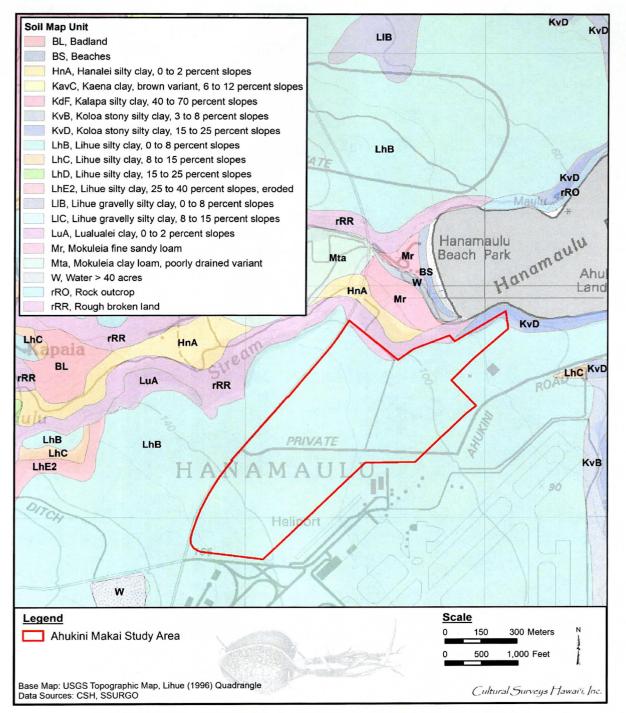


Figure 6. Overlay of *Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii* (Foote et al. 1972) on a 1996 Lihue USGS topographic quadrangle, indicating soil types within and surrounding the project area (USDA SSURGO 2001)

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Koloa Series soils are described as follows:

[...] well-drained soils on slopes of old volcanic vents and upland ridges on the island of Kauai These soils are underlain by hard rock at a depth of 20 to 40 inches. They developed in material weathered from basic igneous rock. They are gently sloping to moderately steep. Elevations range from nearly sea level to 300 feet. [...] These soils are used for irrigated sugarcane. The natural vegetation is mainly koa haole. [Foote et al. 1973:74]

KvD soils are further described as, "On this soil, runoff is medium and the erosion hazard is moderate to severe" (Foote et al. 1973:75).

1.4.2 Ka Makani (Winds)

Makani is the general Hawaiian term for the wind. *A'e loa* is another of the Hawaiian names given to the prevailing northeasterly trade winds (Nakuina 1992:138) along with A'e (Pukui and Elbert 1986:3), Moa'e, and Moa'e Lehua (Pukui and Elbert 1986:249). In the traditional story *The Wind Gourd of La'amaomao*, Pāka'a and his son Kūapāka'a are descendants of the wind goddess La'amaomao whose traditional home was in a wooden calabash (bowl), a gourd that also contained all of the sacred winds of Hawai'i. La'amaomao controlled and called forth the winds by chanting their names (Nakuina 1992). The portion of Kūapāka'a's chant mentioning winds of the *moku* of Līhu'e is presented below:

Paupua is of Kipu,

Ala'oli is of Hule'ia,

Waikai is of Kalapaki,

Ka'ao is of Hanama'ulu,

Waipua'a'ala is the wind

That knocks down hale of Konolea,

Wai'opua is of Wailua,

[Nakuina 1992:53; see also Fornander 1918a:5:96–97]

In this chant, the wind of Hanamā'ulu is the $k\bar{a}$ 'ao. This term in relation to winds usually means "to be calm in one place while the wind blows in another; to be smooth, as the sea in a calm, but not a dead calm" (Kent 1986:439).

In an account of the volcano goddess Pele,

He Hoʻoluakoʻinehe ka makani o	The wind of Hanamā'ulu is a

Hanamā'ulu

Ho'oluako'inehe

[Ho'oulumāhiehie 2008a:18; 2008b:17 (discussed further below)]

The project area is situated near the southeast coast of Kaua'i, and is exposed to the prevailing northeast trade winds (generally from 10–20 miles per hour) understood as the Ka'ao wind.

1.4.3 Ka Ua (Rains)

Precipitation is a major component of the water cycle and is responsible for depositing *wai* on local flora. Pre-Contact *kānaka* (Native Hawaiians) recognized two distinct annual seasons. The first, known as *kau* (period of time, especially summer) lasts typically from May to October and is a season marked by a high-sun period corresponding to warmer temperatures and steady trade winds. The second season, *ho 'oilo* (winter, rainy season) continues through the end of the year from November to April and is a much cooler period when trade winds are less frequent, and widespread storms and rainfall become more common. Each small geographic area had a Hawaiian name for its own rains. According to Akana and Gonzalez (2015),

Rain names are a precious legacy from our kūpuna [elders] who were keen observers of the world around them and who had a nuanced understanding of the forces of nature. They knew that one place could have several types of rain, each distinct from the other. They knew when a particular rain would fall, its color, its duration, its intensity, its path, its sound, its scent, and its effect on the land and their lives [...] Rain names are a treasure of cultural, historical, and environmental information. [Akana and Gonzalez 2015:n.p.]

The *moku* of $L\bar{l}hu'e$ was no exception to the practice. Two rains were associated with $L\bar{l}hu'e$: the Pa'upili and the Kenikeni. Other rain names associated with the area include the 'Ala and the Lihau.

1.4.3.1 Pa'upili

In a textbook on Hawaiian language, *E Kama'ilio Hawai'i Kakou: Let's Speak Hawaiian*, Kahananui and Anthony describe the Pa'upili rain as "pili [grass] soaking." They noted that *"Līhu'e, Kaua'i, has a Pa'upili rain.*"

20. He ua Pa'upili (pili soaking) ko Līhu'e, Kaua'i. Līhu'e, Kaua'i, has a Pa'upili rain.

[Akana and Gonzalez 2015:226]

The Pa'upili rain is also mentioned in the *mele* (song) "Wailua alo lahilahi," also known as "Nani wale Līhu'e." The *mele* which is "credited by Lili'uokalani and Kapoli and by others to Leleiohoku and Mrs. Kamakua," describes Līhu'e as "*calm* [...] In the mist of the Pa'upili rain."

21. Nani wale Lĩhu'e i ka la'i

I ka noe a ka ua Pa'upiliī

So beautiful is Līhu'e in the calm

In the mist of the Pa'upili rain

[Akana and Gonzalez 2015:226]

In the *mele* "Maika'i Kaua'i," the Pa'upili rain is described as "drenching rain that clings to the house."

22. Ua nani wale 'o Līhu'e I ka ua Pa'upili hale I ka wai hu'ihu'i anu Kahi wai a'o Kemamo So very beautiful is Līhu'e In the drenching [Pa'upili] rain that clings to the house With the cold, refreshing waters From the springs of Kemamo [Akana and Gonzalez 2015:226]

1.4.3.2 Kenikeni

The Kenikeni rain of Līhu'e is mentioned in an obituary for Eda Kawaikauomaunahina Kalua.

1. E ka ua Kenikeni o Līhu'e, ua pau kou ho'opulu pē 'ana i ka 'ili o ku'u aloha.

O Kenikeni rain of Līhu'e, your drenching of my love's skin has ended.

From an obituary for Eda Kawaikauomaunahina Kalua. Hawaiian source: Kalua.

English trans. by author.

[Akana and Gonzalez 2015:77]

The Kenikeni rain is also mentioned in a *kanikau* (lament) which was also written in honor of Eda Kawaikauomaunahina Kalua.

2. Me ka ua Kenikeni o Līhu'e

E uē helu mai 'o Kaapuwai

With the Kenikeni rain of Līhu'e

Kaapuwai wails, recounting your deeds

[Akana and Gonzalez 2015:77]

The annual rainfall at the neighboring Lihue Airport Station is 997 mm (39.3 inches) (Giambelluca et al. 2013), suggested as marginal for non-irrigated agriculture. Rainfall increases rapidly to the northwest with elevation; Kukaua Station on Kilohana Crater reports 2,490 mm (98.0 inches) per year which is suggested as more than ample for non-irrigated agriculture.

1.4.4 Nā Kahawai (Streams)

The Līhu'e District is well-watered and is fed by six main water sources (following the DLNR Stream Summary 1993:23, from south to north), the Hulē'ia Stream, the Pū'ali Stream, the Nāwiliwili Stream, the Hanamā'ulu Stream, the small Kawailoa watercourse, and the Wailua River (with its many tributaries). The attractiveness of this region to the early Kaua'i residents is preserved in the following '*olelo no 'eau* (proverb):

He nani wale no o Puna mai 'o a 'o.

There is only beauty from one end of Puna to the other.

There is nothing to complain about—refers to Puna, Kaua'i. [Pukui 1983:91]

Hanamā'ulu Bay and Hanamā'ulu Valley on the immediate northside of the Ahukini Makai project area were formed by perennial Hanamā'ulu Stream which lies within 250 m of the northwest corner of the project area. On a four-point scale, Hanamā'ulu Stream is evaluated as at a one or "Limited" for "aquatic" and "cultural" resources but is ranked as a three or "Substantial" for "riparian" and "recreational" resources (State of Hawaii Commission on Water Resource Management and National Park Service Rivers Trails and Conservation Assistance Program 1993).

1.4.5 Lihikai ame ka Moana (Seashore and Ocean)

The major natural landform on the coast is Hanamā'ulu Bay with Hanamā'ulu Beach Park at the head of the bay.

The park is a popular picnic and camping site for local residents. The narrow sand beach that fronts the park slopes gently into a shallow, sandy sea bottom nearshore. Although the conditions seem ideal for swimming, the bay waters are usually murky and not particularly appealing for in-water activities. Hanamā'ulu Stream crosses the southern end of the beach, discharging its silt-laden waters into the bay. The ocean currents circulating in the inner bay areas are not strong enough to flush out the murky water, so it lingers at the park's shoreline.

During the early 1970s the water flowing in Hanamā'ulu Stream was not only dirty, but polluted as well. On June 9, 1972, the beach at Hanamā'ulu was closed for public use due to the high bacterial pollution levels in the nearshore waters and in the adjoining stream. The pollution came from fecal matter from pasture animals in the upper valley and from the piggeries in upper Kapaia. It was spread by runoff into the stream from plantation irrigation water. The beach was reopened for public swimming in June two years later when the pollution problems were corrected.

The outer reaches of Hanamā'ulu Bay are much cleaner and attract scuba divers and other fishermen. Commercial net fishermen surround *akule* and other migratory schooling fish that appear seasonally. Mullet and sharks, particularly juvenile hammerheads, are also found in the bay. [Clark 1990:6]

Vegetation in the fallow former cane fields of the project area is a variety of noxious exotic weeds, grasses, and vines.

1.5 Built Environment

The project area (see Figure 1) is in an undeveloped area of former cane lands immediately north of Līhu'e Airport, Kaua'i's main (international) airport. Considering its proximity to Līhu'e Town, the county seat less than 2.0 km to the west, the vicinity of the project area is remarkably undeveloped. The small residential community of Hanamā'ulu is 800 m to the northwest and outlying eastern suburbs of Līhu'e are approximately the same distance to the southwest.

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Kapule Highway, which forms the west side of the Ahukini Makai project area, joins with Kūhiō Highway just to the north forming the major vehicular artery for Kaua'i's east and north shore. Ahukini Road connects Ahukini Recreational Pier State Park (former Ahukini Landing) on the southeast corner of Hanamā'ulu Bay with the airport, roughly paralleling the southeast side of the Ahukini Makai project area and is a main artery leading from the airport up to Līhu'e Town running along the south side of the Ahukini Makai project area.

Ka Pa'akai Analysis for the Ahukini Makai Subdivision Project, Hanamā'ulu, Līhu'e, Kaua'i TMK: (4) 3-7-002:001

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Section 2 Methods

2.1 Archival Research

Research centers on Hawaiian activities including ka'ao (legends), wahi pana (storied places), 'õlelo no'eau (proverbs), oli (chants), mele (songs), traditional mo'olelo (stories), traditional subsistence and gathering methods, ritual and ceremonial practices, and more. Background research focuses on land transformation, development, and population changes beginning with the early post-Contact era to the present day.

Cultural documents, primary and secondary cultural and historical sources, historic maps, and photographs were reviewed for information pertaining to the study area. Research was primarily conducted at the CSH library. Other archives and libraries including the Hawai'i State Archives, the Bishop Museum Archives, the University of Hawai'i at Mānoa's Hamilton Library, Ulukau, the Hawaiian Electronic Library (Ulukau.org 2014), the SHPD Library, the State of Hawai'i Department of Accounting and General Services Land Survey Division, the Hawaiian Historical Society, and the Hawaiian Mission Houses Historic Site and Archives are also repositories where CSH cultural researchers gather information. Information on Land Commission Awards (LCAs) were accessed via Waihona 'Aina Corporation's Māhele database (Waihona 'Aina 2022), the Office of Hawaiian Affairs (OHA) Papakilo Database (Office of Hawaiian Affairs 2015), and the Ava Konohiki Ancestral Visions of 'Āina website (Ava Konohiki 2015).

2.2 Community Consultation

We begin our consultation efforts with utilizing our previous in-house database of *kūpuna*, *kama 'āina*, cultural practitioners, lineal and cultural descendants, Native Hawaiian Organizations (NHOs; includes Hawaiian Civic Clubs and those listed on the Department of Interior's NHO list), and community groups. We also contact agencies such as SHPD, OHA, and the appropriate Island Burial Council where the proposed project is located for their response on the project and to identify lineal and cultural descendants, individuals and/or NHO with cultural expertise and/or knowledge of the study area. CSH is also open to referrals and new contacts. A significant point of the outreach effort is a request for referrals to other *kūpuna*, *kama 'āina*, and traditional cultural practitioners knowledgeable about the proposed study area portions of Hanamā'ulu Ahupua'a.

Section 3 Nā Ka'ao and Mo'olelo

Hawaiian storytellers of old were greatly honored; they were a major source of entertainment and their stories contained lessons while interweaving elements of Hawaiian lifestyles, genealogy, history, relationships, arts, and the natural environment (Pukui and Green 1995:IX). According to Pukui and Green (1995), storytelling is better heard than read for much becomes lost in the transfer from the spoken to the written word and ka 'ao are often full of kaona or double meanings.

Ka 'ao are defined by Pukui and Elbert (1986:108) as a "legend, tale [...], romance, [and/or], fiction." Ka 'ao may be thought of as oral literature or legends, often fictional or mythic in origin, and have been "consciously composed to tickle the fancy rather than to inform the mind as to supposed events" (Beckwith 1970:1). Conversely, Pukui and Elbert (1986:254) define mo 'olelo as a "story, tale, myth, history, [and/or] tradition." The mo 'olelo are generally traditional stories about the gods, historic figures or stories that cover historic events and locate the events with known places. Mo 'olelo are often intimately connected to a tangible place or space (wahi pana).

In differentiating ka 'ao and mo 'olelo it may be useful to think of ka 'ao as expressly delving into the wao akua (realm of the gods), discussing the exploits of akua (gods) in a primordial time. Mo 'olelo on the other hand, reference a host of characters from ali 'i (royalty) to akua; kupua (supernatural beings) to maka 'āinana (commoners); and discuss their varied and complex interactions within the wao kānaka (realm of man). Beckwith elaborates, "In reality, the distinction between ka 'ao as fiction and mo 'olelo as fact cannot be pressed too closely. It is rather in the intention than in the fact" (Beckwith 1970:1). Thus a so-called mo 'olelo, which may be enlivened by fantastic adventures of kupua, "nevertheless corresponds with the Hawaiian view of the relation between nature and man" (Beckwith 1970:1).

Both ka 'ao and mo 'olelo provide important insight into a specific geographical area, adding to a rich fabric of traditional knowledge. The preservation and passing on of these stories through oration remains a highly valued tradition. Additionally, oral traditions associated with the study area communicate the intrinsic value and meaning of a place, specifically its meaning to both kama 'āina and others who also value that place.

The following section presents traditional accounts of ancient Hawaiians living in the vicinity of the project area. Many relate an age of mythical characters whose epic adventures inadvertently lead to the Hawaiian race of *ali* '*i* and *maka* ' $\bar{a}inana$. The *ka* '*ao* in and around the project area shared below are some of the oldest Hawaiian stories that have survived; they still speak to the characteristics and environment of the area and its people.

The *ahupua* 'a of Hanamā'ulu is on the southeast coast of Kaua'i in the traditional Puna district and the modern Līhu'e judicial district, between the *ahupua* 'a of Wailua to the north and Kalapakī to the south. The *ahupua* 'a name means "tired (as from walking) bay" (Pukui et al. 1974:41). Wichman (1998:61) relates that Hanamā'ulu Bay was given this name because it was "off the main around-the-island trail and a traveler had to walk extra miles to get there."

Historic documentation records the changing name of the district in which the *ahupua'a* of Hanamā'ulu is located. In earlier days, the *ahupua'a* was considered to be in the *moku* of Puna, but today it is in the judicial district of Līhu'e (meaning "cold chill," or "goose-flesh").

The name, Līhu'e, applied in a larger sense, included the districts of what are now Kawaihau and Līhu'e, reaching from Anahola to the Gap, being made so by law in about the year 1861, according to early court records, but some years later divided into the present two districts. The large district was also known as the Puna district, and is found on early maps as such. It was August thirteenth, 1880, that the district was divided into two, by act of Legislature with King Kalākaua's signature. [...] Līhu'e, in a local sense, and from which the name of the district was derived meant only that little portion of land upon which the present village, as consisting of bank, post office and store, now stands. [Rice 1914:46]

Hanamā'ulu was permanently inhabited and intensively used in pre-Contact (pre-1778) Hawai'i. As suggested by the *ahupua'a* name with its clear coastal references to the distinctive bay, the coastal zone of Hanamā'ulu was the locus for permanent habitation, *heiau* (religious structures), and numerous trails. Intensive agriculture, including irrigated *kalo lo'i* (irrigated taro patches), covered the valley floodplain of the Hanamā'ulu River and extended 2.5 miles inland (Handy 1940:67). In these inland areas, taro patches were often in the gulches, while houses and sweet potato patches were scattered on the *kula* (dryland areas) on each side of the gulches (Handy 1940:154). Native forests were used for their resources (wood, birds, medicinal plants, etc.) and were for the cultivation of such plants as *wauke* (paper mulberry), used to make tapa clothing (Handy 1940:198).

Hawaiian traditional stories (*mo'olelo*) and the meanings behind noted places (*wahi pana*) elaborate on many of these features of the landscape.

3.1 Pele Chants of the Winds of Hanamā'ulu and Kalapakī

On a visit to Kaua'i, the Hawaiian volcano goddess Pele met the handsome Kaua'i chief, Lohi'au. When he requested a dance, Pele instead said she would chant all the wind guardians for Nihoa and Kaua'i. Going from west to east, she chanted the names of the winds, from Nāwiliwili Ahupua'a to Kalapakī Ahupua'a, to Ahukini Point in Kalapakī, to a reference to the inland area of the district of Līhu'e, to Kapaia, a village and *'ili* (traditional land division smaller than an *ahupua'a*) within Hanamā'ulu, then Hanamā'ulu Ahupua'a itself (place name locations from Soehren 2014).

wind of Nāwiliwili is a Hu'eone
wind of Kalapakī is Wāmua
wind of Ahukini is an 'Ehukai
āhola wind is the scout that fetches
he winds sweeping the Līiu'e plains
wind of Kapaia is a Kuli'āhiu
wind of Hanamā'ulu is a
Ioʻoluakoʻinehe

[Ho'oulumāhiehie 2008a:18:2008b:17]

The name of the wind (makani) of Hanamā'ulu, "Ho'oluako'inehe," is not translated, but several Hawaiian winds begin with the term ho 'olua, which is a strong, or forceful wind (Kent

1986:438). The name of the *makani* of neighboring Kapaia, "Kuli'āhiu," is also uncertain but "'āhiu" is a name for a wind of Kahana O'ahu with a connotation of "wild" or "untamed" (Pukui and Elbert 1984:7).

3.2 Lohiau at Hanamā'ulu and Accounts of a Lack of Hospitality

The story of the volcano goddess Pele provides more information on the reputation of the *ahupua'a*.

Two brothers of Pele, who had come from foreign lands, saw Lohiau's body lying as a stone where the lava flow had overtaken him. Pity welled up in their hearts and they brought Lohiau to life again. One of these brothers made his own body into a canoe and carried the unfortunate Lohiau to Kauai, where he was put ashore at Ahukini. [Rice 1923:14]

Coming to Hanamā'ulu, Lohiau found all the houses but one closed. In that one were two old men, one of whom recognized him and asked him to enter. The men were making *tapa*, which they expected to carry soon to Kapa'a, where games were being held in honor of Kaleiapaoa and his bride, Hi'iaka. [Rice 1923:16]

The suggestion of inhospitality at Hanamā'ulu recorded by Rice ("Lohiau found all the houses but one closed") is reminiscent of the Hawaiian proverb *No Hanamā'ulu ka ipu puehu*, or "the quickly emptied container belongs to Hanamā'ulu" (Pukui 1983:252), which implies the food containers of Hanamā'ulu were often bare—a plausible reason for the local residents to be stingy.

Wichman picks up on this in a similar story:

Hanamā'ulu, 'tired bay,' was given its name because it was off the main aroundthe-island trail and a traveler had to walk extra miles to get there. Not only would a traveler have sore feet, but he could expect to go hungry once he reached the village.

No Hanamā'ulu ka ipu pueho.

'At Hanamā'ulu the calabash is empty.'

One time, some travelers from the Kona district reached the valley rim where they saw people peeling taro and heard the sound of poi pounders coming from the village. The travelers were pleased to know there would be fresh poi at the end of their journey, so they hurried down the path. When they arrived at the village, they found no poi at all, only villagers with sad faces apologizing for the lack of food. The visitors went hungry that night. Of course, the story was spread and from that time on the Hanamā'ulu people were known as stingy and miserly. [Wichman 1998:60–61, citing Pukui 1983 *Ölelo No 'eau* and Judd 1930, Hawaiian Proverbs and Riddles, No. 615.]

3.3 Hanamā'ulu and the Legend of Kawelo

Many references to Hanamā'ulu Ahupua'a are made in the "Legend of Kawelo." Kawelo-leimakua, called Kawelo, was born at Hanamā'ulu. After having become the paramount chief of Kaua'i, he returned to Hanamā'ulu, where he lived with his parents and his wife, Kanewahineikiaoha (Fornander 1918b:4:2, 62). The hero of this *mo 'olelo* is said to have lived in the last half of the seventeenth and early decades of the eighteenth century (Hommon 1976:135).

On his return from a stay in the island of O'ahu, Kawelo and his two uncles traveled in a canoe through the passage of Kaieiewaho between Wai'anae on O'ahu and Wailua Ahupua'a on Kaua'i. To navigate to the island, Kawelo followed Keolewa, the morning star.

Soon after this the dawn began to break, and Keolewa was then plainly seen by them all to windward, while the hill of Kalanipuu was also seen as though wading in the sea to meet them. When Kawelo's uncles saw these different objects, they saw that Kawelo was right after all. At this time, they were directly off Hanamaula, so the two uncles said to Kawelo in a chant as follows:

E Kaweloleimakua,	Say, Kaweloleimakua,
E Pae—e, e pae—e,	Let us land, let us land.
E kama hanau a ka lapa o Puna,	Say, offspring from the cliffs of Puna,
Na maka o Haloa i luna,	The eyes of Haloa are looking from above,
Kuu haku, Kuu alii.	My lord my chief.
[Fornander 1918b:4:34–33]	

3.4 The Greedy 'O'opu Eaters

Wichman provides a story of the greedy 'o 'opu (general name for fishes included in the families Eleotridae and Gobiidae) eaters of the uplands of Hanamā'ulu:

In the interior of the ahupua'a is the stream Wai-ahi, 'fiery water,' that flows from Wai-'ale'ale into the Wai-aka, 'reflecting stream.' The waters of the stream were considered a kupua (the body of a supernatural being). There was a village on its banks. When the August rains came and the 'o'opu (goby fish) swarmed, the villagers prepared a bamboo fish trap and caught forty 'o'opu. These they wrapped in $k\bar{l}$ leaves and broiled them over a fire. They ate every bit with relish, without a thought of sharing them with their neighbors. Later, however, they had diarrhea because the 'o'opu were so fat. Their neighbors thought it served them right for being so greedy. [Wichman 1998:60, citing Kelsey, Notes n.d.]

In addition to telling us about a traditional subsistence pattern, the account is of interest in seemingly referencing the existence of a "village" in the uplands of Hanamā'ulu for which we have identified no other reference.

3.5 A Man of Ahukini and the Dream Woman from O'ahu

Wichman relates the following story associated with the name of a pali (cliff) of Hanamā'ulu:

Across the bay from Ahukini are Na-pali-'o'oma-o-Hanamā'ulu, 'concave cliffs of Hanamā'ulu.' Here lived a young man named Pueo. It was time for him to choose a wife, but he had not found anyone on Kaua'i who compared to the woman he saw in his dreams. He went to O'ahu and there he heard of a young woman named Ke-'alohi-wai. She had refused to marry any of the men her parents had presented to her, saying that the man of her dreams would come for her. When Pueo and Ke'alohiwai met, they recognized each other immediately. They married and lived many years at Pali-'o'oma. After their deaths, the cliffs were renamed Ke-'alohiwai in honor of the dream woman from O'ahu. [Wichman 1998:62, citing S. Aukai, 'The Legend of Kealohiwai' (typewritten manuscript in author's possession)]

3.6 The Petrifying Stench of the Heiau of Ka-lau-o-ka-manu

Lahainaluna Students relate an early account of this story:

Two men came from Kauai, Uukanipo and Kaipoleimanu. While they lived at Kahikimaiaea, they heard of the beauty of Kalauokamani and went in search of her until they arrived in the upland of Wailua. Kalauokamani was dead but her spirit saw the men, followed after them and asked, 'Where are you going?' They answered, 'To see Kalauokamani to be our wife.' The spirit said, 'There is no woman, for she is dead.' The spirit again warned them, 'Do not go up this way but go down below. There is the woman for you, Moeapakii. Do not go up this way lest you smell the stench of the body of the woman [you seek] for she lies unburied.'

The men insisted on going up on the upper side of Wailua and they did smell the stench of the woman and both died. They stand at Kaohokaualu to this day. Both had turned to stone. [Lahainaluna Students 1885:I:218]

Wichman relates a slightly different version of a story associated with Ka-lau-o-ka-manu Heiau and two stones which were the remains of petrified men.

At the foot of Kalepa there was a large *heiau*, Ka-lau-o-ka-manu, 'tip of the endpiece of the canoe.' It was greatly feared because of the many human sacrifices that were made there. The stench from the *heiau* was so bad that travelers would hurry past holding their noses. This was a large walled temple that was destroyed in 1855 to make the foundations for the Hanamā'ulu sugar mill.

Beside it are two stones whose story remains but whose names are lost. Chief 'U'ukani-pō was betrothed to Ka-lau-o-kamani, a chiefess of Hanamā'ulu and, with a friend, Ka-ipo-lei-manu, came to see her. They were walking down the path toward Kalepa from Kilohana Crater when they were accosted by a woman. The chief recognized his betrothed, Kalauokamani. 'Turn back!' she said. 'Do not go near Kalauokamanu. Go toward the mountains. There you will find my sister, Moeapaki'i. It is she you must marry.' 'U'ukanipō realized that he was seeing the ghost of his beloved and determined to find out what had happened to her. Ignoring her warnings, the two hurried toward the village. When they came near Kalauokamanu, the stench was so strong that the two men were overcome and turned into rocks that guarded the path, warning all travelers of the danger ahead. [Wichman 1998:61–62, citing the Lahainaluna students but seemingly having additional data]

As a whole, these *mo'olelo* contain a number of recurrent threads. Canoe landings are mentioned and would have been easy in the uniquely protected environs of Hanamā'ulu Bay. Whether arriving by canoe or land, travelers did not find much sustenance here, either due to lack of resources, the tight-fisted nature of the residents, or both. Finally, it is likely Hanamā'ulu was the residence of some *ali'i*-status individuals, as suggested in the *mo'olelo* of Kawelo and the presence of a major sacrificial *heiau*, Kalauokamanu.

Section 4 Traditional and Historical Background

4.1 Pre-Contact Settlement Patterns

Very little is documented regarding traditional settlement patterns at Hanamā'ulu prior to the documentation of native tenant claims following the Māhele land division of 1848. Many authors who have attempted historical study of the area (Kalima and Wong Smith in Corbin et al. 2002:B-1 through B-12; Creed 2006:6-28) are easily distracted by the wealth of data pertaining to Wailua Ahupua'a up the coast. "Few sources refer specifically to Hanamā'ulu and the information contained in them is general in nature" (Kalima and Wong Smith in Corbin et al. 2002:B-1).

As noted above, the suggestion of inhospitality at Hanamā'ulu recorded by Rice ("Lohiau found all the houses but one closed") and the one ' \bar{O} lelo No 'eau or proverbial saying "No Hanamā'ulu ka ipu puehu," or "the quickly emptied container belongs to Hanamā'ulu" (Pukui 1983:252), which implies the food containers of Hanamā'ulu were often bare—a plausible reason for the local residents to be stingy—suggest a relative poverty to the area that would seem at odds with the substantial river valley and unique relationship to the coast at Hanamā'ulu Bay with what must have been a superlative canoe landing.

The fact that Bennett (1931:125) only records two sites at Hanamā'ulu (and his Site 103 dune burials is seemingly shared with Wailua) again suggests a relatively modest traditional Hawaiian habitation area, somewhat eclipsed by neighboring *ahupua'a* to the north (Wailua) and southwest (Kōloa).

Handy and Handy (1972:425-426), however, suggest it was well-cultivated with terraced flats far upstream and sweet potato cultivation at higher elevations.

South of Wailua there is a very large stream named Hanamaulu flowing from the side of Kilohana crater through a broad gulch in which there were many terraced flats, beginning about two and a half miles upstream. The large delta area where the stream flows into the bay undoubtedly was covered with *lo'i* for wet-taro cultivation before this land was taken over for sugar cane. Much of the higher land now planted with cane must formerly have been used for growing sweet potatoes. [Handy and Handy 1972:425–426]

4.2 Place Names of Hanamā'ulu

Relatively few place names have been reported for Hanamā'ulu Ahupua'a. A study by Creed et al. (2006:67–69) provides a list of identified place names of Hanamā'ulu (Table 1).

Place name	Comment/Sources
Ahukini	Coastal land section and landing north of Nawiliwili, Kaua'i, named for a son of La'a-mai-Kahiki, who came from Tahiti. Former <i>heiau</i> . Lit. altar [for] many (blessings] (Pukui, Elbert and Mookini 1974), landing, <i>heiau</i> , port community; first port on Kaua'i to have pier-to-ship facilities, ca 1920-1950; Ahukini Camp (<i>The Garden Island</i> 1993), Ahukini Road (USGS map); Chief Ahukini lived circa 1250 A.D. and was one of the three sons of La'amai-kahiki, who had come from Raiatea in the Society Islands to visit with his foster father Mō'īkeha (Wichman 1998:61).
Halu falls	Falls (TMK: 3-8-001)
Hanamā'ulu	Landing land section, village, bay, ditch, river, beach park, and birthplace of the hero Ka-welo, Līhu'e district; Lit. tired (as from walking) bay (Pukui, Elbert and Mookini 1974) Hanamaulu Mill (TMK 3-8); it was off the main around-the-island trail and a traveler had to walk extra miles to get there (Wichman 1998:61).
Hanawale	Fishing village near Līhu'e (Wilkes, Narrative of the United States Exploring Expedition, Volume 4, 1845:68)
Hipa ·	Road (TMK: 3-8)
Hoena	<i>'lli</i> in Hanamā'ulu (land claim LCA 3558)
Kaaukai	'Ili in Hanamā'ulu (land claim LCA 3650)
Kahoewa	'Ili at shore in Hanamā'ulu (land claim LCA 3246)
Ka-'ili'ili-ahi-nale Ka-'ili-hina-lea Ka lau o ka manu	"pebblestone of the clear fire.[] The name is a reference to the markers used in the game $k\bar{o}nane$, a form of checkers, in which one player used white stones and the other either black or red stones. It is played on a square board and the object is to occupy as much space as possible. Perhaps there was a source of fiery red pebbles on this particular peak that a player would be delighted to use (Wichman 1998:62–63). There is some uncertainty, but this may be the same as "Ka-ili-hina-lea" on Kauai that Rice (1923:49) associates with a story of bird catchers (for their feathers).
Heiau	<i>Heiau</i> of the <i>po'okanaka</i> type, or one in which human sacrifices were offered; most of the stones from this enclosure were taken to make from the foundation of the Hanamaulu sugar mill (Damon 1931:397); Site 102. Kalauokamanu heiau, in Hanamā'ulu above the present mill. Described by Thrum as 'A large walled <i>heiau</i> that stood above the present mill; destroyed about 1855. Of <i>po'okanaka</i> class.' (Bennett 1931:125); 'tip of the endpiece of the canoe' This <i>heiau</i> was 'greatly feared because of the many human sacrifices that were made there. The stench was so bad that travelers would hurry past holding their noses. This was a large walled temple that was destroyed in 1855 to make the foundations for the Hanamaulu sugar mill (Wichman 1998:62).

Table 1. Place names of Hanamā'ulu (largely adapted from Creed et al. 2006:67–69)

Place name	Comment/Sources		
Kālepa	Ridge, forest reserve, and trail, Līhu'e, Kaua'i. Lit. trade (Pukui, Elbert and Mookini 1974); the name has two meanings. The oldest meaning is "to flutter," "to wave," or "marker flag or ensign." This gives rise to the newer meaning, which is "to trade," "to sell," or "to peddle," or as a noun; "trader," "Peddler," or "salesman." Anyone who had articles for barter would raise a flag to indicate that poi or some other article was for sale or trade (Wichman 1998:61).		
Kamakaihanahana	Name of village (kulanakauhale) in land claim LCA 3653 for		
/Kamakahanahana	Hanamā'ulu; name of 'ili in land claim LCA 3644		
Kamilo Point	Name of land formation on USGS map		
Kapaia.	Village, stream, and reservoir in Līhu'e, Kaua'i; name of <i>'ili</i> and in land claim LCA 3371 for Hanamā'ulu; Lit. the walls or bowers (Pukui, Elbert and Mookini 1974)		
Kapapa	Name of 'auwai (irrigation ditch) in land claim LCA 3647 for Hanamā'ulu; Lit. unity (Pukui, Elbert and Mookini 1974)		
Kapuhala	Name of <i>'ili</i> in land claim LCA 3426 for Hanamā'ulu, possible meaning tabooed or reserved <i>hala</i> (pandanus) grove		
Kauai Memorial Gardens	Cemetery in Hanamā'ulu Ahupua'a, Kaua'i (USGS)		
Kawailoa	Stream at the sea on northern boundary (State Survey Office Document 336, boundaries of Hanamā'ulu)		
Kaili'iliahinale	Hill on the Wailua boundary (Boundary description of Hanamā'ulu)		
Ke-'alohi-wai	The cliffs of Nā-pali-'o'oma-o-Hanamā'ulu were renamed this "in honor of the dream woman from O'ahu" (Wichman 1998:62)		
Kilohana Crater	Meaning "vantage point" (Wichman 1998:60). A collapsed crater at the summit of a small shield volcano that fills most of the southern part of the Lihue Basin (Macdonald:459). A home of the Uwa'u (petrel) Bird (Damon 1931:393–394)		
Kuha	Name of <i>'ili</i> in land claim LCA 3271 for Hanamā'ulu		
Limawela	Name of <i>'ili</i> in land claims LCA 3640 LCA 3657, LCA 5640B for Hanamā'ulu near border of Kalapakī		
Makali'i	<i>'Ili</i> named in land claim LCA 3271 for Hanamā'ulu; Lit, tiny or Pleiades (Pukui, Elbert and Mookini 1974); Hawaiian month name; the six summer months collectively (Pukui and Elbert 1986); Makali'i (December-January) Makali'i refers to the little (<i>li'i</i>) eyes (<i>maka</i>), or shoots; of the yams, arrowroot, and turmeric beginning to show above the surface of the soil in the uplands (Handy and Handy 1972 from Pukui)		
Maulili	Name of <i>'ili</i> in land claim LCA 3653 for Hanamā'ulu (Pukui, Elbert and Mookini 1974 list this place name in Maui but give no definition)		
Moala	Name of land awarded in land claim LCA 3647 for Hanamā'ulu, name of <i>lo 'i</i> possibly the name of an edible crab, or to relish food (<i>mo 'ala</i>) (Pukui and Elbert 1986)		
Momakuhana	Name of hill on border between Hanamā'ulu and Ha'ikū (Boundary description of Hanamā'ulu)		

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Place name	Comment/Sources		
Nā-pali-'o'oma-o- Hanamā'ulu	"concave cliffs of Hanama'ulu"; Across the bay from Ahukini (Wichman		
Noni/Ononi	1998:62)		
Noni/Ononi	Name of <i>'ili</i> in land claim LCA 3649 for Hanamā'ulu; meaning possibly the pandanus tree (Pukui and Elbert 1986)		
Nukoli'i	Clark 1990:6		
Okinawa Nukoli'i	Reservoir in Hanamā'ulu Ahupua'a, Kaua'i (USGS); probably a		
Reservoir	reservoir built with Okinawan laborers.		
Opai/Opoi	Name of 'ili (Opai) in land claim LCA 3392B for Hanamā'ulu; (Opoi		
	listed as northeasterly corner of land of Kalapakī in Hanamā'ulu in Boundaries of Hanamā'ulu)		
Palaha / Palaka	Name of 'ili in land claim LCA 3600 for Hanamā'ulu		
Papua'a	Name of 'ili ku (a nearly independent 'ili or division of land within an		
	ahupua'a) in land claim LCA 3647 for Hanamā'ulu; Lit. Pig pen; Pukui		
	and Elbert 1974); the pig pen is often described in the Māhele documents		
	as belonging to the konohiki (headman of the ahupua'a) or in common to		
	the ahupua'a		
Peaiki	Name of an <i>'ili</i> in land claim LCA 3271 for Hanamā'ulu		
Po-po-pii	The Menehune hill today no longer known; connected with a Kilohana Crater story (Damon 1931:396); listed in Pukui, Elbert and Mookini 1971 as Po'opo'oiki, a valley in northeast Kaua'i, with meaning "small depression"		
Puaka			
Pukakolu	Name of village named in land claim LCA 3271 for Hanamā'ulu Name of <i>kulanakauhale</i> in land claim LCA 3650 for Hanamā'ulu		
Waiahi	"In the interior of the <i>ahupua'a</i> is the stream Wai-ahi, 'fiery water,' that		
w alam	flows from Wai-'ale'ale into the Wai-aka, 'reflecting stream.' The waters		
	of the stream were considered a <i>kupua</i> (the body of a supernatural		
	being)" (Wichman 1998:60).		
Waiaka	"reflecting stream" see "Waiahi" (above) (Wichman 1998:60)		
Waiaoao F.T./	Name of <i>'ili</i> in land claim LCA 3558 for Hanamā'ulu; Waiaauau, Lit.		
Waiauau (NT.)	bathing place or pool (Pukui and Elbert 1986)		
Waieo	Name of <i>'ili</i> in land claim LCA3647 for Hanamā'ulu		
Waiu	Land area, Līhu'e District; Lit. female breast (Pukui, Elbert and Mookini 1974)		
Wilcox Memorial	Hospital in Hanamā'ulu Ahupua'a, Kaua'i (USGS) named for George N.		
Hospital	Wilcox (1839-1933) (Pukui, Elbert and Mookini 1974)		

4.3 Early Historic Period

Captain Cook, commander of the British ships *Resolution* and *Discovery*, was the first westerner to see the Hawaiian Islands. In 1778 he anchored off Waimea Bay, Kaua'i. Waimea and the shores of the neighboring island of Ni'ihau were the favored anchorages of early explorers and ships involved in the early fur trade on the northwest coast of America. The Islands were visited in the next few years by traders (mainly fur traders) who picked up furs on the northwest coast of America, stopped in Hawai'i for provisions, and then sailed to China to trade the furs for luxury

goods. Pigs, sweet potatoes, and salt, among other items, were traded with these ships. It is likely that at this time agricultural production in Hanamā'ulu began to grow beyond traditional subsistence patterns (Joesting 1984:46-47).

In 1791, Captain John Kendrick anchored off Ni'ihau to get provisions. He left three of his men there, and ordered them to sail to Kaua'i to look for "pearls and sandalwood." When the British Captain Vancouver landed at Waimea in 1792, he met two of these men, named Rowbottom and Williams, as noted in his journal:

Previously to the departure of Rowbottom and Williams, they informed me, that their captain had conceived that a valuable branch of commerce might be created, by the importation of the sandal-wood of this country into India, where it sells at an exorbitant price; that, in the fur trade, immense profits had been gained, insomuch that it was expected not less than twenty vessels would, on these pursuits, sail with their captain (Kendrick) from New England, and that they were desired to engage the native to provide several cargoes of this wood, which is easily procured, as the mountain of Attowai [Kaua'i] as well as those of Owhyhee [Hawai'i], abound with the trees from which it is produced [...] [Vancouver 1798:188]

Cutting and shipping sandalwood to Asia was probably the first real "industry" seen from a western perspective. Sandalwood was shipped from the Islands, possibly first as firewood, as early as 1791 (Joesting1984:45). An indirect reference to sandalwood trade in the Līhu'e area is supplied by Ethel Damon who recorded that Chief Forester C.S. Judd had told an early settler, Richard Isenberg, that Mount Kālepa (approximately 1.7 km northwest of the Ahukini Makai project area) had formerly been covered with sandalwood (Damon 1931:913).

Vancouver did sail by the north coast of Kaua'i, but could find no safe anchorage. However, he did note the Wailua area, north of Hanamā'ulu, was "the most fertile and pleasant district of the island" and the principal residence of the king (Vancouver 1798:221).

Missionary accounts, mainly unpublished, from the first half of the nineteenth century provide the majority of the early written records for this portion of Kaua'i, and in some ways they confirm and expand upon what can be gathered from oral tradition. Ethel Damon, in *Koamalu* (her history of the Rice family of Kaua'i), repeated the scenic description of Līhu'e given by Reverend Hiram Bingham in his book, *A Residence of Twenty-One Years in the Sandwich Islands*, published in 1847:

In 1824, when walking around the island from Waimea to counsel the people after the wreck of *The Cleopatra's Barge*, Rev. Hiram Bingham crossed from Hanapepe, as has been seen, over the old upland trail back of Kilohana, and wrote of it as 'a country of good land, mostly open, unoccupied and covered with grass, sprinkled with trees, and watered with lively streams that descend from the forest-covered mountains and wind their way along ravines to the sea, —a much finer country than the western part of the island.'[Damon 1931:401]

William DeWitt Alexander, son of Waioli missionary William P. Alexander, traveling from Kōloa to the north shore of Kaua'i in 1849 recorded some descriptive notes of Hanamā'ulu:

A few miles further on we crossed the picturesque valley of Hanamaulu. This valley is prettily bordered by groves of Kukui, koa, & hala trees, and is well cultivated

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with taro. A fine stream flows through the midst of it, which makes a remarkable bend at this place like a horse shoe. We then traveled along the seashore at the foot of a range of hills through groves of hau, & among hills of sand. It was now after dark, but the moon shone brightly, and there was no difficulty in finding our way. About eight o-clock we arrived at the banks of the Wailua river. [Kaua'i Historical Society 1991:121]

The Dewitt Alexander account of Hanamā'ulu in 1949 as "well cultivated" in 1849 (above) seems to stand in counter-distinction to the traditions that "the food containers of Hanamā'ulu were often bare."

4.4 The Māhele and the Kuleana Act

In 1845, the Board of Commissioners to Quiet Land Titles, also called the Land Commission, was established "for the investigation and final ascertainment or rejection of all claims of private individuals, whether natives or foreigners, to any landed property" (Chinen 1958:8).

The first *māhele*, or division, of lands among the monarch, Kamehameha III, and the *ali'i* (chiefs) and their land agents (*konohiki*) took place 27 January 1848; the last was 7 March 1848. The king and over 240 *ali'i* and *konohiki* took part in this division; the list of *ahupua'a* (large land divisions) and *'ili* (smaller land divisions) awarded to the king or each claimant was listed in a large book, now called the *Buke Māhele* (Māhele Book) (see Barrère 1994 for a detailed study of these awards). These awards became known as Konohiki Awards.

For Konohiki lands, a claim first had to be approved by the Land Commissioners. Upon confirmation of the claim, a certificate was awarded to the claimant. This certificate was called a Land Commission Award (LCA), which confirmed the claim of an individual for a parcel. The awardee could then obtain from the Minister of the Interior a Royal Patent (R.P.), which indicated the government's interest in the land had been settled by the payment of a commutation fee. Commutation means "an exchange, or replacement." The commutation fee to conclude the government's interest in the land was usually set at a maximum of one-third of the value of the unimproved land. The fee could be settled with cash, but was usually settled by the return of one-third of the lands (or cumulative value of the lands) originally awarded to the claimant. For example, if the claimant was awarded three lands, he could "return" one to pay the commutation fee, and he would "retain" the remaining two lands.

Victoria Kamāmalu (who sometimes went by the name Victoria Ka'ahumanu, as a political heir to the legacy as *kuhina nui* or prime minister of the powerful chiefesses Ka'ahumanu and Kīna'u) was awarded the *ahupua'a* of Hanamā'ulu (LCA 7713 'Āpana [Lot] 2) as well as adjacent Kalapakī Ahupua'a (another *'āpana* of her LCA 7713). Victoria Kamāmalu was fabulously land rich and the third largest landowner in the kingdom. Her lands included seven *ahupua'a*-sized parcels on Kaua'i (five in addition to Hanamā'ulu and Kalapakī), 79 on O'ahu, 14 on Maui, two on Moloka'i, and 58 on Hawai'i Island (Kame'eleihiwa 1992:124). She did not have particularly strong connections to Hanamā'ulu. The entire Ahukini Makai project area was part of Victoria Kamāmalu's LCA 7713 'Āpana 2. As was often the case when *ahupua'a* were owned basically by absentee *ali'i* (aristocracy) land lords, with little if any ties to the land, and with a relatively small total area of native tenant parcel exclusions, the alienation of the land from Hawaiian hands was made easy, as in the case of Hanamā'ulu Ahupua'a that was sold as one very large parcel upon Kamāmalu's death in 1870 (discussed further below).

On 19 October 1849, the Hawaiian Privy Council adopted resolutions to protect the rights of native tenants, the *maka 'āinana*, or the "common" people. Native tenants, and long-term foreign residents, could be awarded lands they occupied or that they cultivated as Kuleana Awards.

Since the *ali'i* and *konohiki* were not required to record the use of their large land awards, the surrounding smaller *kuleana* awards of the *maka'āinana* assist in identifying land use in Hanamā'ulu (although there were no native tenant claims in the Ahukini Makai project area.

A total of 14,195 claims were filed and 8,421 awards were approved, averaging 3 acres each, equaling about 29% of the 29,220 adult Native Hawaiian males living at the time of the Māhele (Kame'eleihiwa 1992:295). Out of the potential 2,500,000 acres of Crown and Government lands, 28,658 acres of land were awarded to the *maka* 'āinana, less than 1% of the total acreage of Hawai'i (Kame'eleihiwa 1992:295). The small number of *kuleana* awards and their small size prevented the *maka* 'āinana from maintaining their independent subsistence, often forcing them to abandon their newly acquired property (Chinen 1958:32).

Although many Hawaiians did not submit or follow through on claims for their lands, the distribution and written testimonies of LCAs provide insight into patterns of residence and agriculture. Many of these patterns may have existed for centuries. By examining the patterns of *kuleana* LCA parcels in the vicinity of the project area, insight can be gained as to the likely intensity and nature of Hawaiian activity in the area at the time.

Twenty kuleana parcels were claimed within Hanamā'ulu Ahupua'a. Of these parcels, five were not awarded (LCAs 2659*K, 3370, 3392B, 3641, and 5640B) due to undocumented circumstances. The kuleana parcels were all located along the wide makai flood plain of Hanamā'ulu Stream and only extend about 100 m mauka of the Kapaia Bridge (no kuleana parcels are in the vicinity of the project area). The distribution of native tenant LCAs at Hanamā'ulu is depicted in Figure 7 and their land use is summarized in Table 2.

Nearly every LCA claim in Hanamā'ulu contained an 'auwai (irrigation ditch), necessary for *lo 'i* cultivation. The claims for LCA lots in Hanamā'ulu mention that Hawaiian *hale* (houses), *lo 'i*, and *kula* lands (lands used for dryland agriculture or pasture) were located along both sides of Hanamā'ulu River, extending from the shore up to the village of Kapaia. The *lo 'i* and *kula* lands were often included together in one '*āpana*, with house sites belonging to separate '*āpana*. Overall, the LCA documentation indicates traditional Hawaiian activities being practiced in close proximity to Hanamā'ulu Stream (Waihona 'Aina 2022).

George C. Jackson produced an 1881 map of Nāwiliwili Harbor (Figure 8, shown superimposed on a USGS quadrangle showing the project area). The comment on the northeast corner of the Jackson map (highlighted on Figure 8) reads "Level grassy land with volcanic boulders here and there" which is believed to be an appropriate characterization of much of the coastal sloping table land of Hanamā'ulu (including the present Ahukini Makai Subdivision project area) prior to commercial sugarcane cultivation. This relatively dry grassy land with volcanic boulders held little appeal for traditional Hawaiian habitation and agriculture which helps us understand why LCA claims in Hanamā'ulu were all confined to a relatively small area in the major valleys where water for the irrigation of crops and the general ambiance of life was plentiful.

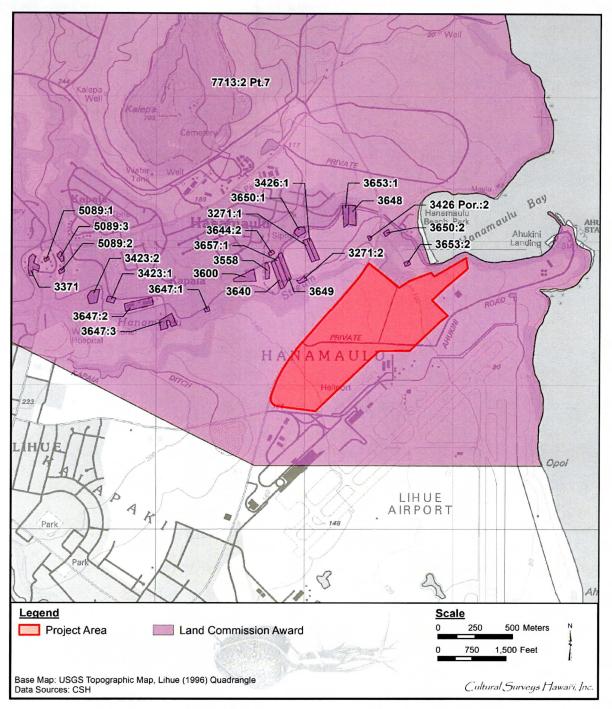


Figure 7. Location of LCAs near the project area on a 1996 Lihue USGS topographic quadrangle

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LCA #	Claimant	Location	Description
3271	Lalahilimoku, Leimoku	Hanamā'ulu, Puna	Claimed two parcels 'Āpana 1 for five <i>lo</i> 'i (taro patches) adjacent to an 'auwai (ditch) and a kahawai (stream); 'Āpana 2 for a pāhale (house lot) adjacent to a muliwai (lagoonal backwater) and a pali (cliff)
3371	Naehu	<i>ʻlli</i> of Kapaia, Hanamāʻulu, Puna	Claimed one <i>'Aina kalo</i> (taro land) parcel with a <i>pāhale</i> adjacent to Hanamā'ulu Stream (<i>Kahawai o Hanamā'ulu</i>) and a ditch
3423	Paka	Hanamāʻulu, Puna	Claimed two parcels 'Āpana 1 for a <i>pāhale</i> adjacent to a <i>pali</i> and 'Āpana 2 for 8 <i>lo</i> 'i and a <i>kula</i> next to the Hanamā'ulu watercourse (<i>kahawai o Hanamaulu</i>) and a <i>pali</i>
3426	Pelekane	Hanamā'ulu, Puna	Claimed two parcels 'Āpana 1 for four <i>lo</i> 'i next to a <i>muliwai</i> and an ' <i>auwai</i> ; 'Āpana 2 for a <i>pāhale</i> next to a <i>kahawai</i> and the house lots of Munamuna and Paulu. The Kaua'i Historical Society has kindly supplied the data that one of their ' <i>āpana</i> was bounded by a fish pond. Of course this was down in the stream valley on the <i>muliwai/kahawai</i> .
3558	Keke	Hanamā'ulu, Puna	Claimed one ' <i>Āina kalo</i> parcel by an ' <i>auwai</i> and neighbor's <i>lo'i</i>
3600	Keolanui	Hanamā'ulu, Puna	Claimed one <i>lo</i> ' <i>i</i> and <i>kula</i> parcel by 'auwai, kahawai, and <i>lo</i> ' <i>i</i> of neighbors.
3640	Kumakahaohao	Hanamā'ulu, Puna	Claimed one parcel of four <i>lo</i> ' <i>i</i> by an ' <i>auwai</i> and a <i>muliwai</i> and neighbors' <i>lo</i> ' <i>i</i>
3644	Kaualupa	Hanamāʻulu, Puna	Claimed two parcels 'Āpana 1 for ' <i>Āina kalo</i> by an ' <i>auwai</i> and a <i>pali</i> and a <i>muliwai</i> and neighbors' <i>lo</i> ' <i>i</i> , and 'Āpana 2 for a <i>pāhale</i> adjacent to a <i>pali</i>
3647	Kapuohi	Hanamā'ulu, Puna; parcels 2 and 3 are in the <i>'ili</i> of Moala	Claimed three parcels ' \bar{A} pana 1 for a $p\bar{a}hale$ by a piggery ($p\bar{a}$ pua'a) and a pali and a copse of hau trees (la'au hau), and the stream; ' \bar{A} pana 2 for ' \bar{A} ina kalo parcel by a pali and an 'auwai, and ' \bar{A} pana 3 for another ' \bar{A} ina kalo parcel by a pali
3648	Kala	Hanamā'ulu, Puna	Claimed one ' <i>Āina kalo</i> parcel by a <i>muliwai</i> and neighbors' <i>lo</i> ' <i>i</i>
3649	Kamalo	Hanamāʻulu, Puna	Claimed one ' <i>Āina kalo</i> parcel by an ' <i>auwai</i> and the <i>muliwai o Hanamā'ulu</i> (lagoonal backwater of Hanamā'ulu), and neighbors' <i>lo'i</i>

Table 2. Hanamā'ulu Land Commission Awards

LCA #	Claimant	Location	Description
3650 •	Kaluhiwaha	Hanamā'ulu	Claimed two parcels 'Āpana 1 for 2 <i>lo</i> ' <i>i</i> next to an ' <i>auwai</i> and a <i>pali</i> and the <i>lo</i> ' <i>i</i> of a neighbor; and 'Āpana 2 for a <i>pāhale</i> next to the <i>kahawai</i> o Hanamā'ulu (Hanamā'ulu stream)
3653	Kolii	Hanamā'ulu, Puna	Claimed two parcels 'Āpana 1 for four <i>lo 'i</i> next to an <i>'auwai</i> and neighbor's <i>lo 'i</i> and 'Āpana 2 for a <i>pāhale</i>
3657	Niho	Hanamāʻulu, Puna	Claimed one parcel of four <i>lo 'i</i> by a <i>pali</i> and <i>'auwai</i> and Hanamā'ulu lagoonal backwater (<i>muliwai o</i> <i>Hanamā 'ulu</i>), and neighbors' <i>lo 'i</i>
5089	Kuhamoana	Hanamāʻulu, Puna	Claimed three parcels 'Āpana 1 for a <i>pāhale</i> , 'Āpana 2 for a single <i>lo</i> ' <i>i</i> near the main road to Wailua (<i>ka alanui o Wailua</i>) and the <i>kula</i> of Pierce, and 'Āpana 3 for ' <i>Āina kalo</i> and <i>kula</i> by a <i>kahawai</i> , <i>kula</i> of Pierce, and a neighbor's <i>lo</i> ' <i>i</i>
7713	Kamāmalu, V.	Hanamāʻulu, Puna (<i>ahupuaʻa</i>)	Notes of Survey of the Ahupua'a of Land called Hanamā'ulu, situated in the District of Puna, Island of Kaua'i. Commencing upon the sea, at the mouth of the small stream called Kawailoa, and upon the southerly bank of said stream, running from thence S 74° W. 90 Chains, to the top of the hill called Kailiiliiliahinale, Bounded by the land called Wailua, belonging to His Majesty the King, from thence, N 82° W. 494 chains, Passing the plains to the top of the Mountain range called Wai'ale'ale, thence, S16° E. 204 Chains, following along the top of the said Mt range called Wai'ale'ale to a certain peak standing upon the North westerly corner of Land called haiku, from thence, N86° E. 166 chains, to the top of the Hill called Kamoenakukaua of passing down the range of the Hill on the <i>makai</i> side of Kilauhana & through, a small ravine, to a certain <i>Koa</i> tree, a short distance South of the Hanamaulu River, thence S82 E. 186 Chains, crossing the plantation of H.A. Peirce, to a certain <i>Kukui</i> tree standing alone on the plains <i>makai</i> of the above plantation of H.A. Pierce & Co marked K. bounded by the land called Kalapakī, thence N 75° E. 102 chains, passing over the plains to the Point of Rock upon the sea called Opoi, which forms the North easterly corner of land called Kalapakī, from thence following the sea to the point of Commencement, comprising an Area Nine Thousand One Hundred and Seventy Seven Acres

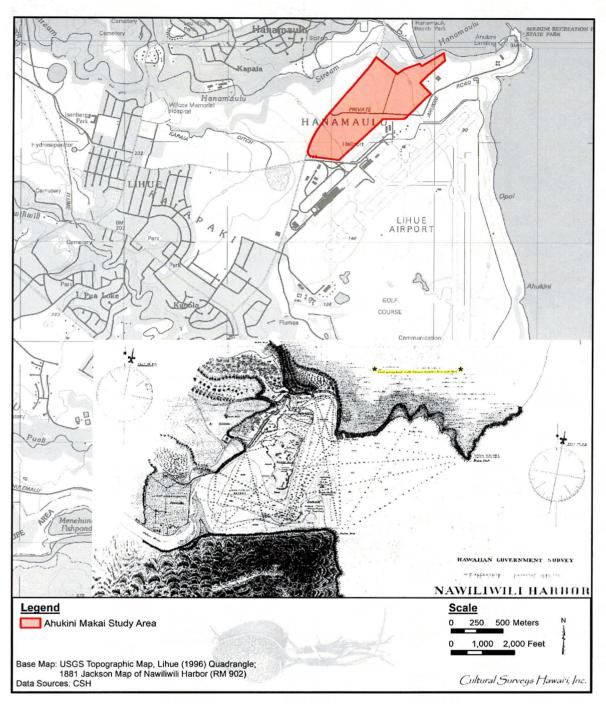


Figure 8. George C. Jackson produced an 1881 map of Nāwiliwili Harbor (here superimposed on a 1996 Lihue USGS quadrangle showing the project area). The highlighted comment on the northeast corner of the Jackson map reads "Level grassy land with volcanic boulders here and there" which is believed to characterize much of the coastal sloping table land of Kalapakī and Hanamā'ulu prior to commercial sugarcane cultivation

4.5 The Transition to Sugarcane Cultivation

By 1842, missionaries had moved into the area and had established five schools. Some of these missionaries attempted to introduce cotton as a cash crop, but were unsuccessful (Damon 1931:375). Sugar, however, caught on. The Lihue Plantation Company was first established in 1849 by Henry A. Pierce, Judge William Little Lee (the chairman of the Land Commission), and Charles Reed Bishop. Together they formed the Henry A. Pierce and Company (Damon 1931:409). The first 3,000 acres were purchased in Nāwiliwili (Damon 1931:414) and an additional 300 acres were purchased in Ahukini in 1866 (Hibbard and Wichman 2008:7). The Lihue Plantation became the most modern plantation at that time in all Hawai'i. It featured a steampowered mill built in 1853, the first use of steam power on a Hawaiian sugar plantation (Dorrance and Morgan 2000:28), and the 10-mile-long Hanamaulu Ditch built in 1856 by plantation manager William H. Rice, which was the first large-scale irrigation project for any of the sugar plantations (Moffatt and Fitzpatrick 1995:103).

The success of Lihue Plantation allowed it to continue to expand. After the owner of Hanamā'ulu Ahupua'a, Victoria Kamāmalu, died in 1866, all 9,177 acres (according to the acre number in the Māhele award) in the *ahupua'a* were purchased by Paul Isenberg (manager of Lihue Plantation from 1862–1878) in 1870, which he established as a separate company, the Hanamaulu Plantation. The land commission report was in error, however, and the deed to the tract found that the early Māhele survey had underestimated the acreage, which was actually something over 19,000 acres. An even later survey placed the acreage at 17,000 acres (Damon 1931:742–747). A total of 30,000 leased acres in Wailua were added in 1878 (Hibbard and Wichman 2008:7). In 1898, Hanamaulu Plantation merged with the Lihue Plantation (Condé and Best 1973:165). The extent of the sugarcane fields near the turn of the nineteenth century can be seen in an 1878 Hawaiian Government Survey map (Figure 9). In this map, there are not yet sugarcane fields depicted in the current project area; however, well before 1900 the project area was heavily altered by the cultivation of sugarcane (Figure 10). The extent of Lihue Plantation fields is illustrated in the 1906 Donn map (Figure 11) that shows much of the *ahupua'a* of Ha'ikū, Nāwiliwili, Kalapakī, Hanamā'ulu, and Wailua in a sea of sugarcane.

Given the indicated land contours on the 1910 map (Figure 12) it seems probable significant grading took place in the Ahukini Makai project area in the early twentieth century. Seemingly no houses are depicted in the project area or in the gently sloping coastal table lands south of Hanamā'ulu Stream. Several house are depicted in Hanamā'ulu Valley. This is very much consistent with the pattern of traditional Hawaiian habitation and agriculture as indicated in the Land Commission Award data. We have highlighted unimproved roads in yellow and highlighted trails in blue on the 1910 map (see Figure 12). It appears that the major routes out of Hanamā'ulu Valley in 1910 were to the west and the north. A Lihue Plantation railroad is depicted crossing the northeast portion of the project area and on north over the mouth of Hanamā'ulu Valley on this 1910 map (see Figure 12). A spur railroad segment branches off to the west, undoubtedly to better access sugar cane fields. Ahukini Road is indicated much as it is today.

By the end of the nineteenth century, fishing on Kaua'i was minimal, even though the waters were said to teem with fish "largely accounted for by the fact that the efforts of the islanders are devoted almost exclusively to sugar-cane growing, in which more money can be made than in fishing" (Cobb 1902:498). However, the ocean and shoreline that had been so integral to the

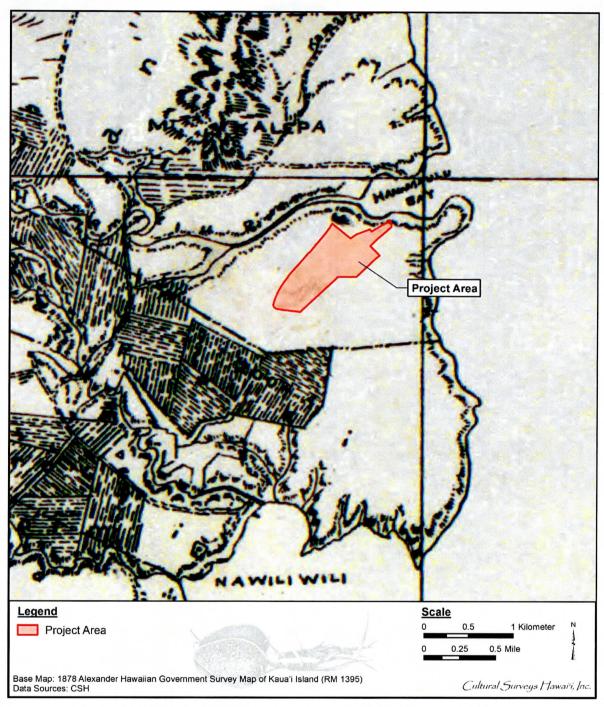


Figure 9. Portion of W.D. Alexander's 1878 Hawaii Government Survey Map of Kauai (RM 1395) showing the project area

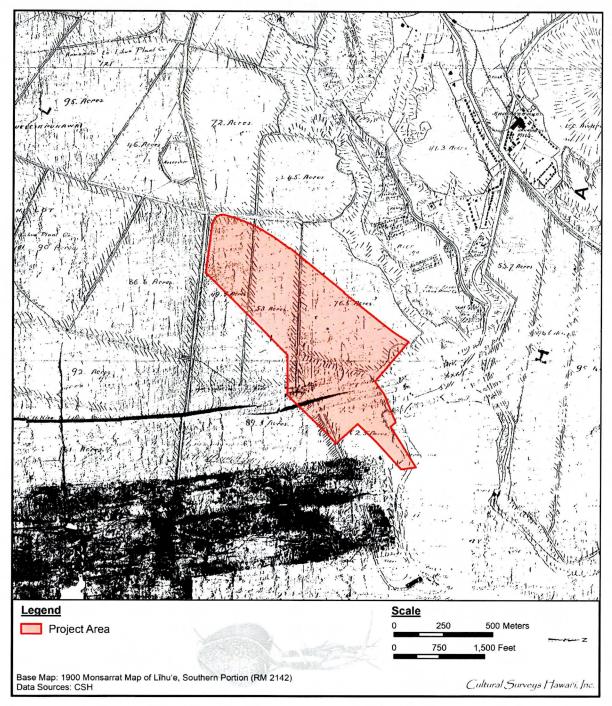


Figure 10. Portion of the 1900 Monsarrat map of Lihue Plantation, Southern Portion (RM 2142), showing the project area

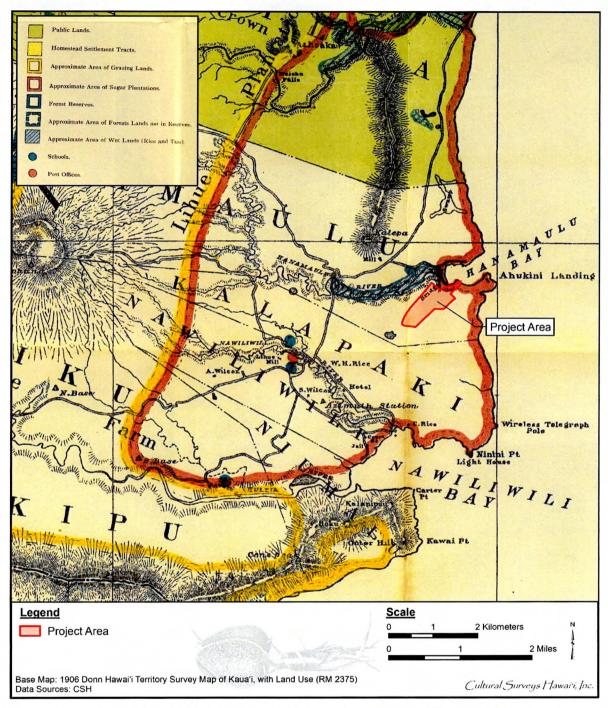


Figure 11. Portion of the 1906 Donn Hawaii Territory Survey map of Kaua'i with land use (RM 2375) showing the project area well within the "Approximate Area of Sugar Plantation"

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Traditional and Historical Background

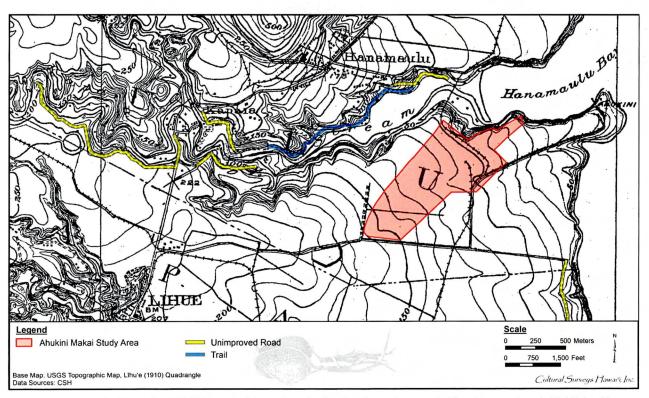


Figure 12. Portion of a 1910 Lihue USGS topographic quadrangle showing the project area (with unimproved roads highlighted in yellow and trails highlighted in blue)

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traditional Hawaiian way of life in Hanamā'ulu began to take on importance with growing harbor facilities of the early twentieth century.

Hanamaulu Sugar Company, established in 1870 (Condé and Best 1973:165) originally had its own wharf at Kou, on the north side of Hanamā'ulu Bay (Condé and Best 1973:179). This became the first wharf and boat landing area built sometime before 1885, beginning as a small wooden wharf on the beach. In 1898, this sugar company merged with the Lihue Plantation Company (Condé and Best 1973:179) and the railroads of the two companies also connected and merged. Sometime prior to 1906 the shipping operations relocated to the south side of the bay to Ahukini Landing. Newspaper accounts note Ahukini Landing was refurbished between 1906 and 1909 (Condé and Best 1973:165). The 1910 map (Figure 12) reflects the establishment of Ahukini Landing with a railroad to the pier. However, as sugar production increased and shipping vessels became larger and drew more water, a modern wharf was needed where ships could draw up alongside and load and unload supplies and passengers. Operations for this large harbor, the most modern harbor in the Islands, began in 1921, with the establishment of the Lihue Plantationsponsored Ahukini Terminal & Railway Company (AT&R), which operated until 1934 (Condé and Best 1973:165). The AT&R railway track traversed the coastline from Ahukini Pier at Hanamā'ulu Bay to Keālia through today's Wailua Golf Course and the Kauai Beach Resort. Ahukini pier became the principal port through which sugar and pineapple was exported in the early part of the twentieth century prior to the construction of Nāwiliwili Port.

A historical aerial photo of Hanamā'ulu Bay (Figure 13, believed to be dated 4 July 1924), shows the sugarcane fields of the Hanamā'ulu lands of Lihue Plantation in the background with the Ahukini Makai project area at center left in an unbroken sea of sugarcane. The Ahukini Makai project area is believed to have looked very much like this from before 1900 (see Figure 10). This 1924 aerial (see Figure 13) provides a good view of Hanamā'ulu Valley with homes and *lo'i* in the valley floor. This depiction of Hanamā'ulu Valley is believed to be similar to the way the valley looked for centuries before Western Contact.

The expansion of Lihue Plantation's sugarcane cultivation accelerated throughout the area in the early decades of the twentieth century, transforming nearly the entirety of the traditional landscape of Hanamā'ulu. By 1931, Lihue Plantation had 6,712 acres in cane (Wilcox 1996:73). Condé and Best's map of Lihue Plantation in 1941 (Figure 14) shows the extent of the lands making up the Lihue Plantation, and indicates the project area is within sugarcane fields 27, 28, L-29, 36, and L-36 at this time. Railroad tracks are shown crossing the *makai* portion of the Ahukini Makai project area and continuing over the mouth of Hanamā'ulu Valley, much as indicated on the 1910 map (see Figure 12). No other infrastructure is depicted within the Ahukini Makai project area. Ahukini Road is shown much as it is today.

For the most part the 1950 USGS aerial photograph (Figure 15) and 1959 aerial photograph (Figure 16) show the Ahukini Makai project area much as it is believed to have looked in 1900 (see Figure 10) within a sea of sugarcane. The big change was Līhu'e Airport that opened in 1950 (*Garden Island* 10 January 1950:1:3, 11:1).

By 1950 the train tracks were gone (Figure 15, Figure 16, and particularly the 1963 USGS map Figure 17) with cane hauling accomplished by trucks. The only plantation infrastructure within the project areas indicated up through the 1965 aerial photograph (Figure 18) are cane haul roads and the old coastal railroad alignment. Lihue Plantation ceased operations on 17 November 2000 after

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Traditional and Historical Background

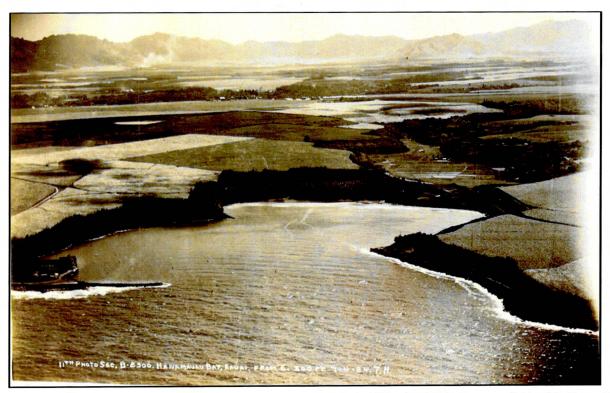


Figure 13. Historical aerial photo of Hanamā'ulu Bay (believed to be dated 4 July 1924), showing the sugarcane fields of the Hanamā'ulu lands of Lihue Plantation in the background with homes and *lo'i* in the valley (Kaua'i Historical Society, n.d.) (the Ahukini Makai project area at center left is an unbroken sea of sugarcane)

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Traditional and Historical Background

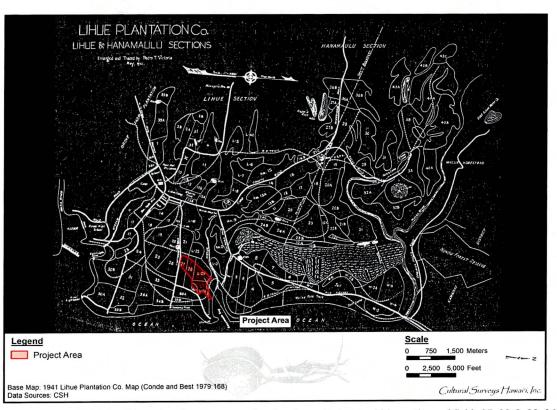


Figure 14. Portion of the 1941 Lihue Plantation Company map showing the project area within portions of fields 27, 28, L-29, 36, and L-36 (Condé and Best 1973:168)

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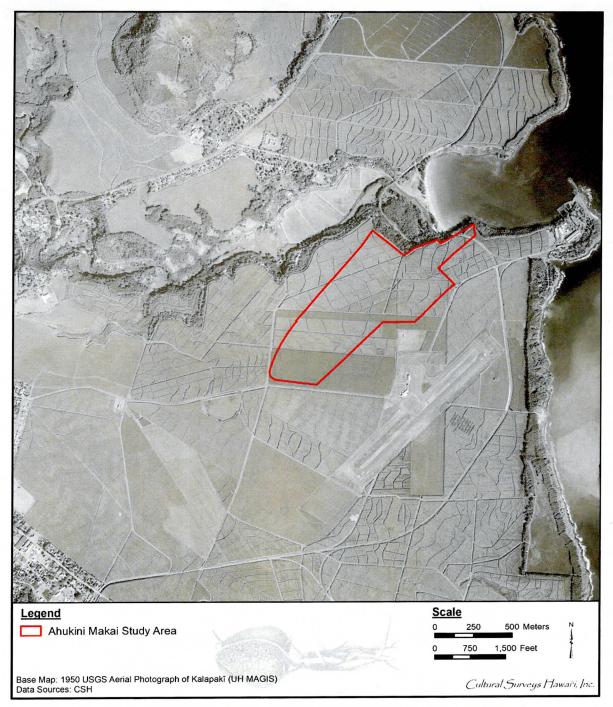


Figure 15. 1950 USGS aerial photograph of Kalapaki (UH MAGIS) showing the project area

Ka Pa'akai Analysis for the Ahukini Makai Subdivision Project, Hanamā'ulu, Līhu'e, Kaua'i TMK: (4) 3-7-002:001

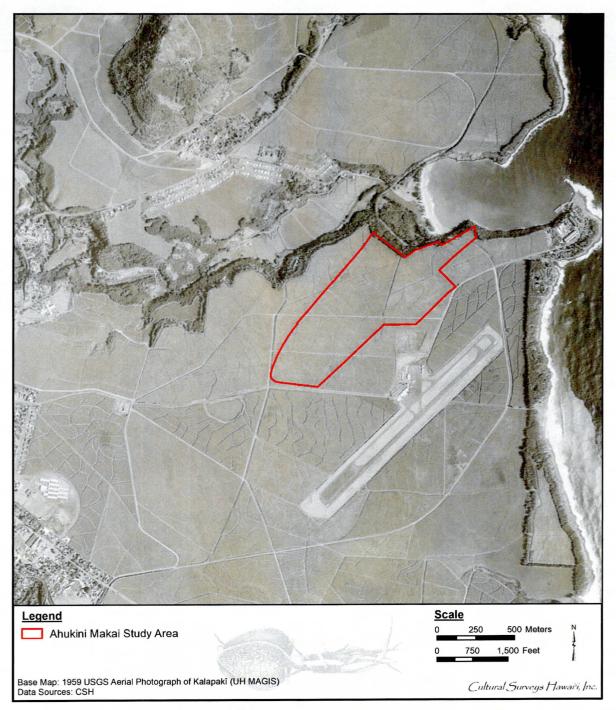


Figure 16. 1959 USGS aerial photograph of Kalapaki (UH MAGIS) showing the project area

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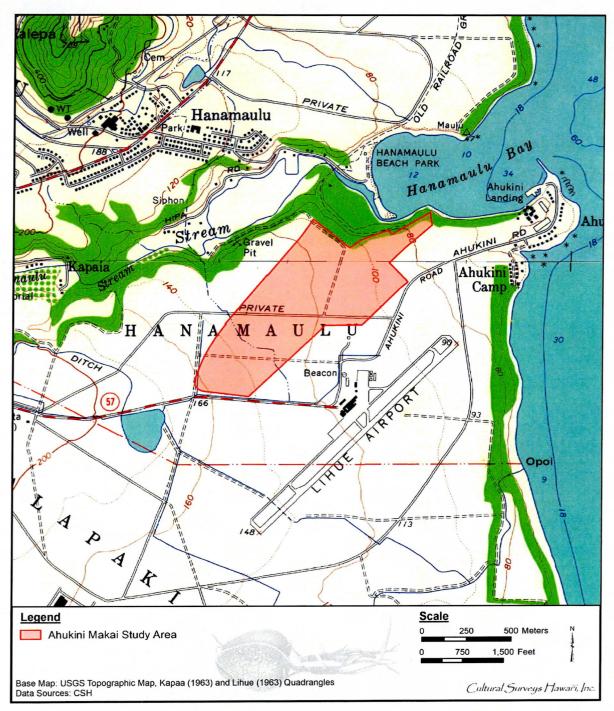


Figure 17. Portion of 1963 Lihue and Kapaa USGS topographic quadrangles showing the project area

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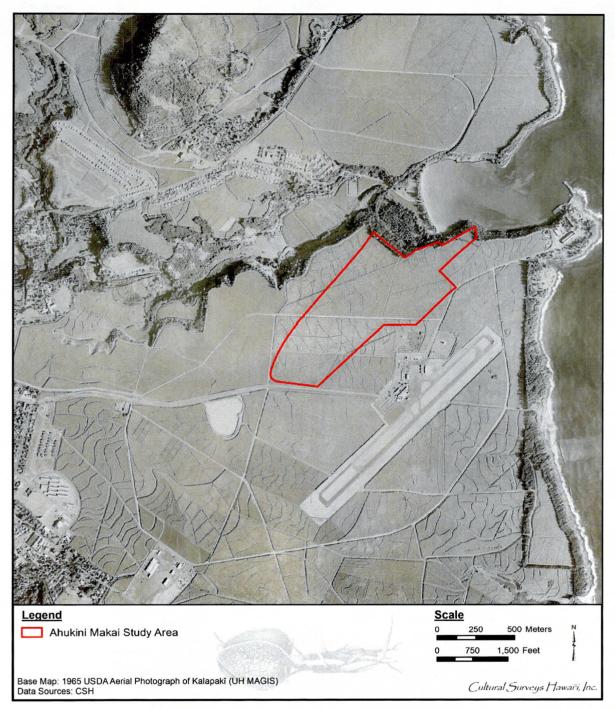


Figure 18. 1965 USDA aerial photograph of Kalapaki showing the project area (UH MAGIS)

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151 years of sugar production (Kauai Museum 2015: Lihue Plantation Company) The Lihue Plantation Mill (Figure 19) that had dominated the landscape, economy, and culture of Līhu'e for 147 years (since 1853, rebuilt and updated overtime) was to be no more.

4.6 The Contemporary Situation

Since the closure of Lihue Plantation in 2000, the present Ahukini Makai lands have remained largely fallow. Archaeological documentation of the project area in 2006 (see Figure 23 through Figure 27) is believed to characterize conditions since the end of sugar production.

It is understood that sugarcane cultivation on Kaua'i ended with the final harvest of Gay and Robinson in October 2009 (Hawaii News Now 31 October 2009). Today, Kaua'i is a tourism-centered economy with 1,279,968 people visiting the island in 2017. The Līhu'e Community Plan (LCP 2015) addresses future land use, growth, and development. The anticipated population growth from 2010 through 2035 was 2.39% per year (LCP 2015:83). The population of Līhu'e District was anticipated to grow from 11,169 in 1990 to 23,456 in 2035 (LCP 2015:83). Housing units in Līhu'e District were anticipated to grow from 3,562 in 1990 to 9,900 in 2035 (LCP 2015:83). There would of course be a need for associated supporting infrastructure (roads, schools, transportation, water, etc.) to be developed. "Under its subsidiary, Visionary LLC, Grove Farm has three planned development projects, all with initial approvals under the title of the Līhu'e-Hanamā'ulu Master Plan" (LCP 2015:86).

Understandably for many Kānaka Maoli the rapidity of population growth suggests the lands of Hawai'i moving ever further out of Native Hawaiian control and as constituting a de facto assault on traditional Hawaiian resources and customary practices leading some to categorical opposition to development.

If indeed the anticipated population growth in Līhu'e District (2010-2035 average annual growth rate of 2.39%) is to continue, then the question is how best to manage it and how to mitigate adverse impact on traditional Hawaiian resources and customary practices, or of course ideally to improve traditional Hawaiian resources.

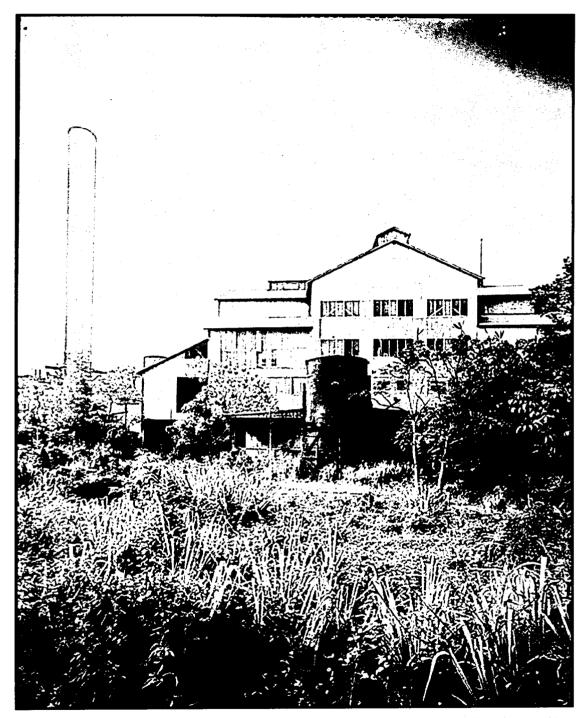


Figure 19. Lihue Plantation Mill, view of the Boiling House (Kaua'i Historical Society, n.d.)

Ka Pa'akai Analysis for the Ahukini Makai Subdivision Project, Hanamā'ulu, Līhu'e, Kaua'i TMK: (4) 3-7-002:001

Section 5 Previous Archaeological Research

This section details previous archaeological studies within the vicinity of the current Ahukini Makai Subdivision project area. The locations of previous archaeological studies within approximately 1.0 km of the project area are depicted on Figure 20 and summarized in Table 3. The locations of previously identified historic properties within approximately 1.0 km of the project area are depicted in Table 4.

5.1 Early Studies

5.1.1 Thrum 1906

Thomas Thrum, the publisher of the *Hawaiian Almanac*, gathered lists of *heiau* on all islands. For the *ahupua* 'a of Hanamā'ulu, he noted one *heiau*—Kalauokamanu—as "a large walled heiau that stood above the present mill; destroyed about 1855. Of pookanaka class" (Thrum 1906:40). This site is located approximately 2 km southwest of the current project area and was designated as site number 102.

5.1.2 Bennett 1931

The first comprehensive archaeological survey on the island of Kaua'i was undertaken by Wendell Bennett and published in 1931. Bennett noted Thrum's description of Kalauokamanu Heiau, designated as Site 102, but there is no evidence that he physically searched for the remains of this *heiau* during his survey. Bennett also documented sand dune burials (Site 103) in Hanamā'ulu toward the Wailua River.

Ethel Damon provided additional information on Kalauokamanu Heiau:

Within the ahupua'a of Hanamaulu was a large walled heiau called Ka-lau-o-kamanu of the poo-kanaka type, or one in which human sacrifices were offered; but in the almost unconscious days of transition, when popular interest in such things was still asleep, most of the stones from this enclosure were taken to make firm the foundation of the Hanamaulu sugar mill. [Damon 1931:397]

A 1934 Garden Island Press newspaper account quoted by Ethel Damon gives additional information on the location of this *heiau*:

Another *heiau* located in Hanamā'ulu is Kalauokamanu. This was situated just west of the Lihu'e Plantation Yard and adjacent to a cane haul road. It is said to be of the *pookanaka* class and was destroyed in 1855. [Garden Island Press 1934 in Corbin et al. 2002:14, paraphrasing Bennett 1931:125]

The only other site Bennett associates with Hanamā'ulu at all is his "Site 103. Dune burials. In the sand dunes that run along the shore half way between Hanamaulu and Wailua River are many burials" (Bennett 1931:125).

It would seem likely that it was a customary practice in Hanamā'ulu to bury the dead in the coastal dunes up toward Wailua. It may be noted that the population of Wailua could have traditionally been tenfold that of Hanamā'ulu, or more, and the burials along that long stretch of coast may reflect that demographic imbalance.

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Previous Archaeological Research

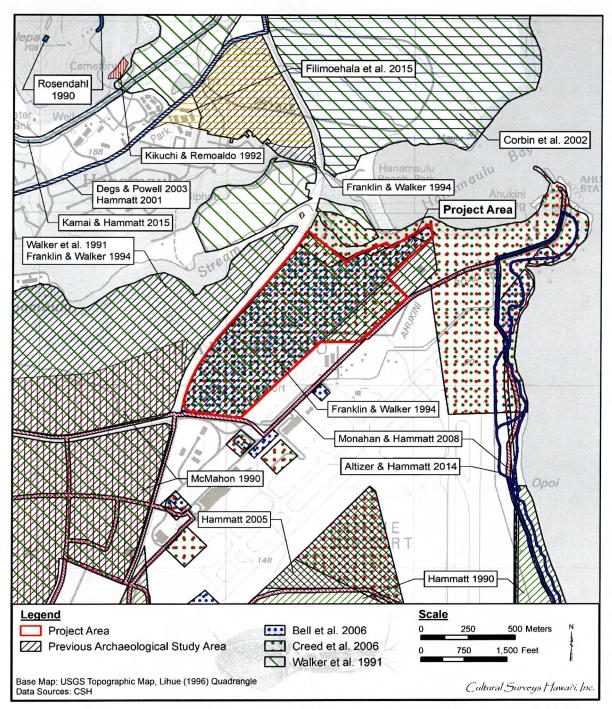


Figure 20. Portion of the 1996 Lihue and Kapaa USGS topographic quadrangles showing the locations of previous archaeological study areas within approximately 1.0 km of the Ahukini Makai project area

Source	Nature of Study	Location	Results
Thrum 1906	Heiau study	Island-wide	Kalauokamanu Heiau described, but listed as already destroyed by 1855
Bennett 1931	Archaeology of Kauaʻi	Island-wide	Discusses Site 102, Kalauokamanu Heiau and Site 103, dune burials in sand dunes that run along shore halfway between Hanamā'ulu and Wailua River
Hammatt 1990	Archaeological reconnaissance survey	Kauai Lagoons Resort (present- day Hokuala) Kalapakī	Identified five archaeological sites along shoreline, including three somewhat close to present project area: Site 1 wall remnant (SIHP # 50-30-11-00422), Site 2 another wall remnant (SIHP # 50-30-11-00423), and Site 3 a shell midden scatter (SIHP # 50-30-11-00421)
McMahon 1990	Archaeological field check	Nāwiliwili, Kalapakī, and Hanamā'ulu <i>ahupua'a</i>	Documented three previously identified historic residential sites (SIHP #s 50-30-11- 09390, -09401, and -09402)
Rosendahl 1990	Archaeological field inspection and subsurface testing	Kālepa radio station and Kālepa Rd	Conducted further archaeological work at SIHP 50-30-08-01827 concluding additional burials probably present
Walker et al. 1991	Archaeological inventory survey	Lands in Hanamā'ulu, Kalapakī, Nāwiliwili, Niumalu, and Wailua <i>ahupua'a</i>	Identified ten sites, three pre-Contact, seven historic (SIHP #s 50-30-08-01838 through -1847)
Kikuchi and Remoaldo 1992	Cemeteries of Kauaʻi	Island-wide	Cemeteries inventoried in Hanamā'ulu include Kaua'i Memorial Gardens (SIHP # 50-30-08-B008), Hanamā'ulu Immaculate Conception Church II (SIHP # 50-30-08- B009); Kapaia Chinese Cemetery (SIHP # 50-30-08-B010); Immaculate Conception Roman Catholic Church Cemetery (SIHP # 50-30-08-B011)
Franklin and Walker 1994	Archaeological inventory survey	Hanamāʻulu and Kalapakī <i>ahupuaʻa</i>	Identified a boundary/agricultural wall: SIHP # 50-30-11-01842

Table 3. Previous archaeological studies within approximately 1.0 km of the Ahukini Makai project area

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Source	Nature of Study	Location	Results
Hammatt 2001	Archaeological field inspection and literature review	Proposed fiberoptic cable project within an 82-km road corridor	Evaluated the stretch of Ka'umuali'i Hwy from Līhu'e Town to the Wailua County Golf Course at south edge of Kokomo Ridge as of relatively low potential because of absence of sandy soils and native tenant LCAs and absence of identified sites
Corbin et al. 2002	Archaeological inventory survey	"Ocean Bay Plantation at Hanamā'ulu" on approx. 460 acres located <i>makai</i> of Kūhiō Hwy north of Hanamā'ulu Bay	Regarded as "an upgraded version" of Walker et al. 1991 study; four site complexes and six single-feature sites identified in or in vicinity of project area; most common feature types in project area are bridges (2), cultural deposits (2), and cemeteries (1 and possibly 2); other feature types in area include concrete foundations, a retaining wall, and a terrace
Dega and Powell 2003	Archaeological monitoring	Phase I of Kaua'i Rural Fiber Optic Duct Lines project	Two previously disturbed burials of traditional context identified (SIHP # 50- 30-08-103) and subsurface cultural layer dating to AD 1440-1660 (SIHP # 50-30-08- 00356)
Hammatt 2005	Archaeological inventory survey (termed archaeological assessment in the absence of finds)	Approx. 71-acre portion of Kauai Lagoons Resort property, Kalapakī Ahupua'a	No historic properties identified
Creed et al. 2006	Archaeological field inspection and literature review	Eleven discrete areas for proposed Līhu'e Airport Expansion, Hanama'ulu and Kalapakī <i>ahupua'a</i> ; TMKs: (4) 3-5 001:005, 006, 008, 009, 109, 111, 158, and 3-7-002:por. 1	Reports fieldwork conducted in 1998 and 1999; most of present project area addressed as "Area 2"; only historic properties identified (SIHP # 50-30-08- 9000) in vicinity of Ahukini Landing (designated "Area 10") well northeast of present project area
Bell et al. 2006	Archaeological inventory survey	Hanamā'ulu and Kalapakī	Identified SIHP # 50-30-08-3958, plantation-era concrete enclosures and foundation remnants that likely functioned as a piggery

Source	Nature of Study	Location	Results
Monahan and Hammatt 2008	Archaeological literature review and field inspection	Nāwiliwili- Ahukini Bike Path project passing through portions of coastal Nāwiliwili, Kalapakī and Hanamā'ulu and which ran along south side of Ahukini Makai project area	All seven historic properties discussed immediately on coast with nearest more than 500 m east of Ahukini Makai project area
Altizer and Hammatt 2014	Archaeological inventory survey	Nāwiliwili- Ahukini Bike Path project, Nāwiliwili, Kalapakī, and Hanamā'ulu Ahupua'a	Fifteen cultural resources identified
Filimoehala et al. 2015	Archaeological inventory survey	"Hoʻoluana at Kohea Loa" Housing Development, Hanamāʻulu	Regarded as supplemental to Walker and Rosendahl (1990) AIS, this study documented one archaeological site, SIHP # 50-30-08-2295, a 20th century irrigation complex of Lihue Plantation Co.
Kamai and Hammatt 2015	Archaeological literature review and field inspection	Approx. 16.8 km for proposed new mauka Līhu'e Hanamā'ulu road within five ahupua'a; Hanamā'ulu, Kalapakī, Nāwiliwili, Ha'iku, and Niumalu	Identified historic properties related to plantation era (ditches, culverts, and a cemetery) located along both sides of existing cane haul roads including features associated with SIHP # 50-30-11-2218 (Morris and Hammatt 2014; Yucha et al. 2014) and five historic properties including ditches, culverts, and a siphon related to plantation water control

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Previous Archaeological Research

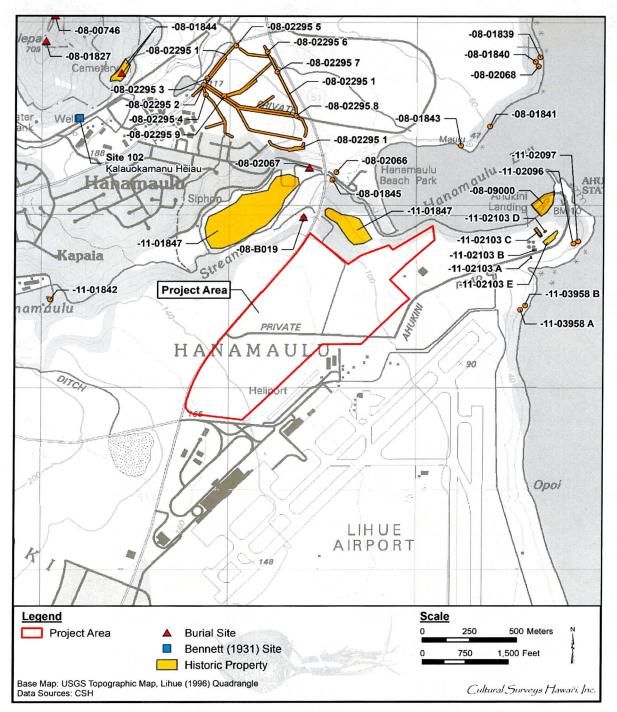


Figure 21. Portion of the 1996 Lihue and Kapaa USGS topographic quadrangle showing the locations of previously identified historic properties, in the vicinity of the project area

SIHP # (50-30-)	Nature of Site	Source	Comment
102	<i>Heiau</i> (Kalauokamanu Heiau)	Thrum in Bennett 1931:125	A large walled <i>heiau in Hanamā'ulu</i> that stood above the present mill; destroyed about 1855- of <i>pō'okanaka</i> [human sacrifice <i>heiau</i>] class.
08-00746	Human burial	Rosendahl 1990	Kālepa Road Burial on Kālepa Ridge, Hanamā'ulu
08-01827	Human burial platform	Pers. comm. N. McMahon 1999	Kālepa Burial Platform on Kālepa Ridge, Hanamā'ulu
08-01839	Pre-Contact agricultural wall and terrace	Walker et al. 1991, Corbin et al. 2002	Hanamā'ulu coast, north of bay, although the function of the wall was evaluated as "agriculture" and the terrace was "indeterminate" the site function was "temporary habitation"
08-01840	Historic retaining wall	Walker et al. 1991, Corbin et al. 2002	Hanamā'ulu, retains a post-Contact road
08-01841	Historic road	Walker et al. 1991, Corbin et al. 2002	Hanamā'ulu, a road section with stacked boulder retaining walls
08-01843	Historic concrete foundation, road and concrete wall	Walker et al. 1991, Corbin et al. 2002	Hanamā'ulu, associated with historic agriculture
08-01844	Historic cemetery	Walker et al. 1991	Hanamā'ulu Japanese cemetery and a neighboring Filipino cemetery
08-01845	Historic railroad bridge	Walker et al. 1991, Corbin et al. 2002	Hanamā'ulu, the bridge is constructed of steel reinforced concrete, supported on three points. Two arches meeting at the bottom of a middle support pillar. This bridge spans a marsh.
08-02066	Complex (3 features)	Corbin et al. 2002	Includes designated Feature A an upright, Feature B a road, and Feature C a possible historic house foundation
08-02067	Historic cemetery	Corbin et al. 2002	A semi-maintained cemetery and an associated probable house foundation
08-02068	Historic trash dump	Corbin et al. 2002	Thought to date to 1880s to 1910s
08-02295 1	Ditch system	Filimoehala et al. 2015	A 2,780-m-long earthen ditch network, which forms the core structure of the irrigation network

Table 4. Previously identified historic properties within approximately 1.0 km of the Ahukini Makai project area

SIHP # (50-30-)	Nature of Site	Source	Comment
08-02295 2	Sluice complex	Filimoehala et al. 2015	A ditch and sluice complex with ten water control features, including seven sluice gates and three culverts.
08-02295 3	Paved channel	Filimoehala et al. 2015	A short segment of paved irrigation ditch, located 27 m northeast of the sluice complex (Feature 2).
08-02295 4	Bridge	Filimoehala et al. 2015	A concrete bridge, which crosses an irrigation ditch, located 45 m southeast of the sluice complex (Feature 2)
08-02295 5	Culvert/sluice gate	Filimoehala et al. 2015	A concrete culvert that runs below a former vehicle entry and an associated sluice gate, located at the northern end of the project area along Kūhiō Hwy
08-02295 6	Culvert/sluice gate	Filimoehala et al. 2015	A culvert that runs underneath Kapule Hwy, and an associated sluice gate, located on the northern end of the project area
08-02295 7	Culvert/sluice gate	Filimoehala et al. 2015	A culvert that runs underneath Kapule Hwy, and an associated sluice gate, located along the road 120 m south of Feature 6
08-02295 8	Culvert/sluice gate	Filimoehala et al. 2015	A complex of two culverts and four associated sluice gates, located 250 m south of Feature 7, near Kapule Hwy
08-02295 9	Sluice gate	Filimoehala et al. 2015	A wooden sluice gate with no stone or concrete components, located 110 m southeast of Feature 2 in the interior of the project area.

SIHP # (50-30-)	Nature of Site	Source	Comment
08-09000	Ahukini Landing	Creed et al. 2006	Ahukini Landing was refurbished between 1906 and1909. However, as sugar production increased and shipping vessels became larger and drew more water a modern wharf was needed where ships could draw up alongside and load and unload supplies and passengers. The large, then most modern harbor installation in the islands, run by Ahukini Terminal & Railway Company (AT&R Co.) began its operations in 1921 and included the shipping terminal, storage sheds, oil tanks and multiple family housing units for the terminal workers.
08-B019	Cemetery	Kikuchi and Remoaldo 1992	Family cemetery, not located, possibly connected to LCA 3653:2
11-01842	Wall	Walker et al. 1991	Constructed of generally waterworn medium basalt boulders to large basalt cobbles. It is stacked five-six courses high and two to three courses wide; associated with historic agriculture.
11-01847	"River Valley"	Walker et al. 1991	Designates 53.0 acre flat, level valley floor "Although no structural remains were visible, the area may have been used prehistorically for agricultural activities"
11-02096	Concrete ditch	Altizer and Hammatt 2014	Drainage function
11-02097	Concrete ditch	Altizer and Hammatt 2014	Drainage function
11-02103 A	Concrete platform	Altizer and Hammatt 2014	Remnants of a fertilizer storage facility Labeled as a roundhouse on the 1927
11-02103 B 11-02103	Building foundation Concrete slab	Altizer and Hammatt 2014 Altizer and	Sanborn Fire Insurance map
С		Hammatt 2014	storage facility present on the 1927 Sanborn Fire Insurance map
11-02103 D	Two adjacent concrete pads	Altizer and Hammatt 2014	Also a remnant of the Standard Oil storage facility on the 1927 Sanborn Fire Insurance map

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SIHP # (50-30-)	Nature of Site	Source	Comment
11-02103 E	Railroad track remnants	Altizer and Hammatt 2014	Remnants of three sets of narrow gauge tracks imbedded in a concrete slab
11-03958 A	A series of contiguous rectangular concrete enclosures	Bell et al. 2006	These enclosures likely functioned as pigpens and dated to the early to mid-20th century
11-03958 B	Rectangular concrete foundation with wall remnants and an associated concrete drainage feature	Bell et al. 2006	Likely functioned as an animal pen, likely for pigs and dated to the early to mid-20th century

5.2 Modern Archaeological Studies

5.2.1 Hammatt 1990

CSH (Hammatt 1990) carried out an archaeological reconnaissance survey at three designated geographical phases (Phase III, IV, and V) at the Kaua'i Lagoons Resort (present day Hōkūala) in Kalapakī identifying five designated archaeological sites along the shoreline (all well to the south of the Ahukini Makai project), including Site 1 a wall remnant (State Inventory of Historic Places [SIHP] # 50-30-11-00422), Site 2 another wall remnant (SIHP # 50-30-11-00423), Site 3 a shell midden scatter (SIHP # 50-30-11-00421), Site 4 Oval Terrace Alignment on Bluff—possible prehistoric habitation structure, and Site 5 a high well-constructed wall possibly related to former Ninini Heiau.

5.2.2 McMahon 1990

In 1990, Nancy McMahon surveyed three possible locations for a new Kaua'i Judiciary Building in Nāwiliwili. Three previously identified historic residential sites (SIHP #s 50-30-11-09390, -09401, and -09402) were recorded. SIHP # -09390 is the Grove Farm manager's house; SIHP #s -09401 and -09402 were two other plantation-era residences.

5.2.3 Rosendahl 1990

In 1990, Paul H. Rosendahl, Inc. (PHRI) conducted an archaeological field inspection and limited subsurface testing for the Kalepa Radio Station and Kālepa Road improvements project. The previously identified burial platform designated SIHP # 50-30-11-1827 and areas of both disinterred and in situ burial remains were inspected to identify any archaeological remains on or alongside the road. No new historic properties were identified during the inspection of both the radio station and the road improvements. Backhoe testing was conducted in two of the three alternate radio station sites. Testing showed the units consisted of sterile silty clay mixed with weathered bedrock. No cultural materials or deposits were discovered in the units. It was concluded, however, that "additional burials are probably still present within the Radio Station project area" (Rosendahl 1990:3).

5.2.4 Walker et al. 1991

Of particular relevance to the Ahukini Makai Subdivision project is the archaeological inventory survey, Lihue/Puhi/Hanamaulu Master Plan (Walker et al. 1991). There were caveats regarding the level of coverage of their 1,550-acre project area but it appears they felt "inventory-level survey was conducted" in the majority of the present Ahukini Makai Subdivision which appears to have been largely within their 140-acre "Section 4" study area (Walker et al. 1991:ii, 2 and 3). The description of their Section No. 4 in 1990 is provided below:

Section No. 4 consists of c. 140 ac and is located in the Land of Hanamaulu. This section is bounded on the south and east by Lihue Airport and Ahukini Road, on the west by the Hanamaulu-Ahukini cut-off road, and on the north by Hanamaulu Stream gulch. This entire parcel has been modified and is presently in sugar cane cultivation. [Walker et al. 1991:4]

Their reference to "this entire parcel [...] is presently in sugar cane" needs to be considered as their stated methodology for fieldwork is as follows:

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Because areas altered by sugar cane cultivation are unlikely to contain archaeological features, and because sugar cane cultivation within the present project area does not occur in low swale or alluvial flat areas that may contain buried cultural deposits, areas in sugar cane cultivation were not generally surveyed. Areas in sugar cane were only sampled. [...] [Walker et al. 1991:7]

They provide further clarification that: "Only very limited surface survey was done in sugar cane fields [...]" (Walker et al. 1991:18).

There was no subsurface testing in their Section No. 4 (Walker et al. 1991:11). No historic properties, artifacts, midden, or sampling were reported from their Section No. 4 (Walker et al. 1991:13, 16, 17).

5.2.5 Kikuchi and Remoaldo 1992

Kikuchi and Romoaldo (1992) conducted a survey and inventory of cemeteries on the island of Kaua'i. They documented 17 cemeteries within the Līhu'e District.

Six cemeteries were identified within Hanamā'ulu Ahupua'a: SIHP # 50-30-08-B007 (inventoried but not surveyed); Kaua'i Memorial Gardens Cemetery, SIHP # -B008 (inventoried but not surveyed); Immaculate Conception Church Cemetery II, SIHP # -B009; Kapaia Chinese Cemetery, SIHP # -B010; Immaculate Conception Church Cemetery, SIHP # -B011; and SIHP # -B019 (not located). None of the cemeteries near the vicinity of the current project should be affected during the proposed current project.

5.2.6 Franklin and Walker 1994

Franklin and Walker (1994) produced an *Additional Archaeological Inventory Survey, Molokoa Lands Project Area, Lands of Hanamaulu and Kalapaki*, addressing 552.3 acres of "Molokoa Lands" the purpose of which was to "updates and synthesizes the relevant historical research data and archaeological findings from two prior PHRI Archaeological Inventory Survey reports" (Franklin and Walker 1994:ii). One of the two reports referenced was the Walker et al. 1991 study discussed above and the other was a Walker and Rosendahl 1990 study that did not cover the area of present concern (Franklin and Walker 1994:1). This Franklin and Walker (1994) study appears to be a repackaging of prior work to address a new project area configuration.

This study appears to have addressed most of the present Ahukini Makai Subdivision project area, however, they cite an acreage of 131.0 acres for this study parcel (Franklin and Walker 1994:5) in contrast to the 170 acres associated with the present configuration of the Ahukini Makai Subdivision project area.

No historic properties were reported from their Ahukini Makai parcel (Franklin and Walker 1994:ii, 27, 17) and there is no mention of any artifacts, midden, or sampling.

Two sites were located well inland of the Ahukini Makai project area: a boundary/agricultural wall, SIHP # 50-30-11-1842, along the south side of Hanamā'ulu Valley near Kapaia; and a reidentified SIHP # 50-30-08-9402, a historic building associated with radio station KIVM (Franklin and Walker 1994:27).

5.2.7 Hammatt 2001

CSH (Hammatt 2001) carried out an archaeological field inspection and literature review for the then proposed Sandwich Isles Communication Fiberoptic Cable project within an approximately 82-km (51-mile) road corridor between Kekaha and Moloa'a. The island was analyzed in segments with the stretch of Ka'umuali'i Highway from Līhu'e Town to the Wailua County Golf Course at the south edge of Kokomo Ridge evaluated as of relatively low archaeological potential because of the absence of sandy soils, the absence of native tenant LCAs, and the absence of previously identified historic properties.

5.2.8 Corbin et al. 2002

Paul H Rosendahl, Inc. (PHRI) (Corbin et al. 2002) prepared an archaeological inventory survey for an "Ocean Bay Plantation at Hanamā'ulu" on approximately 460 acres located *makai* of Kūhiō Highway north of Hanamā'ulu Bay. This was regarded as "an upgraded version" of an earlier (Walker et al. 1991) PHRI report. Four site complexes and six single-feature sites were identified in or in the vicinity of the project area. The most common feature types in the project area are bridges (2), cultural deposits (2), and cemeteries (1 and possibly 2). Other feature types in the area include concrete foundations, a retaining wall, and a terrace.

5.2.9 Dega and Powell 2003

In 2003, Scientific Consultant Services conducted archaeological monitoring along Kūhiō Highway in eastern Kaua'i (Dega and Powell 2003). Ten archaeological sites were identified: SIHP #s 50-30-08-00868 (traditional Hawaiian and historic burials), -00871 (traditional Hawaiian and historic burials), -00872 (traditional Hawaiian burials), -00884 (traditional Hawaiian cultural layer with artifacts, charcoal, historic artifacts, and railroad bedding), -00885 (historic irrigation ditch), -00886 (pre-Contact hearth, historic ditch, traditional Hawaiian burial), -00887 (traditional Hawaiian cultural layer with charcoal), -001711 (pre-Contact hearth), -001848 (pre-Contact post molds and hearth), and -001849 (pre-Contact cultural layer). Of these, only SIHP # -00885 is located in Hanamā'ulu Ahupua'a.

5.2.10 Hammatt 2005

CSH (Hammatt 2005) carried out an archaeological inventory survey (termed an archaeological assessment in the absence of finds) of an approximately 71-acre portion of Kaua'i Lagoons Resort property in Kalapakī Ahupua'a. No historic properties were identified.

5.2.11 Creed et al. 2006

CSH (Creed et al. 2006) carried out an archaeological literature review and field inspection of 11 discrete areas as part of a project area proposed for the expansion of the Līhu'e Kaua'i Airport. The study asserts "[...] parcels of the project area received 100% surface survey coverage. No evidence of prehistoric or early historic sites were encountered within the project boundaries." Of relevance is their "Area 7" approximating the Ahukini Makai project area described as follows:

Area 7 is a large parcel at the northwest end of the project area. Its boundary to the northwest is Kapule Highway. Presently, sugar cane is planted within the interior of this sub-area. This land which contains modifications of commercialized sugar cane production. Modifications to this area include active irrigation ditches, clearing piles, and dirt roads (Appendix Figure 27). As is often the case with sugar cane fields, there was no surface archaeological sites present. [Creed et al. 2006:46]

5.2.12 Bell et al. 2006

CSH (Bell et al. 2006) carried out an archaeological inventory survey of the proposed Līhu'e Airport improvements that included an approximation of the present Ahukini Makai area as Improvement Area 6 (Figure 22). At the time, this area was described as "Area 6 is a former cane field that is filled with tall, wild grasses" (Bell et al. 2006:42) and as an "Undeveloped, open field that is not maintained." Photographs of this project area are provided (see present Figure 23 through Figure 26). No historic properties were identified in this project area. The study advocated project-specific effect recommendations of "No adverse effect" (federal historic preservation legislation) and "No historic properties affected" (Hawai'i historic preservation legislation) and recommended no further cultural resource management work (Bell et al. 2006:57).

5.2.13 Monahan and Hammatt 2008

CSH (Monahan and Hammatt 2008) produced an archaeological literature review and field inspection report for the Nāwiliwili-Ahukini Bike Path project passing through portions of coastal Nāwiliwili, Kalapakī and Hanamā'ulu *ahupua'a* and which (in part) ran along the south side of the Ahukini Makai project area. All seven historic properties discussed were immediately on the coast with the nearest more than 500 m to the east of the Ahukini Makai project area.

5.2.14 Altizer and Hammatt 2014

CSH (Altizer and Hammatt 2014) carried out an archaeological inventory survey for approximately 6 linear miles (10 km) of the Nāwiliwili-Ahukini Bike Path Project in coastal Nāwiliwili, Kalapakī, and Hanamā'ulu Ahupua'a. A total of 15 cultural resources were identified including two walls related to plantation era sugar cane cultivation and/or ranching activities (SIHP #s 50-30-11-00422 and 50-30-11-00423); two pre-Contact habitation terraces (SIHP #s 50-30-11-02086 and 50-30-11-02094); Nāwiliwili Harbor Light and associated features (SIHP # 50-30-11-02087); the remains of a historic communications tower (SIHP # 50-30-11-02088; a possible burial mound (SIHP # 50- 30-11-02089); a military gun emplacement (SIHP # 50-30-11-02090); two sites related to historic residences (SIHP #s 50-30-11-02091 and 50-30-11-02092); one plantation era earthen drainage ditch (SIHP # 50-30-11-02093); one pre-Contact activity area (SIHP # 50-30-11-02095); two historic concrete drainage ditches (SIHP #s 50-30-11-2096 and 50-30-11-2097); and remnants of a historic industrial complex (SIHP # 50-30-11-2103).

5.2.15 Filimoehala et al. 2015

The International Archaeological Research Institute, Inc. (Filimoehala et al. 2015) prepared a supplemental archaeological inventory survey for a roughly triangular 59.7 acre "Ho'oluana at Kohea Loa" housing development at Hanamā'ulu Ahupua'a project area located immediately southwest of the junction between Kūhiō Highway and Kapule Highway. This was regarded as supplemental to the Walker and Rosendahl (1990) archaeological inventory survey and addressed the same project area. This study documented one archaeological site, SIHP # 50-30-08-2295, a 20th century irrigation complex of the Lihue Plantation Company that included nine designated features including a ditch system (Feature 1), a sluice complex (Feature 2), a paved channel (Feature 3), a bridge (Feature 4), four culvert/sluice gate features (Feature 5 through Feature 8), and a sluice gate (Feature 9).

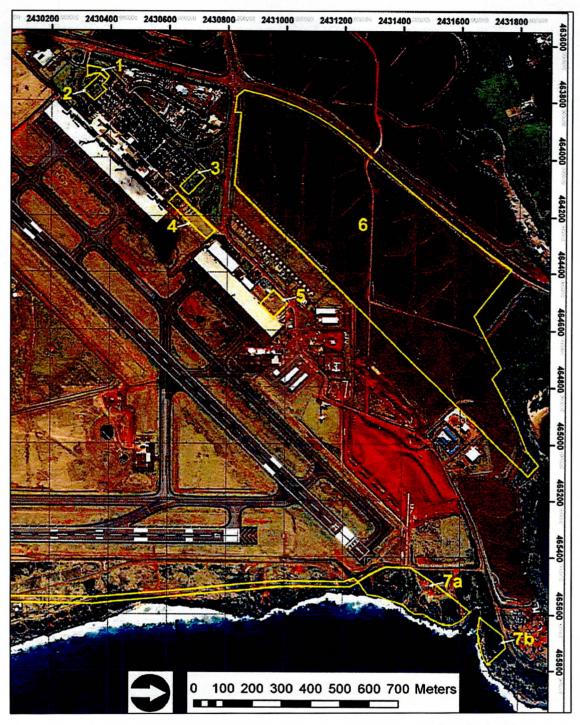


Figure 22. Map showing Līhu'e Airport improvements, Improvement archaeological inventory survey Area 6 approximating the Ahukini Makai project area (adapted from Bell et al. 2006:4)

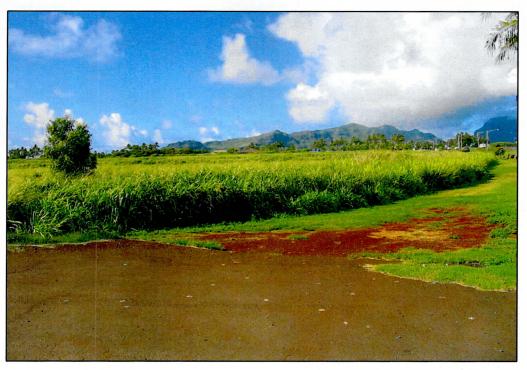


Figure 23. Area 6 — Tall Grass, Former Commercial Sugarcane Lands (from Bell et al. 2006:71)



Figure 24. Area 6 — Tall Grass, Former Commercial Sugarcane Lands (from Bell et al. 2006:71)



Figure 25. Area 6 — Tall Grass, Former Commercial Sugarcane Lands (from Bell et al. 2006:72)



Figure 26. Tall Grass, Former Commercial Sugarcane Lands (from Bell et al. 2006:72)

5.2.16 Kamai and Hammatt 2015

CSH (Kamai and Hammatt 2015) prepared an archaeological literature review and field inspection study for an approximately 16.8-km "Līhu'e Hanamā'ulu New Mauka Road and a Future Potential Mauka Road" project. The study reported five newly identified historic properties related to the plantation era including ditches, culverts, and a cemetery located along both sides of the existing portions of cane haul roads regarded as components of previously identified SIHP # 50-30-11-2218.

5.3 Background Summary and Predictive Model

Creed et al. (2006) provide a detailed synthesis of the settlement patterns and prehistory of the *ahupua* 'a of Hanamā'ulu. This synthesis includes extensive research on how the *ahupua* 'a fits into the settlement patterns of Kaua'i as a whole. The synthesis presented here is largely derived from Creed et al. (2006).

As pointed out by Franklin and Walker (1994:17), two important *ahupua* 'a and large rivers lie on either side of Hanamā'ulu lands. The first—Wailua Ahupua'a, home of the royal chiefs—lies immediately to the north. The other, Hulē'ia River Valley and the *ahupua* 'a of Ha'ikū, lies to the south beyond Nāwiliwili and Niumalu. Thus Hanamā'ulu Ahupua'a would be expected to have less varied pre-Contact resources than its more dominant neighbors, which had greater populations along large river valleys.

Hanamā'ulu, however, would hardly have been devoid of pre-Contact structures as traditional stories assign considerable importance to the region. They portray Hanamā'ulu as the birth and death place of Kawelo, a late seventeenth century paramount chief. They reference paths crossing Hanamā'ulu as well as frequent canoe landings, and they speak of a number of *heiau*, including the large Kalauokamanu Heiau at the south tip of Kālepa Ridge, where human sacrifice was conducted. Based on Māhele records, archeological surveys, and ethno-historical accounts, the population in Hanamā'ulu was concentrated in the lower stream valley (with *kuleana* LCAs only extending about 100 m upstream of Kapaia Bridge on Kūhiō Highway) and near the shore. The *kula* lands were used for *wauke* and other dryland crops.

The large amount of *kula* land and the importance of the sugar industry in Hanamā'ulu dramatically altered land use patterns, perhaps more so than in prestigious traditional *ahupua'a* like Wailua and Ha'ikū. Many people moved away from the river valleys to make a living through cash crop agriculture. As a result, Hanamā'ulu would be expected to have historic resources related to sugar plantations.

The explosion of the sugar industry in Hawai'i fundamentally transformed the *ahupua'a* of Hanamā'ulu. The pattern of plantation land use (e.g., plowing, rock removal) generally obliterates most traces of pre-Contact and early historic land use. Nearly all traditional Hawaiian structures outside the lower Hanamā'ulu stream flood plain were almost certainly destroyed by commercial sugarcane operations. If archaeological remains are to be encountered they will likely relate to commercial sugarcane cultivation and plantation life.

An SHPD Chapter 6E-42 Historic Preservation Review - REVISED COMMENTS Clearinghouse Application No. CL-2017-031 Ahukini Makai Subdivision (S-2005-41), PW 08.17.087 Hanama'ulu Ahupua'a, Puna District, Island of Kaua'i TMK: (4) 3-7-002:001 dated

28 September 2018 (Log No. 2017.02067, Doc. No. 1809GC15, see following Figure 27 and Figure 28) renders a determination of "no historic properties affected" for the Ahukini Makai Subdivision based largely on the Franklin and Walker 1994 archaeological inventory survey. The Ahukini Makai Subdivision lands were also subject to study in the Creed et al. (2006) archaeological literature review and field inspection and Bell et al. (2006) archaeological inventory survey. No historic properties have been identified in the Ahukini Makai Subdivision project area.

Seemingly no historic properties have been identified on the *makai* table lands of Hanamā'ulu south of Hanamā'ulu Stream valley. It should be noted that about 250 m to the northwest of the project area is a (Walker et al. 1991) site designation SIHP # 50-30-11-01847 (see Figure 21). The site description designates approximately 53.0 acres of the flat, level valley floor as a prehistoric agricultural site noting that "Although no structural remains were visible, the area may have been used prehistorically for agricultural activities" (Walker et al. 1991:A-6). The site was recommended for detailed recording and limited excavations prior to development in that area Walker et al. 1991:10). There does not appear to have been any further archaeological study on the Hanamā'ulu valley floor. This does serve to highlight that the area of LCAs on the valley floor is also likely to be relatively rich in archaeological resources. Kikuchi and Remoaldo (1992:76) indicate the location of a cemetery designated SIHP # 50-30-08-B019 that appears to be 100 m north of the project area on a bluff on the south side of Hanamā'ulu Valley (see Figure 21). They indicate this was one of the "Cemeteries not located." While there is thus some question as to the precise location, and even as to whether this cemetery exists at all, there is no reason to believe it is in the Ahukini Makai project area.

DAVID Y. ICE OVERNOR OF HAWAII	STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCE STATE HISTORIC PRESERVATION DIVISION KAKUHIIHEWA BUILDING 601 KAMOKILA BUILDING 501 KAMOKILA BUILDING 5355	SUZANNE D. CASE IDARDO RE LIGARISANI ROMEDO RE LIGARISANI RESIDIE I ADARDO RESIDIE I ADARDO RESIDIENTY JETREY I PELASON P.C. DETUTY DIRECTOR - WATER DATEM AND CLAM RESIRETED COMMISSION OF WATER SEDIES I COMMISSION OF WATER SEDIES COMMISSION OF WATER SEDIES I COMMISSION OF WATER SEDIES IN THE COMMISSION OF WATER SEDIES IN THE SEDIES IN THE COMMISSION OF WATER SEDIES IN THE SEDIES IN THE COMMISSION OF WATER SEDIES IN THE SEDIES IN THE SEDIES IN THE COMMISSION OF WATER SEDIES IN THE S
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September 28, 2018 Paul Togioka County of Kauai Public Works, Engine 4444 Rice Street, Sui Lihue, HI 96766 ptogioka@kauai.gov	ite 275	IN REPLY REFER TO: Log No. 2017.02067 Doc No. 1809GC15 Archaeology
Dear Mr. Togioka:		•
Ha <u>TM</u> This letter provides application. SHPD ro Department of Public	ukini Makai Subdivision (S-2005-41), PW 08.17.087 nama'ulu Ahupua'a, Puna District, Island of Kaua'i <u>AK: (4) 3-7-002:001</u> the State Historic Preservation Division's (SHPD's) revised con eccived the original application submittal on September 15, 201 c Works. The submittal indicated that the owners, Visionary LLC 71.9-acre parcel, including excavation of 239,626 cubic yards an	17 from the County of Kauai C, proposed to grade a 127.68-
	3, SHPD requested an archaeological inventory survey (AIS) ion to assess the potential for the proposed project to impact signil c No. 1803GC32).	
On April 17, 2018	, SHPD received supplemental information from Kodani & ration of SHPD's request for an AIS to be conducted. The supplet	
requesting reconsider copy of a previous Molokoa Lands Proj Walker, 1994). The The Ahukini Makai agricultural pursuits encountered. No hist dated October 25, 19 (<i>AMFACJMB</i>) and i archaeological study	SHPD determination letter and an AIS titled Additional Archiect Area, Lands of Hanamā'ulu and Kalapaki, Līhu'e District, Is AIS covered 552.3 acres within Hanamā'ulu and Kalapaki, inclu parcel comprises 143.8 acres. Franklin and Walker (1994) ind and land alterations it is unlikely that surface or subsurfac- toric properties were documented during a pedestrian survey for t 994, SHPD commented on the Lihue Hanamalu Master Plan, ' indicated that that the project areas were adequately covered by th The SHPD determined that no significant sites occur in the pro- n significant historic properties (Log No. 12985, Doc. No. 9410NR	sland of Kaua'i (Franklin and uding the current project area. dicated that due to extensive e historic properties will be this specific parcel. In a letter <i>The Lihue Plantation Co Ltd.</i> he Walker and Franklin (1994) oject area and that the project

Figure 27. SHPD §6E-42 Historic Preservation Review determination of "no historic properties affected" for the Ahukini Makai Subdivision dated 28 September 2018 (Log No. 2017.02067, Doc. No. 1809GC15, page 1)

Mr. Togioka September 28, 2018 Page 2

Please contact Ka'āhiki Solis, SHPD Cultural Historian, at <u>Sheleigh.Solis@hawaii.gov</u> for any cultural resources concerns and Dr. Susan A. Lebo, Archaeology Branch Chief, at <u>Susan.A.Lebo@hawaii.gov</u> or at (808) 692-8019 for any questions regarding archaeological resources or this letter.

Aloha, *Alan Downer*

Alan S. Downer, PhD Administrator, State Historic Preservation Division Deputy, State Historic Preservation Officer

cc: Chance Bukoski, <u>cbukoski@kauai.gov</u> Kaina Hull, <u>khull@kauai.gov</u> Andy Miles, Kodani & Associates Engineers, LLC, <u>andy@kodani.com</u>

Figure 28. SHPD §6E-42 Historic Preservation Review determination of "no historic properties affected" for the Ahukini Makai Subdivision dated 28 September 2018 (Log No. 2017.02067, Doc. No. 1809GC15, page 2)

Ka Pa'akai Analysis for the Ahukini Makai Subdivision Project, Hanamā'ulu, Līhu'e, Kaua'i TMK: (4) 3-7-002:001 67

Section 6 Summary and Interpretation

At the request of Visionary LLC, CSH has prepared this Ka Pa'akai Analysis for the proposed Ahukini Makai project in Hanamā'ulu Ahupua'a, Līhu'e District, Kaua'i, TMK: (4) 3-8-001. The approximately 170-acre (68.8-hectare) parcel owned by Visionary LLC is located approximately 2.0 km northeast of the county capital of Līhu'e on gently sloping table land (approximately 40-ft to 170m-ft elevation) on a low bluff above the southwest corner of distinctive Hanamā'ulu Bay.

Our greatest indication of traditional Hawaiian patterns of land use is the pattern of native tenant Land Commission Award records. All of the native tenant LCAs were down in Hanamā'ulu Valley taking advantage of the perennial stream and the amenities of life just back from the bay and beach. There were no native tenant LCAs in the present project area. While the nearest native tenant LCA is only about 125 m to the north, it is down a 100-ft tall scarp at the river bottom lands and in a significantly different environmental circumstance.

Undoubtedly the Hawaiian residents of Hanamā'ulu Valley gathered resources from the upland of the *ahupua'a*. The annual rainfall at the neighboring Lihue Airport Station is 997 mm (39.3 inches) (Giambelluca et al. 2013) which is suggested as marginal for non-irrigated agriculture. Native forests were used for their resources (wood, birds, medicinal plants, etc.) and for the cultivation of such plants as *wauke* (paper mulberry), which was used to make tapa clothing (Handy 1940:198). The rainfall increases rapidly to the northwest with elevation within the *ahupua'a*, however, with Kukaua Station on Kilohana Crater reporting 2,490 mm (98.0 inches) per year which is suggested as more than ample for non-irrigated agriculture. Exploitation of upland resources is indicated to have been focused further inland rather than on the coastal table lands.

Section 7 Community Consultation

7.1 Introduction

Throughout the course of this assessment, an effort was made to contact and consult with Native Hawaiian Organizations (NHO), agencies, and community members including descendants of the area in order to identify individuals with cultural expertise and/or knowledge of the *ahupua'a* of Hanamā'ulu and specifically the Ahukini Makai Subdivision project area. CSH initiated its outreach effort in March 2023 through letters and email. CSH completed the community consultation in July 2023.

7.2 Consideration of Prior Community Consultation in the Vicinity

We regard appropriate consultation as specific to a particular project area. Having said that, it made sense to consider the import, if any, of previously documented cultural consultation in the vicinity.

Mitchell et al. (2005) reported on a cultural impact evaluation of approximately 400 acres of the Kauai Lagoons Resort Property in Kalapakī Ahupua'a. Ms. Cheryl Lovell-Obatake, a prominent *kama 'āina* of Kalapakī and cultural specialist, was interviewed by CSH on 20 October 2005. When Ms. Lovell-Obatake spoke of archaeological sites she spoke of "the coast and Kalapakī Point" (Mitchell et al. 2005:23). Ms. Lovell-Obatake specifically noted she "never heard of any burials in the [Mitchell et al. 2005] area of study" (Mitchell et al. 2005:23). Ms. Cheryl Lovell-Obatake expressed her concern for marine resources. Another informant expressed her concern for Shearwater birds: The Shearwater nesting area was understood as immediately coastal.

Tanaka and Hammatt 2021 produced a cultural impact assessment (CIA) for approximately 46.3 acres in Kalapakī Ahupua'a located approximately 700 m south of the proposed Ahukini Makai Subdivision project in a somewhat similar area set back from the coast with a similar long history of being entirely in Lihue Plantation sugarcane cultivation until sugar went out of production and the land went fallow. In most cases, two or three attempts were made to contact individuals, organizations, and agencies. Community outreach letters were sent to 26 individuals or groups; only one responded (although she indicated she forwarded the request for consultation to a number of parties). The informant expressed concern regarding a couple of places in the immediate vicinity of the Ninini Lighthouse at Ninini Point, approximately 300 km south of the present study area.

7.3 Community Contact Letter

Letters (see Appendix A, Figure 30 through Figure 37) along with maps and an aerial photograph specific to the Ahukini Makai Subdivision project (and two immediately adjacent project areas on Grove Farm land) were mailed with the following text:

Aloha mai kākou,

With this letter, Cultural Surveys Hawai'i (CSH) humbly requests your *mana'o* and *'ike* (experience, insights, and perspectives) regarding past and ongoing cultural practices, beliefs, and resources within certain proposed development areas on Haili

Ka Pa'akai Analysis for the Ahukini Makai Subdivision Project, Hanamā'ulu, Līhu'e, Kaua'i TMK: (4) 3-7-002:001

Moe and Visionary lands within Kalapakī and Hanamā'ulu Ahupua'a (see following figures).

Consultation with *kūpuna*, *kama 'āina*, and Hawai'i's diverse ethnic communities is an important and deeply valued part of our work and the environmental review process for proposed projects in Hawai'i. Your contributions will revitalize and keep alive knowledge of cultural practices, storied places, and life experiences that will remind Hawai'i's children of their history for generations to come.

Project Description

At the request of Haili Moe, Inc. and Visionary LLC, CSH is preparing a Ka Pa'akai Analysis study for the Wailani Subdivision project in Kalapakī Ahupua'a and also for the Ahukini Makai Subdivision and Ahukini Mauka Subdivision projects in Hanamā'ulu Ahupua'a.

Wailani Subdivision Project

Haili Moe, Inc. is proposing to develop a mixed-use subdivision known as the Wailani Subdivision project in Kalapakī Ahupua'a, Līhu'e District, southeast Kaua'i, TMKs: (4) 3-6-002:001, 017, and 027. The location and boundaries of the proposed Wailani Subdivision study area are delineated on a 1996 Lihue U.S. Geological Survey (USGS) map (reference to present Figure 33), a 2013-2019 aerial photograph (reference to present Figure 34), and a Tax Map Key (TMK) plat (reference to present Figure 35).

Ahukini Makai Subdivision Project

Visionary LLC is proposing to develop an industrial subdivision known as the Ahukini Makai Subdivision project in Hanamā'ulu Ahupua'a, Līhu'e District, southeast Kaua'i, TMK: (4) 3-7-002:001. The location and boundaries of the proposed Ahukini Makai Subdivision study area are delineated on a 1996 Kapaa and Lihue USGS map (reference to present Figure 33), a 2013-2019 aerial photograph (reference to present Figure 34), and a TMK plat (reference to present Figure 36).

Ahukini Mauka Subdivision Project

Haili Moe, Inc. is proposing to develop a mixed-use subdivision known as the Ahukini Mauka Subdivision project in Hanamā'ulu Ahupua'a, Līhu'e District, southeast Kaua'i, TMKs: (4) 3-7-001:001 por. and 3-7-002:012 por. The location and boundaries of the proposed Ahukini Mauka Subdivision study area are delineated on a 1996 Kapaa and Lihue USGS map (reference to present Figure 33), a 2013-2019 aerial photograph (reference to present Figure 34), and TMK plats (see present Figure 36 and Figure 37).

Purpose of this Study

The purpose of this Ka Pa'akai Analysis outreach is to 1) identity and scope valued cultural, historical, or natural resources in the study areas, including the extent to which traditional and customary Native Hawaiian rights are exercised in the study

areas; 2) identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action. This is accomplished through consultation and background research using previously written documents, studies, and interviews. This information is used to assess potential impacts by the proposed project to the specific identified resources, practices, and beliefs in the study areas. As a knowledgeable member of the community and a holder of long-term cultural knowledge, your insight, input, and perspective provide a valuable contribution to the assessment of potential effects of this project and an understanding of how to protect these resources and practices.

Insights focused on the following topics in the study areas are especially helpful and appreciated:

- Your knowledge of traditional cultural practices of the past within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Your specific traditional cultural practice and its connection to the proposed study areas of Kalapakī and Hanamā'ulu Ahupua'a
- The different natural resources associated with your cultural practice

• Legends, stories, or chants associated with your cultural practice and its relationship to the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a

- Referrals to other kūpuna, kama'āina, and traditional cultural practitioners knowledgeable about the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Your comments or thoughts on the potential impacts the proposed project may have on your ongoing traditional cultural practice and natural resources within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Your knowledge of cultural sites and wahi pana (storied places) within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Your comments or thoughts on the potential impacts the proposed project may have on cultural sites and wahi pana within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a

Consultation Information

Consultation is an important and deeply valued part of a Ka Pa'akai Analysis study. Your contributions will revitalize and keep alive our combined knowledge of past and ongoing cultural practices, historic places, and experiences, reminding following generations of their history.

With your agreement to participate in this study, your contributions will become part of the comprehensive understanding of traditions of the area and part of the public record.

Ka Pa'akai Analysis for the Ahukini Makai Subdivision Project, Hanamā'ulu, Līhu'e, Kaua'i TMK: (4) 3-7-002:001

As a part of this process, your knowledge may be used to inform future heritage studies of cultural practices and resources that need protection from impacts of proposed future projects. If you engage in consultation, and the mana'o and 'ike you provide appears in the study, we would like to recognize your contribution by including your name. If you prefer not to allow your name to be included, your information can be attributed to an anonymous source.

The consultation interview structure and format are flexible. We will accommodate your preference on how to get together: talk story, over the phone, by email correspondence, remotely via Zoom, MS Teams, Google Chat or other remote meeting platforms.

Your knowledge of the resources and potential effects of the project on traditional practices in the study area portions of Kalapakī and Hanamā'ulu Ahupua'a focusing on the topics in the bullet points above can also be submitted in a written statement. CSH will provide return postage for your written statement on request.

CSH is happy to provide a list of topics for discussion, a more structured questionnaire of interview questions, or any other assistance that might be helpful.

If you have questions regarding consultation, or are interested in participating in this study, please contact CSH Cultural Researcher Kellen Tanaka by email at [...] or phone at [...].

Mahalo nui loa for your time and attention to this request for consultation.

Kellen Tanaka

CSH Cultural Researcher

In most cases, two or three attempts were made to contact individuals, organizations, and agencies. Community outreach letters were sent to 37 individuals or groups; ten responded, two provided written testimony, and two of these *kama 'āina* and/or $k\bar{u}puna$ met with CSH for more in-depth interviews. The results of the community consultation process are presented in Table 5.

7.4 Community Contact Table

Below in Table 5 are names, affiliations, dates of contact, and comments from NHOs, individuals, organizations, and agencies contacted for this project. Results are presented below in alphabetical order.

Name	Affiliation	Comment
Agena, Robert	Kama'āina	Letter and figures sent via USPS 2 March 2023
		Letter and figures sent via USPS 18 April 2023
Ahuna, Kanoe	President and Director,	Letter and figures sent via USPS 2 March 2023
	EAO Hawaii Inc.	Letter and figures sent via email 3 March 2023
		Letter and figures sent via email 19 April 2023

Table 5.	Community contact table
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Name	Affiliation	Comment
Alu Like	Their mission is to $k\bar{o}kua$ Hawaiian Natives who are committed to achieving their potential for themselves, their families, and communities	Letter and figures sent via USPS 2 March 2023 Letter and figures sent via USPS 18 April 2023
Baker, Harry J.	Librarian, Kaua'i Community College	Letter and figures sent via USPS 2 March 2023 Letter and figures sent via email 3 March 2023 Letter and figures sent via email 19 April 2023
Berg, Carl	Biologist, Chair for Surfrider Foundation, Marine Biologist, Blue Water Task Force Coordinator, watershed management, climate change	Letter and figures sent via email 3 March 2023 Mr. Berg replied via email 8 March 2023 expressing concern regarding the "adequacy of the Lihue aquifer to provide water for these developments and the Lihue WWTP [Waste Water Treatment Plant] to handle the increased amount of sewage" CSH replied via email 8 March 2023 thanking him for his response
Buckley, David	Kauai Lead Archaeologist, SHPD	Letter and figures sent via email 3 March 2023 Letter and figures sent via email 19 April 2023
Cockett, Pat	Kalapakī Resident	Letter and figures sent via USPS 2 March 2023 Letter and figures sent via email 19 April 2023
Cummings, Roslyn	Kamaʻāina	Letter and figures sent via email 19 April 2023 Ms. Cummings replied via email 19 April 2023 CSH replied via email 20 April 2023 Ms. Cummings submitted a written declaration on 15 May 2023 Ms. Cummings' declaration is included in its entirety in Appendix B
Cummings, Sherri-Lee Uʻilani	Lineal descendant of Hanamā'ulu Ahupua'a	Ms. Cummings reached out to CSH via email 20 May 2023 and expressed interest in submitting testimony regarding the proposed projects CSH replied via email 22 May 2023 and confirmed that CSH is still accepting comments Ms. Cummings replied via email 22 May 2023

Name	Affiliation	Comment
Fu, Kanani	Cultural consultant	Letter and figures sent via email 6 June 2023 Ms. Fu responded 8 June 2023 via email noting
		(in addition to herself) four families: (Kanani
		Durant and 'ohana, Butch Durant and 'ohana
		Shanks 'ohana (Troy), and Pia 'ohana) with ties to Hanamā'ulu that may want to be a part of this
		process
		CSH responded 9 June via email seeking to meet (remotely, initially)
		CSH met with Ms. Fu over the phone 20 June 2023
		Interview summary sent for review 26 July 2023
		Interview summary approved 16 October 2023
Gaines, Erin	Kaua'i Regional	Letter and figures sent via USPS 2 March 2023
	Director,	Letter and figures sent via email 3 March 2023
	Big Brothers Big	Letter and figures sent via email 19 April 2023
	Sisters Hawai'i	
Griffin, Pat	Historian, Planner,	Letter and figures sent via email 3 March 2023
	Preservationist, former	Letter and figures sent via email 19 April 2023
	chair of the KHPRC,	
	author of <i>Līhu</i> 'e —	
	Root and Branch of a	
	Hawaiʻi Town (and	
	other works)	
Heacock, Don	Nāwiliwili Bay	Letter and figures sent via email 3 March 2023
	Watershed Council	Letter and figures sent via email 19 April 2023
Hoomanawanui,	Burial Sites Specialist	Letter and figures sent via email 3 March 2023
Kauanoe	(Kauai and Niihau)	Letter and figures sent via email 19 April 2023
Hussey, Sylvia	CEO, Office of	Letter and figures sent via USPS 2 March 2023
М.	Hawaiian Affairs	Letter and figures sent via USPS 19 April 2023
	(OHA)	· ·
Hussey-Albao,	President, Queen	Letter and figures sent via USPS 2 March 2023
Liberta	Deborah Kapule	Letter and figures sent via email 3 March 2023
	Hawaiian Civic Club	Ms. Hussey-Albao replied via email 9 March
		2023
		Ms. Hussey-Albao discussed the project with their board and assigned Roland Sagum to
		review the letter and figures
		CSH replied via email 9 March 2023 thanking
		her for her response
		CSH followed up with Mr. Sagum via email 20 April 2023

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Name	Affiliation	Comment
Ida, Gerald	Member, Kauai	Letter and figures sent via USPS 2 March 2023
	Historic Preservation	Letter and figures sent via email 18 April 2023
	Commission	
Kahalekai, J.	Kaua'i/Ni'ihau Island	Letter and figures sent via USPS 2 March 2023
Kauilani	Burial Council	Letter and figures sent via email 3 March 2023
	(KNIBC) – Līhu'e	Letter and figures sent via email 19 April 2023
		Ms. Kahalekai responded via email 26 April
		2023
		Ms. Kahalekai mentioned there are "burials
		toward Ahukini Mauka area closer to lower
		areas in Kapaia valley and towards Ahukini
		Makai closer towards the valley and lower
		areasThe Durante ohana and Kane ohana have
		kuleana in those areas." She noted, "There
		would be more animal bones in all other areas."
		She also noted, "Closer to Ahukini Makai this is
		more gathering rights area towards ocean
		along shoreline."
		CSH replied via email 26 April 2023 thanking
		her for her response and again on 27 April 2023
		asking for contact information for the Durante
		<i>'ohana</i> (family) and Kane <i>'ohana</i>
Kaiola Canoe	Canoe Club	Letter and figures sent via USPS 2 March 2023
Club		Letter and figures sent via USPS 19 April 2023
Kalauhine	Kama'āina	Letter and figures sent via USPS 2 March 2023
'Ohana		Letter and figures sent via USPS 19 April 2023
Kaohelauli'i,	President, Kaua'i	Letter and figures sent via USPS 2 March 2023
John	Native Hawaiian	Letter and figures sent via email 3 March 2023
	Chamber of Congress	Letter and figures sent via email 19 April 2023
Kaua'i	Historical Society	Letter and figures sent via USPS 2 March 2023
Historical		Letter and figures sent via email 3 March 2023
Society		Kaua'i Historical Society replied via email
		3 March 2023
		CSH followed up via email 20 April 2023
		Kauai Historical Society's archivist replied via
		email 21 April 2023 recommending resources
		with information about Kalapakī and
		Hanamaulu Ahupua'a
		CSH replied via email 21 April 2023 thanking
Vaula Cabro	Hawaiian Studies	them for sharing their recommendations
Kauka, Sabra	1	Letter and figures sent via USPS 2 March 2023
	Kumu, Island School	Letter and figures sent via email 3 March 2023
		Letter and figures sent via email 19 April 2023

Name	Affiliation	Comment
Kekua,	Kaua'i Heritage Center	Letter and figures sent via USPS 2 March 2023
Kehaulani		Letter and figures sent via email 3 March 2023
		Letter and figures sent via email 19 April 2023
Lovell, Carol	KNIBC – Kawaihau	Letter and figures sent via email 3 March 2023
		Letter and figures sent via email 19 April 2023
Madayag,	Curator, Grove Farm	Letter and figures sent via USPS 2 March 2023
Moises	Homestead Museum	Letter and figures sent via email 3 March 2023
		Letter and figures sent via email 19 April 2023
Matsushima,	Kama'āina of	Mr. Matsushima provided written testimony via
Kaniela	Hanamā'ulu	email 23 May 2023
Kaleikaumaka		CSH replied via email 24 May 23 thanking them
		for their response
		Mr. Matsushima's testimony is included in its
···-		entirety in Appendix C
Matsushima,	<i>Kamaʻāina</i> of	Letter and figures sent via email 9 June 2023
Kimo	Hanamā'ulu	CSH met with Mr. Matsushima over the phone
		21 June 2023
		Interview summary sent for review 26 July 2023
		Interview summary approved 16 October 2023
Matsushima,	<i>Kamaʻāina</i> of	Letter and figures sent via USPS 6 June 2023
Lester	Hanamā'ulu	
Oi, Thomas	Former land surveyor,	Letter and figures sent via USPS 2 March 2023
	DLNR	Letter and figures sent via USPS 18 April 2023
Peters, Sarah	Pelekikena, Kaumuali'i	Letter and figures sent via USPS 2 March 2023
	Hawaiian Civic Club	Letter and figures sent via email 3 March 2023
		Letter and figures sent via email 19 April 2023
Rogers,	Cultural Education	Letter and figures sent via USPS 2 March 2023
Alohilani	Specialist, Kawaikini	Letter and figures sent via email 3 March 2023
	New Century Public	Letter and figures sent via email 19 April 2023
	Charter School	Ms. Rogers replied via email 19 April 2023
		Ms. Rogers forwarded letter and figures to "a
		friend whose family has lived in the area for
		generations."
		CSH replied via email 20 April 2023 thanking
Denne Meni		them for their response
Rogers, Nani	Hui Hoʻokipa o Kauaʻi	Letter and figures sent via USPS 2 March 2023
Santag Danna	No Kuloone - Kanala	Letter and figures sent via USPS 18 April 2023
Santos, Donna Kaliko	Nā Kuleana o Kānaka	Letter and figures sent via USPS 2 March 2023
Naliku	'Ōiwi /Aha Moku Council – Puna	Letter and figures sent via email 3 March 2023
	OHA, Community	Letter and figures sent via email 19 April 2023
	Relations Specialist	
	Relations Specialist	

Name	Affiliation	Comment
TenBruggencate,	President, Mālama	Letter and figures sent via USPS 2 March 2023
Jan	Hule'ia	Letter and figures sent via email 3 March 2023
		Letter and figures sent via email 19 April 2023
Trugillo,	Ka Leo o Kaua'i	Letter and figures sent via USPS 2 March 2023
William		Mail returned
Wichman,	Former President of	Letter and figures sent via email 3 March 2023
Randy	Kaua'i Historical	Letter and figures sent via email 19 April 2023
	Society	

7.5 Summary of Responses

The substantive responses are summarized here in alphabetical order.

Carl Berg

Carl Berg replied via email 8 March 2023 expressing concern regarding the "adequacy of the Lihue aquifer to provide water for these developments and the Lihue WWTP [Waste Water Treatment Plant] to handle the increased amount of sewage." Thus he expressed concern for both the adequacy of available water to support the development as well as the adequacy of waste water treatment infrastructure to address the proposed development. While the adequacy of water (and water supply infrastructure) and wastewater infrastructure to support the development may be perceived as development questions independent of any specific ethnic community and traditional and customary Hawaiian resources and practices, we need to note that for many in the Native Hawaiian community issues of water extraction and wastewater disposal are understood as cultural issues. However legitimate these concerns may be, it is not clear that they are necessarily specific to the Ahukini Makai Subdivision lands per se.

Roslyn Cummings

Ms. Roslyn Cummings was kind enough to provide a detailed response which is provided verbatim in the present Appendix B; the reader is referred directly to that testimony and is invited to draw their own conclusions.

Ms. Cummings relates that she was born in Waimea, Kaua'i and shares much of her *mo'o* $k\bar{u}$ 'auhau or geneology which she traces back to (amongst others) Kaikio'ewa, understood as a cousin of Kamehameha I and the first governor of Kaua'i (understood as born in Waimea, Kaua'i). This *mo'o* $k\bar{u}$ 'auhau is offered "In protection of Kauai Mokupuni, Puna Moku, Ahupua'a O Hanamaulu, Kalapaki, Wailua (Ko Hawaii Pal Aina) a pau." It is not clear whether there is any direct genealogical connection to Puna District and the *ahupua'a* of Hanamā'ulu.

She asserts, "Our practices as Kanaka Maoli is within our inherent birthright. It does not need to be publicized to be legitimate. It does not have to be defined for every individual to know and comprehend."

She expresses opposition to development of the ' $\bar{a}ina$ (land, earth) in general: and the view that "Development is detrimental to the Ola [life, health, well-being]" with a particular focus on how "When development occurs, the water becomes polluted, diverted, depleted, [...]" A related foci is "the significant impacts of Waste management that gets pumped into our oceans and rivers

(Kai/Wai) through lack of management, infrastructure [...]" A concern for loss of access and gathering rights is expressed.

While it is understood that these points relate to the proposed Ahukini Makai Subdivision project, these points appear to be made with pertinence to the island of Kaua'i in general (with no points explicitly made specifically on the Ahukini Makai Subdivision project, Hanamā'ulu Ahupua'a, or Puna District.

J. Kauilani Kahalekai,

Ms. J. Kauilani Kahalekai was kind enough to respond via email 26 April 2023:

I'm responding to your Ka Pa'akai Analysis study of Wailani Subdivision project in Kalapaki Ahupua'a and the Ahukini Mauka & Makai Subdivision project in Hanamaulu Ahupua'a...

There is burials toward Ahukini Mauka area closer to lower areas in Kapaia valley and towards Ahukini Makai closer towards the valley and lower areas...The Durante ohana and Kane ohana have kuleana in those areas.

There would be more animal bones in all other areas. Closer to Ahukini Makai this is more gathering rights area... towards ocean along shoreline..

I'm sure this will aide in your projects that are planned.. if you have more questions please don't hesitate to contact.

With much regards,

J Kauilani Kahalekai

Kauai Island Burial Council

CSH replied via email 26 April 2023:

Mahalo for your response and for all the information you shared. We really appreciate it. With your permission, we would like to include your comments in our report. I attached a pdf of CSH's authorization and release form which grants us permission to include the information you provided in our report. Could you please sign the form and send us a scan or photo of the signed form for our records? Feel free to contact me if you have any questions.

CSH replied via email 27 April 2023:

CSH would like to reach out to the Durante 'Ohana and Kane 'Ohana regarding the Ka Pa'akai Analysis study for the Wailani Subdivision project in Kalapakī Ahupua'a and the Ahukini Makai Subdivision and Ahukini Mauka Subdivision projects in Hanamā'ulu Ahupua'a. Would you be able to provide us with their contact information so we may send them the outreach letter or could you forward them the letter (attached) with our contact info and ask them to contact us if they would like to participate?

CSH received no response to the request for contact information.

Our understanding is that her references to burials in proximity to the Ahukini Makai and Ahukini Mauka project areas is that the burials are closer, or in, the valleys. It is our reading that if bones are found in the project areas they may well turn out to be animal bones.

Kaua'i Historical Society

The Kaua'i Historical Society (Ramona "Mona" Kincaid) was kind enough to respond on 21 April 2023 by email to our outreach:

I looked up a few things but I'm sure your company's report Hanamaulu 10 [a reference to Archaeological Literature Review and Field Inspection for the Approximately 16.8 kilometers Līhu'e Hanamā'ulu New Mauka Road and the Future Potential Mauka Road, Līhu'e District, Kaua'i Island (TMK: [4] 3-4-05; 3-8-02; 3-4-07; 3-8-03; and 3-8-05) (Kamai and Hammatt 2015)] will have many of the usual cultural resources. I am not a cultural practitioner but I did give our resources a look and have attached some random notes that I found.

Aloha,

Mona

The kindly provided notes are given below:

Documentation of Fisheries and Fishing Rights Recorded in the Māhele 'Āina

A careful review of thousands of claims recorded during the Māhele 'Āina for all islands—with the exception of Kaho'olawe for which no claims were located—revealed that at least 1,233 claims for fishery resources were recorded in the Register and Testimony Volumes of the Land Commission 13.

These claims include those of the hoa'āina [tenant] and the ali'i awardees. The break-down of fishery related claims by island includes:

76 claims on Hawai'i

83 claims on Kaua'i;

72 claims on Lāna'i;

202 claims....

[LCA] 3426 Pelekane at Hanamaulu, Kauai. A lot bounded on side by a fish pond.

[LCA] 238 P Kinipeki at Kalapaki, Kauai. One parcel bounded on Koolau side by fish pond.

[LCA] 3280 Wawae at Kalapaki, Kauai. Three fish ponds at Kalapaki.

[LCA] 3425 Paiki at Kalapaki, Kauai. A lot bounded on side by Kauhailawa's fish pond.

[LCA] 3642 Kuolohu at Kalapaki, Kauai. A lot bounded on side by the pond called Koenaawanui.

[LCA] 3645 Kauleoki at Kalapaki, Kauai. A lot bounded on side by the pond called Koenaawanui.

Ka Pa'akai Analysis for the Ahukini Makai Subdivision Project, Hanamā'ulu, Līhu'e, Kaua'i TMK: (4) 3-7-002:001

[LCA] 3907 Nakala at Kalapaki, Kauai. Two fish ponds.

Document by Kumu Pono Associates HiPe74-080103 by Kepa Maly [references Maly, Kepa and Onaona Maly 2003 Ka Hana Lawai'a a me Na Ko'a O Na Kai 'Ewalu. A History of Fishing Practices and Marine Fisheries of the Hawaiian Islands. Compiled from: Native Hawaiian Traditions, Historical Accounts, Government Communications, Kamaaina Testimony and Ethnography Volume 1. Kumu Pono Associates.]

Garden Island newspaper in Chronicling America: 2/23/1915 2:3-4 History of Lihue by Mrs. William H. Rice mentions Hanamaulu. This is probably on microfilm in Lihue Library:

[Garden Island newspaper an article] 9/17/1940 Fishing rights in Hanamaulu.

Handy and Handy for native plants.

I noted in the 1910 and 1912 USGS Topo maps of Kauai there seems to be an old road/path along the southern bank of Hanamaulu Stream on the north side of Ahukini Mauka. It does not appear to go to the ocean but maybe down the bank to the stream? There are a number of old time residents along the northern bank of the stream who could be queried for your project.

Regarding the supplied data on fishponds (drawn from native tenant LCA accounts), we see reference to one fishpond bounding LCA 3426 to Pelekane at Hanamā'ulu, Kaua'i (and references to fishponds bounding six native tenant LCAs at Kalapakī). The data regarding the fishpond bounding LCA 3426 to Pelekane has been incorporated in Table 2 (this fishpond was down in the stream valley on the *muliwai* [estuary]/kahawai [stream]).

The Maly and Maly (2003) study was consulted. While it certainly contains a wealth of information including testimonies for the island of Kaua'i and regarding the fisheries of Kaua'i, the only data specific to Hanamā'ulu Kaua'i identified were

- The LCA 3426 reference cited above (presumably also the source for reference to a "nameless" fishpond. In Hanamaulu, area small) (cited in Maly and Maly 2003:445),
- A reference to a 3 June 1857 article in the Hawaiian language newspaper Ka Hae Hawaii that the "I'a Ho'omalu" ("seafood under the protection of ...") declared by V.K. Kaahumanu (Victoria Kamāmalu) of Hanaulu (understood as Hanamā'ulu) was the akule (cited in Maly and Maly 2003:298),
- A reference to an Interior Department Document No. 11 (n.d. circa 1850) that the Konohiki of Hanamā'ulu was Wikolia and that under them the "*I'a Ho 'omalu*" was the *'anae* (mullet) and the *La 'au Ho 'omalu* (plant under the protection of ...") was the *hau*. (cited in Maly and Maly 2003:303),
- A reference to an Interior Department Document No. 11 (n.d.) that among "the prohibited fish of the lands of V. Kamamalu, and Ruta Keelikolani, on the Island of Kauai" at Hanamā'ulu was the *akule* (cited in Maly and Maly 2003:303).

The 1910 Lihue and Kapaa USGS topographic quadrangles were consulted and they do indeed show an unimproved road.

The reference to the *Garden Island* 2/23/1915 2:3-4 article on the History of Līhu'e by Mrs. William H. Rice and the *Garden Island* 9/17/1940 article on fishing rights in Hanamā'ulu were sought but not found.

Kaniela Kaleikaumaka Matsushima

Kaniela Kaleikaumaka Matsushima was kind enough to provide a detailed response which is provided verbatim in the present Appendix C; the reader is referred directly to that testimony. Kaniela emphasizes he is from Hanamā'ulu Valley, that his father was born and raised in the valley, and that he is in fact the sixth generation to have been born, or to have lived in the valley. He emphasized that he:

[...] have spent my entire life in this valley with my kūpuna. Life for our 'ohana [family] is mahi'ai (cultivating) lo'i kalo, mai'a [banana], 'ulu [breadfruit], 'uala [sweet potato], and niu [coconut], lawai'a (fishing) in the stream, the bay, and the ocean in both directions all the way to Wailua and Kalāpakī. Subsistence fishing and gathering of 'opihi [limpets] and limu [seaweed] for our 'ohana.

He emphasized that his family were traditionally the *konohiki* of Hanamā'ulu going back to the time of Kaikio'ewa (understood as governor of Kaua'i from 1825-1839).

A general decline in fish populations is noted and is attributed to "the continued pollution from the developments near and above the valley of Hanamā'ulu and stretches all the way to Kalāpakī." It is asserted that as a result of pollution it is not possible to swim in Hanamā'ulu stream and bay. We note this is supported, at least in part, by the following:

On June 9, 1972, the beach at Hanamā'ulu was closed for public use due to the high bacterial pollution levels in the nearshore waters and in the adjoining stream. The pollution came from fecal matter from pasture animals in the upper valley and from the piggeries in upper Kapaia. It was spread by runoff into the stream from plantation irrigation water. The beach was reopened for public swimming in June two years later when the pollution problems were corrected. [Clark 1990:6]

Kaniela Kaleikaumaka Matsushima is on record in opposition to the Ahukini Makai (Ahukini Mauka and Wailani) project(s) in order to "To protect this 'āina, wai and kai from further detrimental impacts to Kanaka Maoli traditional customary rights." He asserts, "I know for certain that any more development anywhere near this valley would be a huge burden to not only the valley itself, also the stream, the ocean, and the plants and animals, and us Kanaka Maoli."

A foci of the concern is the adverse impacts of drainage "Mounds and mounds of trash and contaminants come down daily and are an even heavier burden when we have large rains" and the related "Sewage spills from the pump house in Kapaia servicing the old Hanamā'ulu neighborhoods."

This mismanagement has led to thousands of gallons of raw sewage flooding the valley and the river causing a lot of harm to not only humans, but also to our livestock, our crops, and the wildlife that call the valley home. Many maoli holoholona, some endangered, live in the valley like the pua'a, 'alae 'ula, ae'o, koloa maoli, auku'u, nēnē, koa'e kea, pīnao, 'o'opu and many more. They all drink from this water and deserve clean water just as us humans do.

An additional aspect of the pervasive pollution of Hanamā'ulu Bay is the adverse impact to traditional 'aumākua species such as turtles (honu) and eagle rays (hīhīmanu).

I oppose any further developments for those reasons. Development greatly affects Kanaka Maoli ability to practice our traditional customary rights and our way of life. From our lo'i kalo, mālā [garden], our gathering of limu, opihi, and i'a [fish] from the stream and ocean. All of it. Development near Hanamā'ulu and Kalāpakī ahupua'a will cause irreversible damages. Changing our access and destroying what's left of the resources of the Hanamā'ulu and Kalāpakī ahupua'a.

There is no way for me to justify further development in these areas when the past and present concerns I spoke about above have yet to be remedied. Development will only compound this burden.

Kimo Matsushima

On 21 June 2023, Cultural Surveys Hawai'i, Inc. (CSH) spoke with Kimo Matsushima, *kama 'āina* (native born) of Hanamā'ulu, over the telephone to discuss the Ka Pa'akai Analysis for the Wailani Subdivision project in Kalapakī Ahupua'a and the Ahukini Makai Subdivision and Ahukini Mauka Subdivision projects in Hanamā'ulu Ahupua'a.

Mr. Matsushima was born in Līhu'e, Kaua'i. He was raised in Hanamā'ulu and has lived there his entire life. He has recently retired after working at Līhu'e Airport for 33 years.

Mr. Matsushima is a farmer. Since 1992, he has been leasing land in Hanamā'ulu Valley from Grove Farm where he raised cattle and goats for the last 25 years. For the past five years, he has also been growing bananas. Mr. Matsushima noted that 15 to 20 acres of his farm are located within the project area for the Ahukini Mauka Subdivision. He also mentioned there are other farmers with leases from Grove Farm in the Ahukini Mauka project area. He noted his neighbors are farmers from Thailand who grow fruits and vegetables.

Mr. Matsushima is also a fisherman. He recalled catching fish and crabs in Hanamā'ulu Bay. He also recalled setting up prawn traps in Hanamā'ulu Stream. Over the years, he has observed how the conditions of Hanamā'ulu Stream and Hanamā'ulu Bay have changed. He noted that when he was growing up, the pollution from runoff was not as bad and the water in Hanamā'ulu Bay was clean. From the 1990s to the present, the pollution from runoff has caused the water in the bay to become murky, and sometimes even looking like chocolate.

He stated that he is still able to catch crabs in Hanamā'ulu Bay, however, he noted he must filter out the pollution before it is safe to eat. He also mentioned there are still prawns in Hanamā'ulu Stream, but not as much as in the "good old days."

Mr. Matsushima's main concern is increased runoff polluting the waters of Hanamā'ulu Stream and Hanamā'ulu Bay. He stated that runoff from the existing Hanamā'ulu Subdivision has negatively impacted the quality of water in the stream and bay. He noted his farm is located on both sides of Hanamā'ulu Stream and he has observed, over time, the impacts of runoff to the health of the stream as well as fish and other animals who use the stream. He also noted that following heavy rainfall, the water in Hanamā'ulu Stream and Hanamā'ulu Bay is very dirty. He has observed prawns and mud turtles resting on the banks of the stream to avoid the polluted water following heavy rain. He pointed out that Hanamā'ulu Stream is located in the flood zone and following heavy rains, runoff drains into the stream and right into the pasture where his cattle and goats feed. This runoff carries debris he and his *'ohana* must clean.

Mr. Matsushima also discussed potential impacts which may result from the increase in population in the area. He questioned if the current waste water treatment facilities in Kapaia and Līhu'e have the capacity to handle the increase in population. He pointed out that sewage spills at the Kapaia Sewage Pump Station occur often causing sewage to enter into Hanamā'ulu Stream that eventually flows into Hanamā'ulu Bay. He expressed concern that the increase in population will also have negative impacts for traffic on the roads. He expressed concern about increasing numbers of people trespassing on his farm and stealing his animals and equipment.

Mr. Matsushima discussed *iwi kūpuna* (ancestral remains) within the project areas and Hanamā'ulu Ahupua'a. He stated that he is not aware of *iwi kūpuna* within the Ahukini Mauka project area, however, he mentioned there are *iwi kūpuna* in the slope going to the beach in the Ahukini Makai project area. He also mentioned there are *iwi kūpuna* in Hanamā'ulu Valley whose locations are marked by rocks.

CSH worked with Kimo Matsushima to clarify the location of the indicated *iwi kūpuna*. A map was produced (Figure 29) showing the understood location of the *iwi kūpuna* and this was shared with Kimo Matsushima and Lester Matsushima. Kimo Matsushima was kind enough to confirm by telephone on 27 November 2023, that yes, the shaded area in the upper right corner of the map is the location where he believes there are *iwi kūpuna*. We note that this indicated area shown in Figure 29 is well outside (northeast) of the proposed Ahukini Makai Subdivision and will not be affected by subdivision development.

<u>Kanani Fu</u>

On 20 June 2023, CSH spoke with Kanani Kagawa Fu, *kama'āina* of the *ahupua'a* of Hanamā'ulu, over the telephone to discuss the Ka Pa'akai Analysis for the Wailani Subdivision project in Kalapakī Ahupua'a and the Ahukini Makai Subdivision and Ahukini Mauka Subdivision projects in Hanamā'ulu Ahupua'a. Ms. Fu shared her concerns regarding the quality of *wai* in Hanamā'ulu Ahupua'a. She also discussed the past and current uses of Hanamā'ulu Stream and Hanamā'ulu Bay.

Ms. Fu was born in 1981 in Līhu'e, Kaua'i. She was raised in Anahola. As a child during the 1980s, Ms. Fu visited Hanamā'ulu with her father. She recalled going to Kapaia Valley in Hanamā'ulu with her father, where there were terraces of *lo'i kalo*, and watching him and his friends restore the *lo'i*. Her *hānai* (adopted) uncle also taught her how to tend to the *lo'i*. Their main tasks were restoring *wai* to the *lo'i*.

Ms. Fu described the abundance of resources available in Hanamā'ulu Stream when she was a child. She recalled gathering 'o 'opu (goby fish, families include *Eleotridae*, *Gobiidae*, and *Blennidae*) and prawns from the stream in the area from Kapaia Bridge to Hanamā'ulu Bay. She also gathered Job's Tears (*Coix lacryma-jobi*) which she used to make *lei* along the stream.

She also described the marine resources available in Hanamā'ulu Bay. She mentioned fishing was a common practice and noted that *akule* (Big-eyed or goggle-eyed scad fish; *Trachurops crumenophthalmus*) were abundant in the bay. She recalled learning how to fish from her uncle and participating in *hukilau* (a method of fishing, in which a large number of persons drive the fish into a net) with her 'ohana. She also recalled gathering *limu* including *limu kohu*

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Community Consultation

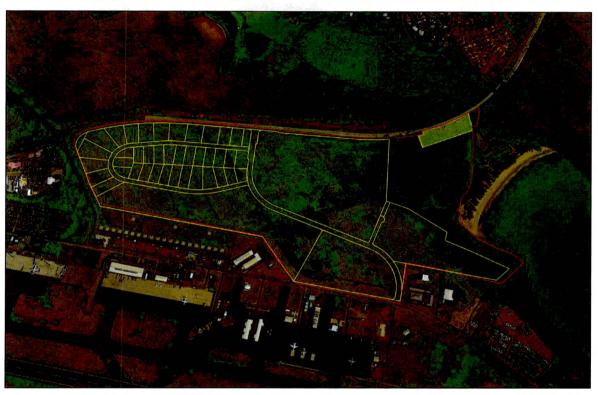


Figure 29. Ahukini Makai Subdivision map superimposed on a contemporary aerial photograph showing the area of potential *iwi kūpuna* indicated by Kimo and Lester Matsushima (shaded area in the upper right corner) within the TMK (4) 3-7-002:001 parcel but outside of the Ahukini Makai Subdivision in an area that will remain in conservation (map courtesy of client)

(Asparagopsis taxiformis), limu wāwae 'iole (Lycopodium cernuum), 'opihi (Limpets; Cellana talcosa, C. sandwicensis, C. exarata), and shellfish such as Samoan crabs from the bay.

Ms. Fu also mentioned that on the cliffside of Ahukini Landing in Hanamā'ulu Bay there is a lookout spot where they would go to check the tides and the clarity of the water to see if the conditions were ideal for gathering *limu kohu*. She noted the path to the lookout has not been maintained and is currently unsafe due to the presence of homeless people and feral cats. She pointed out the area is zoned for Conservation and it is the landowner's responsibility to maintain the area.

Around 1990, Ms. Fu went off to boarding school. When she returned to Kaua'i around the year 2000, she observed drastic changes to the water quality of Hanamā'ulu Stream and Hanamā'ulu Bay. Before she left for boarding school, the water was clear and when she returned, she noticed a distinct difference in color due to pollution. She also observed changes in the quality and quantity of fish in the bay.

In 2010, she moved to Hanamā'ulu to raise her family in her home where the property abuts Hanamā'ulu Stream; she believes it is their *kuleana* (responsibility) to observe and tend to the health of the stream.

The negative impacts of pollution on Hanamā'ulu Stream and Hanamā'ulu Bay have persisted until this day. She noted it takes longer to gather the amount of sustenance to feed her family. To gather fish for her family, they often have to leave Hanamā'ulu and travel to other *ahupua'a* such as Nāwiliwili. She also is no longer able to gather enough Job's Tears along Hanamā'ulu Stream to make a *lei*. Now, she gathers Job's Tears from Wailua Stream.

Ms. Fu believes she is fortunate to have experienced what Hanamā'ulu used to be. She stated that her children do not recognize the Hanamā'ulu she describes to them and they are surprised at the things she use to do in the stream and bay such as swimming and surfing.

She would like to see a balance between progress and honoring what Kaua'i is. She emphasized that Hanamā'ulu is one of those things that should be honored. She would like the quality and abundance of the *wai* restored in perpetuity so resources that were once abundant within Hanamā'ulu Stream and Hanamā'ulu Bay can be replenished.

Ms. Fu is optimistic damage to the quality of *wai* can be reversed. She believes cultural resources associated with the Hanamā'ulu Stream and Hanamā'ulu Bay still exist and can be restored with proper management. She noted that as part of the entitlement process, it is the landowner's obligation to mitigate potential negative impacts to Hanamā'ulu Stream and Hanamā'ulu Bay. She pointed out Grove Farm has developed a management plan that calls for a biological monitoring program of the water quality within Hanamā'ulu Stream and Hanamā'ulu Bay which just needs to be implemented.

Section 8 Traditional Cultural Practices

Timothy R. Pauketat succinctly describes the importance of traditions, especially regarding the active manifestation of one's culture or aspects thereof. According to Pauketat,

People have always had traditions, practiced traditions, resisted traditions, or created traditions [...] Power, plurality, and human agency are all a part of how traditions come about. Traditions do not simply exist without people and their struggles involved every step of the way. [Pauketat 2001:1]

It is understood that traditional practices are developed within the group, in this case, within the Hawaiian culture. These traditions are meant to mark or represent aspects of Hawaiian culture that have been practiced since ancient times. As with most human constructs, traditions are evolving and prone to change resulting from multiple influences, including modernization as well as other cultures. It is well known that within Hawai'i, a "broader "local" multicultural perspective exists" (Kawelu 2015:3). While this "local" multicultural culture is deservedly celebrated, it must be noted that it has often come into contact with "traditional Hawaiian culture." This contact between cultures and traditions has undoubtedly resulted in numerous cultural entanglements. These cultural entanglements have prompted questions regarding the legitimacy of newly evolved traditional practices. The influences of "local" culture are well noted throughout this section, and understood to represent survivance or "the active sense of presence, the continuance of native stories, not a mere reaction, or a survivable name. Native survivance stories are renunciations of dominance, tragedy and victimry" (Vizenor 1999:vii). Acknowledgement of these "local" influences help to inform nuanced understandings of entanglement and of a "living [Hawaiian] contemporary culture" (Kawelu 2015:3). This section strives to articulate traditional Hawaijan cultural practices as were practiced within the *ahupua* 'a in ancient times, and the aspects of these traditional practices that continue to be practiced today; however, this section also challenges "tropes of authenticity" (Cipolla 2013) and acknowledges the multicultural influences and entanglements that may "change" or "create" a tradition.

This section integrates information from Sections 3–7 in examining cultural resources and practices identified within or in proximity of the project area in the broader context of the encompassing Hanamā'ulu landscape. Excerpts from interviews are incorporated throughout this section where applicable.

8.1 Habitation and Subsistence

In pre-Contact and early historic times, the *ahupua* 'a of Hanamā'ulu was permanently inhabited and intensively used for traditional taro growing and fishing and a dispersed hamlet of thatched houses in the *makai* portion of Hanamā'ulu valley (see Figure 7).

At the time of the Māhele, Victoria Kamāmalu was awarded both the *ahupua'a* of Hanamā'ulu and Kalapakī under LCA 7713:2 which includes all the land within the present project area. The locations of native tenant land claims in Hanamā'ulu Ahupua'a are all within the seaward portion of Hanamā'ulu stream valley.

There were 15 native tenant claims awarded in Hanamā'ulu with claims for 25 parcels. There were nine claims for $p\bar{a}$ hale house lots, which were in typical Hawaiian fashion notably disbursed.

Three (LCA 3462:2, LCA 3650:3, LCA 3653:2) were clustered relatively close to the sea on the south side of Hanamā'ulu stream, but the other six (LCA 3271:2, LCA 3371, LCA 3423:1, LCA 3644:2, LCA 3647:1, and LCA 5089:1) were notably dispersed. There were 17 claims for taro land including at least 40 *lo'i* (and one '*āina kalo* [taro land]) that were again notably widely dispersed in the lower valley along the stream. There was one fishpond bounding LCA 3426 to Pelekane which was relatively small and right on the stream approximately 800 m inland.

The large tracts of inland areas (*kula*), not in the river valleys or at the shore, are not described in the claims but were probably in use. Traditional *kula* resources for all claimants would have been medicines, herbs, construction materials such as *pili* grass and trees for building houses, canoes, and perhaps lithic materials for tools. Sweet potatoes and other dryland crops, such as *wauke*, probably were cultivated in patches throughout the area at one time or another.

Kanani Fu recalled going to Kapaia Valley in Hanamā'ulu with her father, where there were terraces of *lo 'i kalo*, and watching him and his friends restore the *lo 'i*. Her *hānai* (adopted) uncle also taught her how to tend to the *lo 'i*. Their main tasks were restoring *wai* to the *lo 'i*.

Kimo Matsushima has been leasing land in Hanamā'ulu Valley from Grove Farm since 1992. He noted 15 to 20 acres of the land he leases in the valley are located within the project area for the Ahukini Mauka Subdivision. On this land, he has raised cattle and goats for the last 25 years. For the past five years, he has also been growing bananas. He also mentioned there are other farmers with leases from Grove Farm in the Ahukini Mauka project area. He noted his neighbors are farmers from Thailand who grow fruits and vegetables.

Kaniela Matsushima emphasizes the unbroken tradition of his family in subsistence farming in Hanamā'ulu Valley: "Life for our 'ohana is mahi'ai (cultivating) lo'i kalo, mai'a, 'ulu, 'uala, and niu" (see Kaniela Matsushima testimony in Appendix C).

Kimo Matsushima also discussed potential impacts which may result from the increase in population in the area. He questioned if the current waste water treatment facilities in Kapaia and Līhu'e have the capacity to handle the increase in population. He pointed out sewage spills at the Kapaia Sewage Pump Station occur often causing sewage to enter into Hanamā'ulu Stream which eventually flows into Hanamā'ulu Bay. He expressed concern that the increase in population will also have negative impacts for traffic on the roads. He expressed concern about increasing numbers of people trespassing on his farm and stealing his animals and equipment.

8.2 Marine Resources

The Līhu'e District is well-watered and is fed by six main water sources (following the DLNR Stream Summary 1993:23, from south to north), the Hulē'ia Stream, the Pū'ali Stream, the Nāwiliwili Stream, the Hanamā'ulu Stream, the small Kawailoa watercourse, and the Wailua River (with its many tributaries). Two smaller streams, Koena'awa nui and Koena'awa iki, are identified in Land Commission documents, although neither of these is named on any extant maps. Given the gently sloping character of the natural lay of the land from Līhu'e to the coast, it is possible there were once a few other smaller drainages traversing what is now the airport, resort and golf course area and that Native Hawaiian planters made use of this water.

We learn from an Interior Department Document No. 11 (n.d. ca. 1850) that the "*I*'a Ho'omalu" ("seafood under the protection of ...") was the 'anae (mullet) and we learn from an 1857 article in

the Hawaiian language newspaper Ka Hae Hawaii that the "I'a Ho'omalu" declared by V.K. Kaahumanu (Victoria Kamāmalu) of Hanaulu (understood as Hanamā'ulu) was the *akule*. It seems probable that 'anae were attracted to the freshwater outfall of the Hanamā'ulu Stream and the brackish water of Hanamā'ulu Bay. The *akule* may also have been attracted to the well-defined Hanamā'ulu Bay with the possibility that at times they may have been taken in great numbers by hook or net. The proper procedure for fishing in the bay would be when "the proper fishing season arrives all the people may take fish, and when the fish are collected, they shall be divided—one third to the fishermen, and two thirds to the landlord. [...] And the protected fish might all be for the konohiki" (Kosaki 1954:14). Clark supports this concept of a rich *akule* fishery at Hanamā'ulu Bay noting that into modern times "Commercial net fishermen surround akule and other migratory schooling fish that appear seasonally. Mullet and sharks, particularly juvenile hammerheads, are also found in the bay" (Clark 1990:6).

Kimo Matsushima recalled catching fish and crabs in Hanamā'ulu Bay. He also recalled setting up prawn traps in Hanamā'ulu Stream. Over the years, he has observed how the conditions of Hanamā'ulu Stream and Hanamā'ulu Bay have changed. He noted that when he was growing up, the pollution from runoff was not as bad and the water in Hanamā'ulu Bay was clean. From the 1990s to the present, the pollution from runoff has caused the water in the bay to become murky, sometimes even looking like chocolate.

He stated he is still able to catch crabs in Hanamā'ulu Bay, however, he noted he must filter out the pollution before it is safe to eat. He also mentioned there are still prawns in Hanamā'ulu Stream, but not as much as in the "good old days."

Kimo Matsushima also expressed concern regarding increased runoff polluting the waters of Hanamā'ulu Stream and Hanamā'ulu Bay. He stated that runoff from the existing Hanamā'ulu Subdivision has negatively impacted the quality of water in the stream and bay. He noted his farm is located on both sides of Hanamā'ulu Stream and he has observed, over time, the impacts of runoff to the health of the stream as well as fish and other animals who use the stream. He also noted that following heavy rainfall, the water in Hanamā'ulu Stream and Hanamā'ulu Bay is very dirty. He has observed prawns and mud turtles resting on the banks of the stream to avoid the polluted water following heavy rains, runoff drains into the stream and right into the pasture where his cattle and goats feed. This runoff carries debris he and his 'ohana must clean.

Kaniela Matsushima emphasizes the unbroken tradition of his family in subsistence *lawai'a* (fishing) in the stream, the bay, and the ocean in both directions all the way to Wailua and Kalāpakī. Subsistence fishing and gathering of *'opihi* (limpet) and *limu* (seaweed) for his *'ohana* (see Kaniela Matsushima testimony in Appendix C).

Ms. Fu described the abundance of resources available in Hanamā'ulu Stream when she was a child. She recalled gathering 'o 'opu (goby fish, families include *Eleotridae*, *Gobiidae*, and *Blennidae*) and prawns from the stream in the area from Kapaia Bridge to Hanamā'ulu Bay.

She also described the marine resources available in Hanamā'ulu Bay. She mentioned fishing was a common practice and noted that *akule* (Big-eyed or goggle-eyed scad fish; *Trachurops crumenophthalmus*) were abundant in the bay. She recalled learning how to fish from her uncle and participating in *hukilau* with her 'ohana.

Ms. Fu discussed the negative impacts of pollution in Hanamā'ulu Stream and Hanamā'ulu Bay. She noted it takes longer to gather the amount of sustenance to feed her family. To gather fish for her family, they often have to leave Hanamā'ulu and travel to other *ahupua'a* such as Nāwiliwili.

Ms. Fu also recalled gathering *limu* including *limu kohu* (Asparagopsis taxiformis), *limu wāwae 'iole (Lycopodium cernuum), 'opihi* (Limpets; Cellana talcosa, C. sandwicensis, C. exarata), and shellfish such as Samoan crabs from the bay. She also mentioned that on the cliffside of Ahukini Landing in Hanamā'ulu Bay there is a lookout spot where they would go to check the tides and the clarity of the water to see if the conditions were ideal for gathering *limu kohu*. She noted the path to the lookout has not been maintained and is currently unsafe due to the presence of homeless people and feral cats. She pointed out the area is zoned for Conservation and it is the landowner's responsibility to maintain the area.

Ms. Fu recalled gathering Job's Tears (*Coix lacryma-jobi*) which she used to make *lei* along Hanamā'ulu Stream. She noted she is no longer able to gather enough Job's Tears along Hanamā'ulu Stream to make a *lei*. Now, she gathers Job's Tears from Wailua Stream.

Ms. Fu also recalled swimming and surfing in Hanamā'ulu Stream and Hanamā'ulu Bay.

8.3 Iwi Kūpuna

No human burials or human skeletal remains (*iwi kūpuna*) have been reported within the Ahukini Makai Subdivision project area. A family cemetery, that was not identified in the field, possibly connected to LCA 3653:2 was reported by Kikuchi and Remoaldo (1992) in Hanamā'ulu Valley outside of the Ahukini Makai Subdivision project area. Concern for an area of *iwi kūpuna* was expressed by Kimo (and Lester) Matsushima but clarification shows this area of expressed concern to be well outside of the Ahukini Makai Subdivision project area (see discussion above and Figure 29).

Section 9 Summary

CSH undertook this Ka Pa'akai Analysis at the request of Visionary LLC. The research broadly covered the entire *ahupua* 'a of Hanamā'ulu but focuses on the Ahukini Makai project area.

9.1 Results of Background Research

Background research for this study yielded the following results, presented in approximate chronological order:

- 1. The original *moku* for the study area covered in this report was Puna, which means "spring of water." Līhu'e (literally translated as "cold chill;" Pukui et al. 1974:132) became the modern political name for the traditional *moku* of Puna. According to Ethel Damon (1931:402), the name Līhu'e was first applied to this area by Kaikio'ewa, Governor of Kaua'i in the 1830s, perhaps after Kaikio'ewa's upcountry residence on the island. This late derivation of the name has been recently disputed (Griffin 2012:46).
- 2. The project area is in the *ahupua* 'a of Hanamā'ulu. The *ahupua* 'a name means "tired (as from walking) bay" (Pukui et al. 1974:41). Wichman (1998:61) relates that Hanamā'ulu Bay was given this name because it was "off the main around-the-island trail and a traveler had to walk extra miles to get there."
- 3. Very little is documented regarding traditional settlement patterns at Hanamā'ulu prior to the documentation of native tenant claims following the Māhele land division of 1848. A few authors that have attempted historical study of the *ahupua'a* (Kalima and Wong Smith in Corbin et al. 2002:B-1 through B-12, Creed 2006:6-28) are easily distracted by the wealth of data pertaining to Wailua Ahupua'a up the coast. "Few sources refer specifically to Hanamā'ulu and the information contained in them is general in nature" (Kalima and Wong Smith in Corbin et al. 2002:B-1).
- 4. There are relatively few *ka'ao* or legends pertaining to Hanamā'ulu in most accounts. The volcano goddess Pele, her lover Lohi'au, and the cultural hero Kawelo are some mentioned in passing. The suggestion of inhospitality at Hanamā'ulu recorded by Rice ("Lohiau found all the houses but one closed") is reminiscent of the Hawaiian proverb *No Hanamā'ulu ka ipu puehu*, or "the quickly emptied container belongs to Hanamā'ulu" (Pukui 1983:252), which implies the food containers of Hanamā'ulu were often bare—a plausible reason for the local residents to be stingy. The Wichman (1998:60–61) account of the Hanamā'ulu people being known as miserly is notable.
- 5. In pre-Contact and early historic times, the *ahupua* 'a of Hanamā'ulu was permanently inhabited and intensively used for traditional taro growing and fishing and with a dispersed hamlet of thatched houses in the *makai* portion of Hanamā'ulu valley. The characterization of the surrounding coastal plateau land (see Figure 8) as "grassy land with volcanic boulders here and there" and the relatively low coastal rainfall help us understand why our accounts of traditional Hawaiian habitation and agriculture were almost exclusively in the *makai* portion of Hanamā'ulu valley. The existence of a "village" in the uplands of Hanamā'ulu related in the account of the greedy 'o 'opu eaters (see Section 3.4) suggests there may have been upland settlement.
- 6. The relative absence of early identified archaeological sites (Bennett mentions two, one shared with Wailua Ahupua'a) suggests a general absence of intensive traditional Hawaiian

activity outside of Hanamā'ulu valley. Bennett's reference to his Site 103 dune burials may indicate a normative burial practice in coastal sands to the north.

7. Victoria Kamāmalu was awarded the *ahupua'a* of Hanamā'ulu (and Kalapakī) under LCA 7713:2. The Victoria Kamāmalu award (LCA 7713:2 part 7) includes all the land within the present project area. All of the native tenant LCA awards were in Hanamā'ulu valley and there were no native tenant awards in the project area. While we have a few insights into Hanamā'ulu like the reserved seafood and plants during her ownership, she had, for example, 79 *ahupua'a*-sized lands on O'ahu, 14 on Maui, and 58 on Hawai'i Island.(Kame'eleihiwa 1992:124) so it is safe to say that she did not have particularly strong connections to Hanamā'ulu.

8. Traditional Hawaiian practices would have included some agricultural endeavors in the uplands and gathering of a variety of upland resources. The annual rainfall gradient in Hanamā'ulu from 997 mm (39.3 inches) at the neighboring coastal Lihue Airport Station (which is suggested as marginal for non-irrigated agriculture) to 2,490 mm (98.0 inches) per year at the Kukaua Station on Kilohana Crater (Giambelluca et al. 2013) suggests that upland activities would have most likely been significantly inland where the rainfall could support a more diverse biome.

- 9. Following the death of Victoria Kamāmalu in 1866, her 9,177 acres in Hanamā'ulu (according to the acre number in the Māhele award) were purchased in 1870 by Paul Isenberg (manager of Lihue Plantation from 1862–1878), which he established as a separate company, the Hanamaulu Plantation.
- 10. While it is unclear when most of the coastal table lands of Hanamā'ulu were developed in commercial sugarcane, it appears to have well before 1900. Historic maps and aerial photographs from 1900 (see Figure 10), 1906 (see Figure 11), 1910 (see Figure 12), 1924 (see Figure 13), 1941 (Figure 14), 1950 (Figure 15), 1959 (Figure 16), and 1965 (Figure 18) show the project area in a dense sea of sugarcane subject to re-plowing after each harvest. This is believed to have existed until close to 17 November 2000 when Lihue Plantation ceased operations.
- 11. An SHPD *Chapter 6E-42 Historic Preservation Review* dated 28 September 2018 (Log No. 2017.02067, Doc. No. 1809GC15, see Figure 27 and Figure 28) renders a determination of "no historic properties affected" for the Ahukini Makai Subdivision based largely on the Franklin and Walker (1994) archaeological inventory survey. The Ahukini Makai Subdivision lands were also subject to study in the Creed et al. (2006) archaeological literature review and field inspection and Bell et al. (2006) archaeological inventory survey. No historic properties have been identified in the Ahukini Makai Subdivision project area.
- 12. Seemingly no historic properties have been identified on the *makai* table lands of Hanamā'ulu south of Hanamā'ulu stream valley. About 250 m to the northwest of the project area is a (Walker et al. 1991) site (SIHP # 50-30-11-01847, see Figure 21) designating approximately 53.0 acres of the flat, level Hanamā'ulu valley floor as a prehistoric agricultural site noting that "Although no structural remains were visible, the area may have been used prehistorically for agricultural activities" (Walker et al. 1991:A-6). This does serve to highlight that the area of LCAs on the valley floor is also likely to be relatively rich in archaeological resources. Kikuchi and Remoaldo (1992:76) indicate the location of a cemetery designated SIHP # 50-30-08-B019 appears to be 100 m north of the project area on a bluff on the south side of Hanamā'ulu Valley (see Figure 21). They indicate this was one of the "Cemeteries not

located." While there is thus some question as to the precise location, and even as to whether this cemetery exists at all, there is no reason to believe it is in the Ahukini Makai project area.

9.2 Results of Community Consultations

CSH attempted to contact Hawaiian organizations, agencies, and community members as well as cultural and lineal descendants in order to identify individuals with cultural expertise and/or knowledge of the project area and vicinity. Community outreach letters were sent to 37 individuals or groups; ten responded, two provided written testimony, and two of these *kama 'āina* and/or *kūpuna* met with CSH for more in-depth interviews.

9.3 Impacts and Recommendations

Based on information gathered from the community consultation, participants voiced and framed their concerns in a cultural context. Our main take-away is the long-standing adverse impact of present land management in the vicinity on traditional Hawaiian cultural practices. While we think of the purpose of Ka Pa'akai Analysis studies as safe-guarding the status quo of traditional Hawaiian rights and practices into the future, the picture eloquently painted by Kaniela Kaleikaumaka Matsushima, in particular, is that the impact of the status quo land-management practices on traditional Hawaiian practices is horrendous and unacceptable. Thus perhaps it should be no surprise that he concludes further development will only make matters worse, and thus is pretty categorically against further development.

As noted above many of his critiques quickly have some independent support. We understand that on 9 June 1972, the beach at Hanamā'ulu was closed for public use for two years due to the high bacterial pollution levels in the nearshore waters and in the adjoining stream (Clark 1990:6). Of course this was more than 50 years ago and had nothing to do with the proposed Ahukini Makai Subdivision project. While many sources of pollution are indicated, it would be hoped that Kaua'i County Planning would see their role as not only to keep matters from getting worse (by requiring best management practices) but to insure that any future development within this watershed be associated with improvement of water quality (as the ongoing status quo adverse impact to traditional Hawaiian cultural practices is very real).

Kanani Fu would like the quality and abundance of the *wai* restored in perpetuity so cultural resources that were once abundant within Hanamā'ulu Stream and Hanamā'ulu Bay can be replenished. She believes cultural resources associated with the Hanamā'ulu Stream and Hanamā'ulu Bay still exist and can be restored with proper management. She noted that as part of the entitlement process, it is the landowner's obligation to mitigate potential negative impacts to Hanamā'ulu Stream and Hanamā'ulu Bay. She pointed out Grove Farm has developed a management plan that calls for a biological monitoring program of the water quality within Hanamā'ulu Stream and Hanamā'ulu Bay which just needs to be implemented.

9.4 Ka Pa'akai Analysis

In Ka Pa'akai vs Land Use Commission, 94 Hawai'i (2000) the Court held the following analysis must also be conducted:

- 1. The identity and scope of valued cultural, historical, or natural resources in the project area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the project area;
- 2. The extent to which those resources—including traditional and customary Native Hawaiian rights—will be affected or impaired by the proposed action; and
- 3. The feasible action, if any, to be taken by the LUC to reasonably protect Native Hawaiian Rights if they are found to exist.

Based on information gathered from the cultural and historical background, and community consultation for this project, no culturally significant resources were identified within the project area per se. At present, there is no documentation or testimony indicating traditional or customary Native Hawaiian rights are currently being exercised "for subsistence, cultural and religious purposes and possessed by *ahupua*'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778" (Hawai'i State Constitution, Article XII, Section 7) within the specific project area. While no cultural resources, practices, or beliefs were identified as currently existing within the project area, Hanamā'ulu Ahupua'a maintains a rich cultural history in the exercise of traditional or customary Native Hawaiian rights within the project *ahupua*'a. Concerns have been expressed that "Development near Hanamā'ulu and Kalāpakī *ahupua*'a will cause irreversible damages." The focus of concern is largely adverse impact to the quality of the fresh water in Hanamā'ulu stream and to the quality of coastal waters but there appears to be a concern for an increase in rubbish in Hanamā'ulu Valley (see in particular the Declaration of Kaniela Matsushima in Appendix C).

9.4.1 Archaeological Resources

An AIS-level study (Franklin and Walker 1996), was recently re-evaluated by the SHPD in a §6E-42 Historic Preservation Review dated 28 September 2018 (Log No. 2017.02067, Doc. No. 1809GC15, see Figure 27 and Figure 28) leading to an SHPD determination of "no historic properties affected" for the Ahukini Makai Subdivision. There have been two additional archaeological studies (Walker et al. 1991 and Bell et al. 2006) that have identified no archaeological resources in the project area.

Historical records, maps and photographs, and archaeological fieldwork support that sugarcane cultivation and development of plantation infrastructure was the dominant land use within the project area and surrounding lands.

The documented pattern is that pre-commercial sugar plantation historic properties are immediately coastal or in the river valleys (see Figure 21). It is certainly possible there was traditional Hawaiian and early historic period land use further inland and that the traces of this were simply lost as a result of decades of intensive sugarcane cultivation but it seems the pattern of traditional Hawaiian land use was very much in the Hanamā'ulu stream valley (to the north) and Nāwiliwili stream valley (to the southwest) where the LCAs overwhelmingly were, and immediately along the coast.

It should be noted that about 250 m to the northwest of the project area is a (Walker et al. 1991) site designation SIHP # 50-30-11-01847 (see Figure 21). The site description designates approximately 53.0 acres of the flat, level valley floor as a prehistoric agricultural site noting that "Although no structural remains were visible, the area may have been used prehistorically for

agricultural activities" (Walker et al. 1991:A-6). The site was recommended for detailed recording and limited excavations prior to development in that area (Walker et al. 1991:10). There does not appear to have been any further archaeological study on the Hanamā'ulu valley floor. This does serve to highlight that the area of LCAs on the valley floor is also likely to be relatively rich in archaeological resources.

9.4.2 Burials

Seemingly no burials have been previously documented on the gently sloping table lands of Hanamā'ulu such as characterize the Ahukini Makai project area (see Figure 21). Two burial sites have been discussed within 1.0 km of the project area (see Figure 21).

Kikuchi and Remoaldo (1992:76) show the location of a cemetery designated "[SIHP # 50-30] 08-B019" that appears to be 100 m north of the project area on a bluff on the south side of Hanamā'ulu Valley (see Figure 21). They indicate this was one of the "Cemeteries not located." While there is thus some question as to the precise location, there is no reason to believe it is in the Ahukini Makai project area.

A study by Corbin et al. (2002) identifies a historic cemetery (SIHP 50-30-08-02067) approximately 300 m north of the Ahukini Makai project area on the far (north) side of Hanamā'ulu Valley. This site was believed to have approximately nine to 11 graves, "The oldest visible grave with a headstone appears to date from the late 1880s, while the most recent visible grave with a headstone indicates 1952 as the year of death" (Corbin et al. 2002:A-19).

Wendell C. Bennett briefly references burials in his "Site 103. Dune burials. In the sand dunes that run along the shore halfway between Hanamaulu and Wailua River are many burials" (Bennett 1931:125). This locus of burials is well to the north. At least some burials would be expected at Kalapakī but these would be expected to be almost exclusively in the Jaucus sands immediately adjacent to the coast. The Lihue silty clay (LhB) soils of the Ahukini Makai project area (Foote et al. 1972, see Figure 6) would not have encouraged burial there.

Mr. Kimo Matsushima mentioned there are *iwi kūpuna* in the slope going to the beach in the Ahukini Makai project area. He also mentioned there are *iwi kūpuna* in Hanamā'ulu Valley whose locations are marked by rocks. No development will occur in this area and thus any human burials there will not be disturbed.

Mr. Kaniela Kaleikaumaka Matsushima (see Appendix C) references how run-off and drainage related to land development with attendant erosional deposition of trash and contaminants adversely impact "*ohana* burials" understood as in Hanamā'ulu Stream valley.

9.4.3 Faunal Resources

Activities associated with faunal resources have and continue to be focused on marine resources. In an interview regarding cultural resources in Kalapakī, Ms. Cheryl Lovell-Obatake expressed her concern for marine resources and Ms. Sabra Kauka for fisherman using the coast (Mitchell et al. 2005:24–25). Ms. Kauka also expressed her concern for Shearwater birds:

Fourthly, I go to malama the rare Shearwater birds that lay their eggs in the rock walls, boulders and bushes along the coast. I have been taking my 3rd and 4th grade students from Island School to count, capture, weigh, measure, and return the chicks to their nesting sites for the past two years. We have a special permit from

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the Department of Land & Natural Resources, State Forestry Division, to do this work. Last year we counted 38 chicks there. This year, unfortunately, a predator has eliminated them. We don't know what predator it is but we couldn't find any chicks. This bird is very important to me and my students because it teaches them the connection between the kai and the 'aina. It teaches them that what humans do at sea and on the land affect other life on earth. If the birds have nowhere to nest, their species will die. If they have not fish and squid to eat, if man overharvests the ocean, the birds will have nothing to eat. They are an indicator that there is still fish in the sea for them and for us. There is still land for them and for us. [Mitchell et al. 2005:24]

The Shearwater nesting is understood as immediately coastal. No evidence of sea bird nesting has been reported for the project area. No accounts of hunting have been identified in association with this project area.

Mr. Kaniela Matsushima has expressed concerns over the prior degradation of stream, bay, and ocean faunal resources and *aumākua* species and his belief that further development will continue this pattern of pollution and degradation (see his declaration in Appendix C).

He discusses (see Appendix C) the adverse impact of ongoing pollution on native and Polynesian-introduced animals.

Many maoli holoholona, [native and Polynesian introduced animals] some endangered, live in the valley like the *pua* 'a [pigs], 'alae 'ula [Hawaiian gallinule], ae 'o [Hawaiian stilts], koloa maoli [native ducks], auku'u [black crowned night herons] *nēnē* [Hawaiian goose], koa 'e kea [white tailed tropic birds], *pinao* [native dragon flies], 'o 'opu [native gobies] and many more. They all drink from this water and deserve clean water just as us humans do.

He concludes, "There is no way for me to justify further development in these areas when the past and present concerns I spoke about above have yet to be remedied."

Kimo Matsushima has been leasing land in Hanamā'ulu Valley from Grove Farm since 1992. He has raised cattle and goats on this land for the last 25 years. He noted 15 to 20 acres of the land he leases in the valley are located within the project area for the Ahukini Mauka Subdivision.

Mr. Kaniela Kaleikaumaka Matsushima also discusses (see Appendix C) his family's traditions of "[...] *lawai'a* (fishing) in the stream, the bay, and the ocean in both directions all the way to Wailua and Kalāpakī' including "subsistence fishing and gathering of *'opihi* and *limu* for our *'ohana*." He notes,

Today, we find the fish population, *'opihi, limu* and the health of our reefs are all on the decline. Drastic difference from even when I was a keiki. A big part of that decline is due to the continued pollution from the developments near and above the valley of Hanamā'ulu and stretches all the way to Kalāpakī. As a keiki I was able to swim in the stream and the bay and now I can't because of the pollution.

Again this leads to his summary conclusion: "There is no way for me to justify further development in these areas when the past and present concerns I spoke about above have yet to be remedied."

A related, but separate, issue is the adverse impact of prior development-related pollution to 'aumākua species such as honu and $h\bar{i}h\bar{i}manu$. While the decline in marine species referenced appears to have been of some duration (pollution in Hanamā'ulu Bay was so severe it led to a closure for swimming more than 50 years ago), the concern that further development will make matters worse is understandable.

Kimo Matsushima also expressed concern regarding increased runoff polluting the waters of Hanamā'ulu Stream and Hanamā'ulu Bay. He discussed how the conditions of Hanamā'ulu Stream and Hanamā'ulu Bay have changed over the years. When he was growing up, the pollution from runoff was not as bad and the water in Hanamā'ulu Bay was clean. He noted that from the 1990s to the present, pollution from runoff has caused the water in the bay to become murky, sometimes even looking like chocolate.

He recalled catching fish and crabs in Hanamā'ulu Bay and setting up prawn traps in Hanamā'ulu Stream. He stated he is still able to catch crabs in Hanamā'ulu Bay, however, he noted he must filter out the pollution before it is safe to eat. He also mentioned there are still prawns in Hanamā'ulu Stream, but not as much as in the "good old days."

Kimo Matsushima stated that runoff from the existing Hanamā'ulu Subdivision has negatively impacted the quality of water in the stream and bay. From his farm, which is located on both sides of Hanamā'ulu Stream, he has observed the impacts of runoff to the health of the stream as well as fish and other animals who use the stream. He noted that following heavy rainfall, the water in Hanamā'ulu Stream and Hanamā'ulu Bay is very dirty. He has observed prawns and mud turtles resting on the banks of the stream to avoid the polluted water following heavy rain. He also pointed out that Hanamā'ulu Stream is located in the flood zone and following heavy rain, runoff drains into the stream and right into the pasture where his cattle and goats feed. This runoff carries debris he and his 'ohana must clean. He also mentioned sewage spills at the Kapaia Sewage Pump Station occur often causing sewage to enter into Hanamā'ulu Stream that eventually flows into Hanamā'ulu Bay.

Ms. Fu described the abundance of resources available in Hanamā'ulu Stream when she was a child. She recalled gathering 'o 'opu (goby fish, families include *Eleotridae*, *Gobiidae*, and *Blennidae*) and prawns from the stream in the area from Kapaia Bridge to Hanamā'ulu Bay.

She also described the marine resources available in Hanamā'ulu Bay. She mentioned fishing was a common practice and noted that *akule* (Big-eyed or goggle-eyed scad fish; *Trachurops crumenophthalmus*) were abundant in the bay. She recalled learning how to fish from her uncle and participating in *hukilau* with her 'ohana.

Ms. Fu discussed the negative impacts of pollution on Hanamā'ulu Stream and Hanamā'ulu Bay. She noted it takes longer to gather the amount of sustenance to feed her family. To gather fish for her family, they often have to leave Hanamā'ulu and travel to other *ahupua'a* such as Nāwiliwili.

Ms. Fu also recalled gathering *limu* including *limu kohu* (Asparagopsis taxiformis), *limu wāwae* 'iole (Lycopodium cernuum), 'opihi (Limpets; Cellana talcosa, C. sandwicensis, C. exarata), and shellfish such as Samoan crabs from the bay. She also mentioned that on the cliffside of Ahukini Landing in Hanamā'ulu Bay there is a lookout spot where they would go to check the tides and the clarity of the water to see if the conditions were ideal for gathering *limu kohu*. She

noted the path to the lookout has not been maintained and is currently unsafe due to the presence of homeless people and feral cats. She pointed out the area is zoned for Conservation and it is the landowner's responsibility to maintain the area.

Ms. Fu shared her concerns regarding the quality of *wai* in Hanamā'ulu Ahupua'a. She described the drastic changes to the water quality of Hanamā'ulu Stream and Hanamā'ulu Bay she has observed over the years. Before she left for boarding school around 1990, the water was clear and when she returned to Kaua'i around the year 2000, she noticed a distinct difference in color due to pollution. She also observed changes in the quality and quantity of fish in the bay.

Ms. Fu would like to see a balance between progress and honoring what Kaua'i is. She emphasized that Hanamā'ulu is one of those things that should be honored. She would like the quality and abundance of the *wai* restored in perpetuity so resources that were once abundant within Hanamā'ulu Stream and Hanamā'ulu Bay can be replenished.

Ms. Fu is optimistic damage to the quality of *wai* can be reversed. She believes cultural resources associated with the Hanamā'ulu Stream and Hanamā'ulu Bay still exist and can be restored with proper management. She noted that as part of the entitlement process, it is the landowner's obligation to mitigate potential negative impacts to Hanamā'ulu Stream and Hanamā'ulu Bay. She pointed out Grove Farm has developed a management plan that calls for a biological monitoring program of the water quality within Hanamā'ulu Stream and Hanamā'ulu Bay which just needs to be implemented.

9.4.4 Earth Resources

No traditional use of the stones (or soft sediments) within the project area has been documented. Mr. Kaniela Matsushima has expressed concerns over the long-standing adverse impacts of erosion in which "Mounds and mounds of trash and contaminants come down daily and are an even heavier burden when we have large rains" (see his declaration in Appendix C).

9.4.5 Plant Resources

The project area is generally quite overgrown with a variety of exotic weedy species believed to include octopus trees (*Schefflera actinophylla*), castor bean (*Ricinus communis*), *haole koa* (*Leucaena glauca*), be-still (*Thevetia peruviana*), lantana (Lantana species), java plum (*Syzygium cumini*), and particularly exotic grasses (see Figure 23 through Figure 26). The only native species present would most likely be '*ilima* (*Sida fallax*) and '*uhaloa* (*Waltherica indica*). The dominant grass, which forms a monotypic stand over most of the project area, is believed to be guinea grass (*Megathyrsus maximus*). This grass grows quite thickly, crowding out most other species.

'Ilima and 'uhaloa are significant plant resources for Native Hawaiians.

Abbott mentions '*ilima* first in her discussion of traditional materials for *lei pua* (flower garlands) for adornment and notes they remain "a prominent and cherished choice for lei, despite the fact that hundreds of its golden, paper-thin flowers must be gathered to make a single neck lei" (Abbott 1992:127). Ms. Lovell-Obatake mentioned using '*ilima* from neighboring Kalapakī for medicine (Mitchell 2005:24).

Abbott (1992:101) writes of '*uhaloa* that the "Stems, leaves, and the bark of the roots were pounded, strained, and used as a gargle for sore throat. Today, many Hawaiians who use none of the other traditional medicinal plants still turn to this one."

While the importance of *'ilima* and *'uhaloa* in Hawaiian culture is unquestionable, it is equally unquestionable that these species are ubiquitous and adapt readily to disturbed land. Sometimes practitioners associate particular qualities to plants from particular locations but there is nothing indicating associations with the present project area.

Castor bean (as food) and *haole koa* (for adornment), although exotic, have been plant resources for Native Hawaiians, but again these plants are ubiquitous.

Kimo Matsushima has been leasing land in Hanamā'ulu Valley from Grove Farm since 1992. He has been growing bananas on this land for the past five years. He noted 15 to 20 acres of the land he leases in the valley are located within the project area for the Ahukini Mauka Subdivision. He also mentioned there are other farmers with leases from Grove Farm in the Ahukini Mauka project area. He noted his neighbors are farmers from Thailand who grow fruits and vegetables.

Mr. Kaniela Kaleikaumaka Matsushima also discusses (see Appendix C) how prior and continuing run-off and drainage related to land development with attendant erosional deposition of trash and contaminants interferes with his family's traditional farming (*mahi'ai*) practices.

Ms. Fu recalled going to Kapaia Valley in Hanamā'ulu with her father, where there were terraces of *lo 'i kalo*, and watching him and his friends restore the *lo 'i*. Her *hānai* uncle also taught her how to tend to the *lo 'i*. Their main tasks were restoring *wai* to the *lo 'i*.

Ms. Fu recalled gathering Job's Tears (*Coix lacryma-jobi*) which she used to make *lei* (garlands) along Hanamā'ulu Stream. She noted she is no longer able to gather enough Job's Tears along Hanamā'ulu Stream to make a *lei*. Now, she gathers Job's Tears from Wailua Stream.

9.4.6 Trails

In traditional times, trails were well used for travel within the *ahupua'a* between *mauka* and *makai* and laterally between *ahupua'a*. A historical trail system existed on Kaua'i which often ran well inland (approximating modern Kaumuali'i Highway and Kūhiō Highway) effectively acting as a short cut for travel between *ahupua'a*. A coastal trail would have been used for access to marine resources and recreation, but this would have been quite close to the coast.

Cheryl Lovell-Obatake spoke of "sacred trails that run from Nāwiliwili side coming from Kalapakī Point along the coast" but these were understood to be quite close to the coast (Mitchell et al. 2005:23).

Doubtlessly there were major *mauka/makai* trails but these would have been anticipated to be focused on connecting centers of habitation, like inland of Kalapakī Beach to the uplands. The 1910 USGS map (see Figure 12) shows two unimproved roads leading out of the back of the valley to the west and another ascending the north wall of the valley. These may have been traditional trails. A trail follows the north side of the valley floor which was almost certainly a traditional alignment. There are no records of trails running through the Ahukini Makai Subdivision project area.

9.4.7 Nā Wahi Pana

Storied places in the vicinity would have included Ahukini, Hanamā'ulu bay and valley, and the Nā-pali-'o'oma-o-Hanamā'ulu (later called Ke'alohi-wai) cliffs (see Table 1 for details). We have identified no storied places, or even named places in the Ahukini Makai Subdivision project

area. Distinctive land forms invite visitation and the development of traditions but there are none in the project area per se.

9.4.8 Valued Cultural, Historical, or Natural Resources in the Project Area

The project area was a sea of Lihue Plantation sugarcane for many decades. Since the end of sugarcane cultivation the land has pretty much been left fallow and unused and is presently virtually a thick mat of guinea grass. A concern was expressed by Kimo Matushima for the presence of human burials in the steep *makai* slope of the Ahukini Makai project area.

9.4.9 The Extent to which Traditional and Customary Native Hawaiian Resources will be Affected by the Proposed Action

Given the location back from the coast with no notable landforms in the vicinity, the relatively low rainfall, the absence of potable water, the prior land history of intensive sugarcane cultivation with frequent plowing of the entire project area and the prevailing vegetation regime dominated by a mat of guinea grass, it is concluded that the only traditional and customary Native Hawaiian resources that may be directly affected by the proposed action is the possible presence of human burials in the steep *makai* slope. No development will occur in this area and efforts should be made to avoid impacting this area. Indirect adverse impacts to the '*āina*, *wai*, and *kai* of Hanamā'ulu by project-related erosion or wastewater management is an expressed concern. The County of Kaua'i has a drainage policy that applies to development projects. A drainage report was prepared for this project and approved by the County of Kaua'i. Based on the proposed grading and drainage improvement designs, the post-development drainage conditions will be less than the predevelopment drainage conditions.

9.4.10 Feasible Action, if any, to be Taken to Reasonably Protect Native Hawaiian Rights

If indeed the anticipated population growth in Līhu'e District (2010-2035 average annual growth rate of 2.39%, LCP 2015:83) is to continue, then the question is how best to manage it and how to mitigate adverse impact on traditional Hawaiian resources and customary practices, or of course ideally, to improve traditional Hawaiian resources.

This is a somewhat unusual case in that testimony clearly identifies existing adverse impacts to traditional cultural practices of long-duration (going back more than 50 years). There is independent support for this in particular in that "the beach at Hanamā'ulu was closed for public use due to the high bacterial pollution levels in the nearshore waters and in the adjoining stream" from 1972 to 1974 (Clark 1990:6).

For starters, mitigation would seem to ensure that any development projects do not make matters worse, minimally by ensuring best management practices.

It is suggested that appropriate mitigation should aim not for simply maintaining the status quo of traditional and customary practices, but for net improvement. Given that the county and state are likely to experience financial gain from taxes from any development projects, it seems germane to suggest the county's duty in "fulfilling their constitutional obligation to preserve and protect traditional and customary practices" (Kaua'i Planning Department Worksheet for Ka Pa'akai Assessment) includes addressing what would appear to be an unacceptable history of adverse impact to traditional and customary practices that has existed for at least 50 years.

The identification of the sources of the existing adverse impact to traditional and customary practices is beyond the scope of this study (although identification of the nature and extent of existing pollution sources might be a first step of mitigation). Sources of existing pollution to be addressed and mitigated may include surface run-off into Hanamā'ulu valley, trash disposal management, the existing sewerage system in the Hanamā'ulu watershed, existing septic tanks, and "fecal matter from pasture animals in the upper valley and from the piggeries in upper Kapaia" (Clark 1990:6).

Efforts should be made to avoid impacting the steep *makai* slope where human burials have been indicated. This study has served to document concerns regarding a heretofore undocumented area of concern for *iwi kūpuna*. While this area is outside of the Ahukini Makai Subdivision Project area, and is not a concern for the Ahukini Makai Subdivision Project, this documentation serves to protect Native Hawaiian Rights for future projects.

It is understandable that many Native Hawaiians of Kaua'i feel development will only compound the existing burden to the '*āina*, wai, and kai. It is to be hoped that proper county management and mitigation associated with development projects could result in a net improvement to the '*āina*, wai, and kai and traditional and customary practices and result in a win-win situation.

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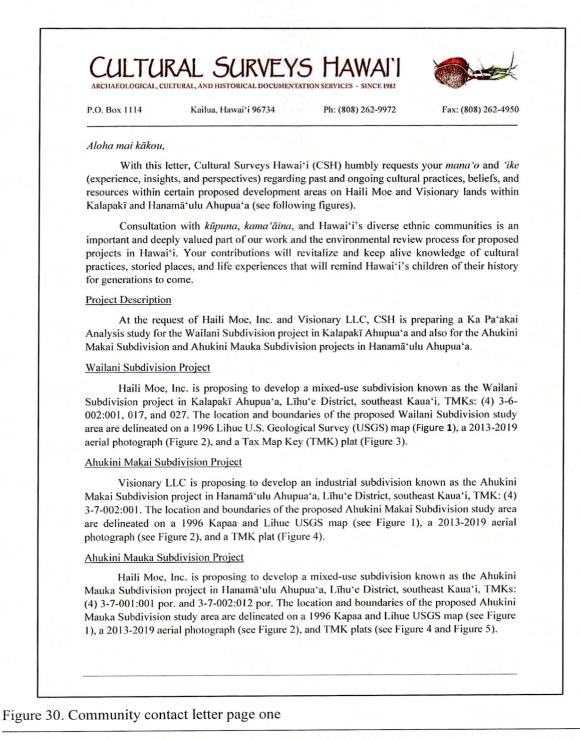
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Appendix A Community Contact Letter



Ka Pa'akai Analysis for the Wailani Subdivision Project in KalapakI Ahupua'a, the Ahukini Makai Subdivision, and Ahukini Mauka Subdivision Projects in Hanamā'ulu Ahupua'a

Page 2

Purpose of this Study

The purpose of this Ka Pa'akai Analysis outreach is to 1) identity and scope valued cultural, historical, or natural resources in the study areas, including the extent to which traditional and customary Native Hawaiian rights are exercised in the study areas; 2) identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action. This is accomplished through consultation and background research using previously written documents, studies, and interviews. This information is used to assess potential impacts by the proposed project to the specific identified resources, practices, and beliefs in the study areas. As a knowledgeable member of the community and a holder of long-term cultural knowledge, your insight, input, and perspective provide a valuable contribution to the assessment of potential effects of this project and an understanding of how to protect these resources and practices.

Insights focused on the following topics in the study areas are especially helpful and appreciated:

- Your knowledge of traditional cultural practices of the past within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Your specific traditional cultural practice and its connection to the proposed study areas of Kalapakī and Hanamā'ulu Ahupua'a
- The different natural resources associated with your cultural practice
- Legends, stories, or chants associated with your cultural practice and its relationship to the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Referrals to other *kūpuna*, *kama'āina*, and traditional cultural practitioners knowledgeable about the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Your comments or thoughts on the potential impacts the proposed project may have on your ongoing traditional cultural practice and natural resources within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Your knowledge of cultural sites and *wahi pana* (storied places) within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a

• Your comments or thoughts on the potential impacts the proposed project may have on cultural sites and *wahi pana* within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a

Figure 31. Community contact letter page two

Ka Pa'akai Analysis for the Wailani Subdivision Project in Kalapakī Ahupua'a, the Ahukini Makai Subdivision, and Ahukini Mauka Subdivision Projects in Hanamā'ulu Ahupua'a

Page 3

Consultation Information

Consultation is an important and deeply valued part of a Ka Pa'akai Analysis study. Your contributions will revitalize and keep alive our combined knowledge of past and ongoing cultural practices, historic places, and experiences, reminding following generations of their history.

With your agreement to participate in this study, your contributions will become part of the comprehensive understanding of traditions of the area and part of the public record.

As a part of this process, your knowledge may be used to inform future heritage studies of cultural practices and resources that need protection from impacts of proposed future projects. If you engage in consultation, and the *mana* o and '*ike* you provide appears in the study, we would like to recognize your contribution by including your name. If you prefer not to allow your name to be included, your information can be attributed to an anonymous source.

The consultation interview structure and format are flexible. We will accommodate your preference on how to get together: talk story, over the phone, by email correspondence, remotely via Zoom, MS Teams, Google Chat or other remote meeting platforms.

Your knowledge of the resources and potential effects of the project on traditional practices in the study area portions of Kalapakī and Hanamā'ulu Ahupua'a focusing on the topics in the bullet points above can also be submitted in a written statement. CSH will provide return postage for your written statement on request.

CSH is happy to provide a list of topics for discussion, a more structured questionnaire of interview questions, or any other assistance that might be helpful.

If you have questions regarding consultation, or are interested in participating in this study, please contact CSH Cultural Researcher Kellen Tanaka by email at ktanaka@culturalsurveys.com or phone at (808) 262-9972.

Mahalo nui loa for your time and attention to this request for consultation.

Kellen Tanaka CSH Cultural Researcher

Figure 32. Community contact letter page three

Appendix A

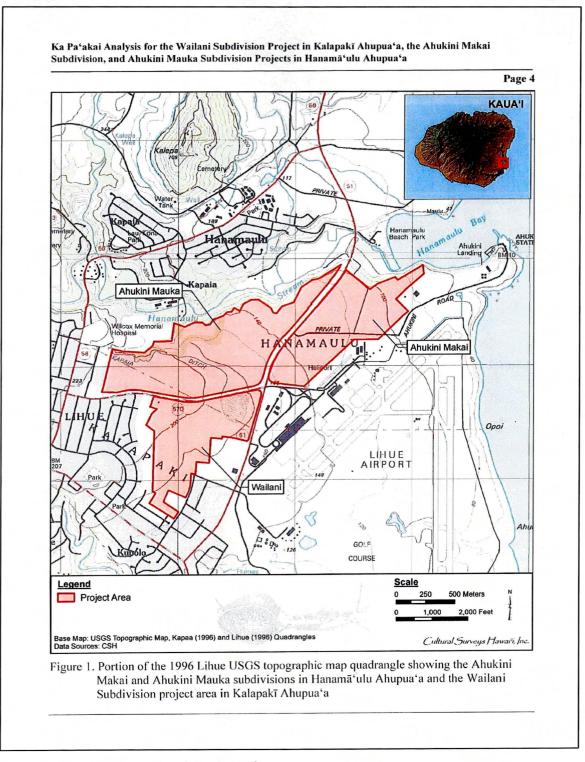


Figure 33. Community contact letter page four



Figure 34. Community contact letter page five

Cultural Surveys Hawai'i Job Code: HANAMAULU 15

Appendix A

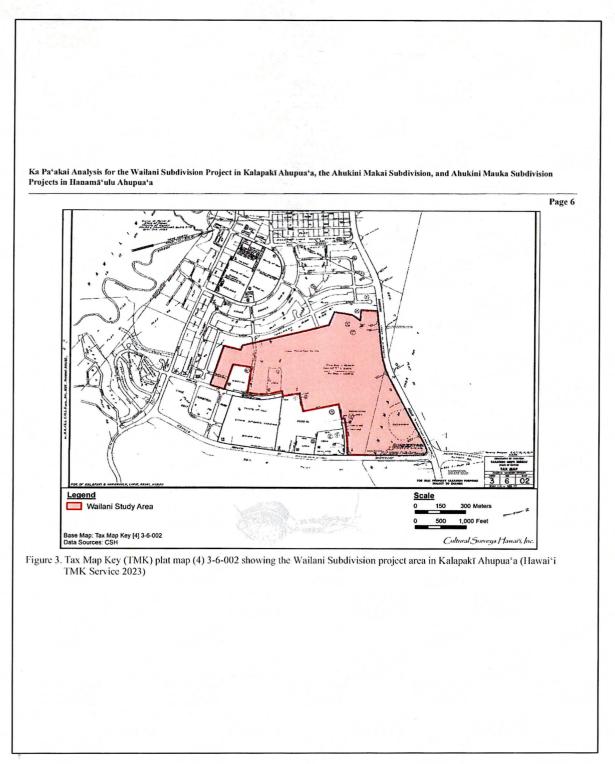


Figure 35. Community contact letter page six



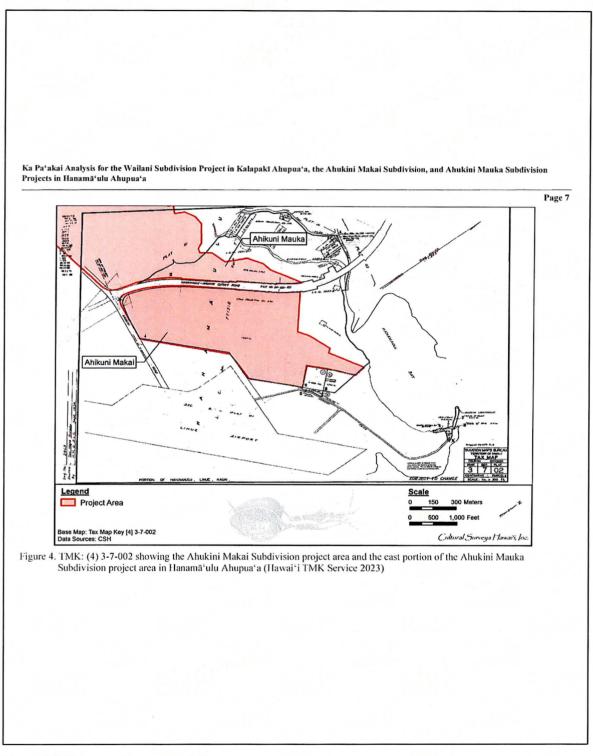


Figure 36. Community contact letter page seven

Appendix A

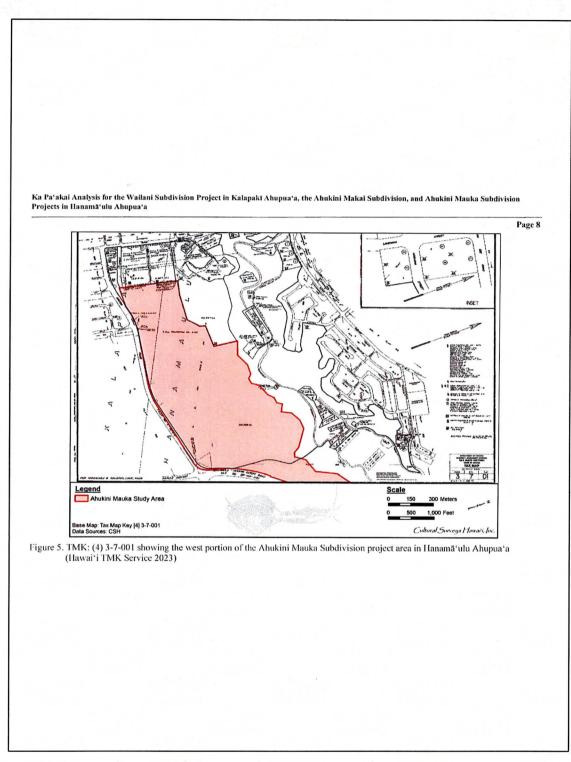


Figure 37. Community contact letter page eight

Appendix B Declaration: Roslyn Cummings

The following is an e-mail from Ms. Roslyn Cummings dated 15 May 2023 providing a declaration in response to a request for consultation pertaining to the Ka Pa'akai Analysis for the Ahukini Makai Subdivision (and the Wailani Subdivision and Ahukini Mauka Subdivision projects). We are providing her testimony in full here without comment redacting only her personal contact information.

	Roslyn Cummings
Sent:	Monday, May 15, 2023 8:11 AM
To:	Kellen Tanaka
Cc: Subject:	mayor@kauai.gov; councilmembers@kauai.gov; planningdepartment@kauai.gov; publicworks@kauai.gov; rpassessment@kauai.gov; webmaster@kauaiwater.org Declaration of Roslyn Cummings in Submittal of Request by Kellen Tanaka of Cultural
Subject.	Surveys Hawaii, Inc. license through the State of Hawaii (DEFACTO)
	Declaration of Roslyn Cummings
	ngs born Roslyn Nicole Manawaiakea Malama am of lawful age and competent and was , 1983 at Waimea, Kauai, Makua Kane Edmund Francis Malama Jr. and Makuahine Darlene
	ne Joyce Rita is my mother, Makuahine and she was born on February 26, 1965 and her ikini Aciang Ipac and Robert Stanley Rita
	cciang Kawaikini Ipac is my Kupuna Wahine and she was born on April 15, 1943 and her mas and Helen Lahapa Kualu
	Lahapa Kamakaeha Kualu is my Kupunawahine nui, mare Antonio Dotimas and she was and that her makua are William Kualu and Helen Kailiokalani Haupu
	Kualu is my Kupuna Kane nui, mare Helen Kailiokalani Haupu and he was born on January ical parents are Waikaka and Kikaha
	i is my Kupuna who mare Kikaha and his makua are Huleihulei and Kaikioewa, Hoona i and that Kaikioewa is the hanai father of Moses Kekuaiwa and Kaulkeaouli,
Honolulu, State of Hawa "Iolani Palace Grounds,	Archives, at Honolulu, Stat of Hawaii witness hand anneal 21st day of October, 2020 at aii. Adam Jensen, Ph.D, State Archivist of the Public Archives of Hawaii State Archives Honolulu, Hawaii 96813 I hold true in my hand and keep certified copy of the Māhele e consequent transformation of 'āina into private property)
Ninth and that Cummin	ngs is my Surname and that I now go by Roslyn Cummings, Roslyn Nicole Cummings
Mo'okuauahau: In protection of Kauai M	lokupuni, Puna Moku, Ahupua'a O Hanamaulu, Kalapaki, Wailua (Ko Hawaii Pal Aina) a pau
Jesse Cummings Roslyn Cummings	
Darlene Rita	
1	

Edmund Malama Sr

Lucille Luukia Kaaloa Ahana Joseph Ku Keoua Malama

Ku Nahinu Malama he kane Hana Keoua Puahi Pauahi

Lono, Haalou Hana Moses Keoua Puahi

Kalani he wahine Kaukapawa ke Kane

Kamaholelani

Kiha (K) Kahalemanuolono (W)

Kaumeheiwa (K) Kaapuwai (W)

Lonoikahaupu (K) Kaumumuokalani (W)

Kauakahilau (K) Kuluina (W)

. Kane Kahaka (K) Kealohipeekoa (W)

Kauiahiwa (K) Kuuwelokawai (W)

llimealani (K) Kamili (W) Brother of **Kahakumakaliua|Kahakumakalina (K) Kahakumai'a (W) | Kalanikukuma (K) Kapoleikauila (W) | Kahakumakapaweo (K) Kahakukukanea (W)

Kuwalupaukamoku (K) Hameawahaula (W)

. Kahakuakane (K) Manukaikoo (W)

Kaumakaamano (K) Kapoinukai (W)

Manokalanipo (K) Naekapulani (W)

Kukona (K) Laupuapuamaa (W)

Luanuu (K) Kalanimoeikawaikai (W) At

Kamahano (K) Kaaueanuiokalani (W)

, Ahukinialaa (K) **Ha'iakamaio (W)

Laamaikahiki (K) **Waolena (W)

Ka Pa'akai Analysis for the Ahukini Makai Subdivision Project, Hanamā'ulu, Līhu'e, Kaua'i TMK: (4) 3-7-002:001

2

Haulanuiaiakea

. Moikeha (K) Kapo (W)

, Maweke (K) Naiolaukea (W) Kekupahaikala (K) Maihikea (W)

Palekana- to be safe and protected

Our waiwai is not money, our waiwai wealth is our natural god given resources as I submit this declaration as testimony and evidence that can and will be used against transgressor(s) What is a transgressor biblically? L A W E H A L A someone who transgresses; someone who violates a law or command.

I Roslyn Cummings a Mother (Makuahine), a woman (Wahine Maoli), a living soul, created by God ('I-Supreme, 'O-Universe, Earth ever revolving, Ke Akua (The Great I am), lesu Kristo, Iohova

You cannot make private of what is already PRIVATE.

Alo- Presence, is a cultural practice. To be present one must be within that time and space to command what god has given, to make pa'a (solidify), and ma'a (accustomed) this is how one builds a relationship (pilina)

Ha- Essence, as equals.

We are now in the time of ao, in the time of 'I'O knowing what is right by doing what is right.

Our practices as Kanaka Maoli is within our inherent birthright. It does not need to be publicized to be legitimate. It does not have to be defined for every Individual to know and comprehend. He Aina Hawaii I am of Hawaii! Aina is our Kupuna, as kanaka Aina needs to be respected, understood. In balance. Development is detrimental to the Ola: vitality of the people na kanaka especially for those who do not understand the need of punawai, way puna (fresh water) high quality with minerals. All life that is dependent on it. When development occurs, the water becomes- polluted, diverted, depleted, and effect mauna to makai.

A'ole No, as a Mo'opuna O Wakea (Sky Father) O Popanuihanaumoku Haumea(Earth Mother) I speak in support of the restoration of the Ahupua'a systems and the return of the navigators in protection of Ko Hawaii Pae Aina (all Hawaii) Honua (World) development that does not consider the importance and significance of kanaka maoli has no room in our Ku'u Home. It'll only lead to more pilikia!

The County of Kauai along with the State of Hawaii and its agencies should know and understand the significant impacts of Waste management that gets pumped into our oceans and rivers (Kai/Wai) through lack of management, infrastructure. The need for a new landfill at the cost of Aina. Growth in population of foreign mindsets who do not know and understand our culture. To have resect and be responsible. The further divide amongst kanaka, people. Losing access and gathering rights. The right to pray, the right to Kuleana gather.

3

Under whose authority? What Superiority?

GROVE FARM 1100 Alakea St., Honolulu, HI 96813-2833 808-241-4900 DNB#601965119

COUNTY OF KAUAI MAYORS OFFICE 4444 Rice St. Ste. 235, Lihue, HI 96766-1340 DNB#005422576

COUNTY OF KAUAI

KAUAI FIRE DEPARTMENT 4444 Rice St. Ste. 315, Lihue, HI 96766-1340 DNB#

County of Kauai Kauai Police Department 3990 Kanna St., Suite 200 Lihue, Hawaii 96766–1268 808-241-1711 DNB#929385867

City of Lihue Kauai Emergency Management Agency 3990 Kaana St., Suite 100 Lihue, Hawaii 96766–1268 808-241-1711 DNB#

COUNTY OF KAUAI the Prosecuting Attorney 3990 Kaana St., Ste 210 Lihue, Hawaii 96766-1268 808-241-1888 DNB#007119125

Executive office of the president The White House office, Office is the vice president, Office of management and budget, National security council 725 17th St. NW., Washington,, DC 20503–0004 202-456-1414 DNB#031648897

Executive office of the United States government White House 1600 Pennsylvania Ave. NW. Washington DC 20500–0005 202-456-1414 Subsidiary DNB#161906078

Government of the United States, White House 1600 Pennsylvania Ave. NW. Washington DC 20500–0005 202-456-1414 Headquarters DNB#161906193

Executive office of the State of Hawaii Office of the governor, executive chamber state capital 415 South Beretania St. FI 5 Honolulu HI 96813–2407 808-586-0034 Subsidiary DNB#809930217

The attorney general who is Department of Department of the Attorney General 425 Queen St., Honolulu, HI 96813–2903

Ka Pa'akai Analysis for the Ahukini Makai Subdivision Project, Hanamā'ulu, Līhu'e, Kaua'i TMK: (4) 3-7-002:001

4

808-586-1282 Subsidiary DNB#809935323

The attorney general Hawaii Department Of the Department of the Attorney General, Criminal Justice Division 425 Queen St. floor 3 Honolulu HI 96813–2903 808-586-1160 Branch DNB#031704393

Claim of Damages/Transgression fee schedule

I, Roslyn: Cummings, a living flesh and blood woman, charge these fees for violations of my God-given rights, this is a copy of my true bill.

I swear under penalty of perjury these fees will be billed to any transgressor of my rights and I demand restitution to be paid to me in legal tender .999 one ounce silver coin no later than 14 days upon receipt of my true bill.

~By Respondent(s)' silence, they have agreed to the following PROOF OF CLAIM(S), for determining/calculating actual/compensatory damages to the Claimant:

PROOF OF CLAIM, "actual" or "compensatory damages" in actions/claims for false arrest/false imprisonment have not been established at 25,000 dollars per twenty-three (23) minutes, 1,600,000 million dollars per day; and, punitive damages may not be set by the injured party; and specifically, the Undersigned as the injured party within the above referenced alleged Criminal Case/Cause. [See: *Trezevant v. City of Tampa*, 741 F.2d 336 (1984), wherein damages were set as 25,000 dollars per twenty-three 23 minutes in a false imprisonment case.]

PROOF OF CLAIM, the above cited case; i.e., Trezevant v. City of Tampa, can be utilized by the Undersigned in determining actual/compensatory damages should Respondent(s) agree the Undersigned has been falsely imprisoned; and, Respondent(s) can provide any valid, lawful, and reasonable objection as to why it should not, or cannot, be so utilized and applied in this matter.

Furthermore;

~The AUTHORITY FOR FINES (DAMAGES) CAUSED BY CRIMES BY GOVERNMENT OFFICERS: PERPETRATORS INCLUDING AUTHORIZING BODIES, CAPTAINS, CHIEFS, SUPERVISORS, EMPLOYERS, AGENTS, CLERKS, ADMINISTRATORS, JUDGES is my power as unlimited as cited in the 9* and 10* Amendment.

~These Damages to my rights, in part, were determined by GOVERNMENT itself for the violation listed:

~Emoluments Violations - 18 U.S.C. §§§ 241, 242, 643, / 28 U.S.C. § 1927, / 29 U.S.C. § 1109

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

~EXECUTIVE ORDER 13818 ON HUMAN TRAFFICKING, (Public Law 114-328) section 212(f),

Breach Pena	alty Autho	ority
Fo attend meetings, hearings under duress, against my consen	t \$1,000.00 p	er minute
A-VIOLATION OF OATH OF OFFICE:	\$250,000.00	18 USC 3571, 28 USC 3002 (15
3-ARMED ABUSE OF OFFICE:	\$200,000.00	
C-ARMED ABUSE OF AUTHORITY:	\$200,000.00	
D-ARMED USE OF EMERGENCY LIGHTING		
N A NON-EMERGENCY:	\$200,000.00	
-ARMED USE OF EMERGENCY SIREN		
N A NON-EMERGENCY:	\$200,000.00	
-ARMED ASSAULT AND BATTERY:	\$200,000.00	
J-ARMED THREAT OF VIOLENCE:	\$200,000.00	
I-ARMED COERCION:	\$200,000.00	
-DENIED PROPER WARRANT(S):	\$250,000.00	18 USC 3571
-DENIED RIGHT OF REASONABLE		
DEFENSE ARGUMENTS:	\$250,000.00	18 USC 3571
-DEFENSE EVIDENCE (RECORDS):	\$250,000.00	18 USC 3571
-DENIED RIGHT TO TRUTH IN EVIDENCE:	\$250,000.00	18 USC 3571
1-ARMED VIOLATION OF DUE PROCESS:	\$200,000.00	
I-SLAVERY (Forced Compliance to contracts not held):	\$250,000.00	18 USC 3571
D-DENIED PROVISIONS IN THE CONSTITUTION:	\$250,000.00	18 USC 3571
-ARMED TREASON, WAR AGAINST AMERICANS:	\$250,000.00	18 USC 3571
-GENOCIDE AGAINST HUMANITY:	\$1,000,000.00	18 USC 1091
-APARTHEID:	\$1,000,000.00	
-ARMED DEPRIVATION OF RIGHTS	\$2000,000.00	
INDER COLOR OF LAW:	\$200,000.00	18 USC 242
-EMOTIONAL DISTRESS:	\$200,000.00	32 CFR 536.77(a)(3)(vii)
I-MENTAL ANGUISH ABUSE:	\$200,000.00	42 CFR 488.301
'-PEONAGE (Felony):	\$200,000.00	18 USC 1581, 42 USC 1994
V-UNLAWFUL INCARCERATION:	\$200,000.00	
-MALICIOUS PROSECUTION:	\$200,000.00	
-DEFAMATION OF CHARACTER:	\$200,000.00	
-SLANDER:	\$200,000.00	
A-LIBEL:	\$200,000.00	

BB-ARMED TRESPASS:	\$200,000.00	
CC-NEGLECT/FAILURE TO PROTECT/ACT:	\$200,000.00	18 USC 1621, 42 USC 1986
DD-ARMED GANG PRESSING:	\$200,000.00	
EE-ARMED LAND PIRACY/PLUNDER:	\$200,000.00	
FF-UNAUTHORIZED BOND PRODUCTION:	\$200,000.00	
GG-ARMED FORGERY:	\$200,000.00	
HH-ARMED EMBEZZLEMENT:	\$200,000.00	
II-GENOCIDE:	\$1,000,000.00	
J-ARMED STALKING:	\$200,000.00	
KK-ARMED IMPERSONATING A PUBLIC OFFICIAL:	\$200,000.00	
LL-ACTING AS AGENTS OF FOREIGN PRINCIPLES:	\$200,000.00	18 USC 219
MM-ARMED TORTURE:	\$200,000.00	
NN-ARMED OPERATING STATUTES WITHOUT BON	D: \$200,000.00	
DO-EXPLOITATION OF A LEGAL JUSTICE MINORIT	Y GROUP \$500,000	0.00
BY BAR CLOSED UNION COURTS- CIVIL RIGHTS:	\$1,000,000.00)
PP-BAR VIOLATION OF ANTI-TRUST LAWS:	\$200,000.00	
QQ-ICTITIOUS CONVEYANCE OF LANGUAGE:	\$200,000.00	Chap. 2b 78FF
RR-MISAPPROPRIATION OF TAXPAYER FUNDS:	\$200,000.00	18 USC 641-664
VIOLATIONS OF THE UNIVERSAL DECLARATION O	F HUMAN RIGHT	S
SS-ARMED BREACH OF TRUST:	\$200,000.00	
TT-ARMED DISTURBING THE PEACE:	\$200,000.00	
JU-ARMED KIDNAPPING:	\$200,000.00	18 USC 1201
VV-ARMED MALFEASANCE/MALPRACTICE:	\$200,000.00	22 CFR 13.3
WW-ARMED MISREPRESENTATION/PERSONAGE:	\$200,000.00	
X-MIS-PRISON OF FELONY:	\$500.00	18 USC 4
YY-ARMED CONSPIRACY AGAINST RIGHTS OF PEO	PLE: \$200,000.00	18 USC 241
ARMED CRIMINAL EXTORTION/		
ZZ-ECONOMIC OPPRESSION:	\$200,000.00	18 USC 141, 872, 25 CFR 11.417
AB-ARMED EXTORTION OF RIGHTS:	\$200,000.00	Title 15
AC-ARMED ROBBERY:	\$200,000.00	
AD-ARMED THEFT BY FORCED REGISTRATION:	\$200,000.00	
E-MAIL THREATS:	\$5,000.00	18 USC 876
AF-MAIL FRAUD:	\$10,000.00	18 USC 1341
AG-ARMED FRAUD:	\$10,000.00	18 USC 1001

AH-ARMED VIOLATION OF LIEBER CODE		
AGAINST NON-COMBATANTS:	\$200,000.00	
AI-ARMED WRONGFUL ASSUMPTION		
OF STATUS/STANDING:	\$200,000.00	
AJ-ARMED FALSIFICATION OF DOCUMENTS/RECORD:	\$10,000.00	18 USC 1001, 26 USC 7701(a)(1)
AK-ARMED FICTITIOUS OBLIGATIONS:	\$200,000.00	18 USC 514
AL-ARMED PERJURY:	\$2,000.00	18 USC 1621
AM-ARMED SUBORDINATION OF PERJURY:	\$2,000.00	18 USC 1622
AN-To determine multiply no. of counts by damage		
AO-ARMED RACKETEERING (Criminal, Felony):	\$200,000.00	18 USC 1961-1968
AP-ARMED RACKETEERING (Civil):	\$200,000.00	
AQ-Wages Taken \$x3=	18 US	SC 1964 (c)
(Sustained Damages [total] x3)		

The lien debtors will be responsible for any IRS obligations resulting from the discharge or cancellation of any debts, as well as earned income resulting from accepted settlements.

~Dealing with claims of "Immunity"~Any claim of "Immunity" is a fraud because, if valid, it would prevent removal from office for crimes against the people, which removal is authorized or mandated under U.S. Constitution Article 2, Section IV; as well as 18 USC 241, 42 USC 1983, 1985, 1986, and other state Constitutions.~Precedents of Law established by Court cases which are in violation of law render violations of law legally unassailable. Such a situation violates several specifically stated intents and purposes of the Constitution set forth in the Preamble; to establish justice, insure domestic tranquility, and secure the blessings of liberty.

All These factual fees for transgressions of my God-given rights are true and correct to the best of my memory and all statements are made in good faith and sworn to under penalty of perjury in common law. All my God given rights are reserved.

Roslyn Cummings

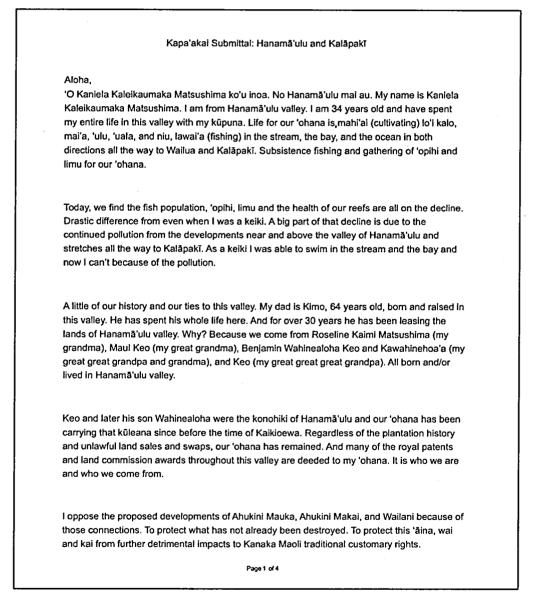
Notice to agent(s) is notice to principal, Notice to principal is notice to agent(s).

This is <u>The End</u> of this Declaration Only Future Amendment(s) and or Affidavit(s) of Acceptance of Trustee(s) documents shall be attached.

8

Appendix C Declaration of Kaniela Kaleikaumaka Matsushima

The following is an e-mail from Kaniela Kaleikaumaka Matsushima of 23 May 2023 providing a declaration in response to a request for consultation pertaining to the Ka Pa'akai Analysis for the Ahukini Makai (and the Wailani Subdivision and Ahukini Mauka Subdivision projects). We are providing their testimony in full here without comment redacting only their personal contact information.



While most of our 'ohana were forced off their lands, I live in gratitude today to say that we, the descendants of the Keo lineage are still here living our culture and native rights. The only way my dad saw he was able to keep our family, his keiki and mo'opuna in this valley to maintain kūleana and be with their ancestors was through a lease. Over the years due to the changes of our lands from ag to development, to the desceration of our sacred places, heiau, and family burials, I started to learn about development and what is involved in the process. Start to finish. The analysis, pulling permits, groundwork, etc. From what I've seen and learned, I know for certain that any more development anywhere near this valley would be a huge burden to not only the valley itself, also the stream, the ocean, and the plants and animals, and us Kanaka Maoli. It would have substantial negative impacts on our ability to sustain ourselves and exercise our traditional customary practices.

I am very familiar with the topography of the valley and plains above so I know where the drainage points would be if this development were to go through. These developments would funnel their run off and drainage directly into our lo'i kalo and mālā having huge impacts on our ability to mahi'ai. Over the years our 'ohana was forced to abandon their lo'i kalo and mālā on the Wailua side of Hanamā'ulu valley due to the locations of the old upside and downside Hanamā'ulu development's three drainage systems. They not only empty in what was once our 'ohana lo'i but also our 'ohana burials. Mounds and mounds of trash and contaminants come down daily and are an even heavier burden when we have large rains. I remember since a kid having to haul out trash from our pasture after heavy rain. It got to the point where we were spending more time dealing with trash than being able to mahi'ai and lawai'a.

Sewage spills from the pump house in Kapaia servicing the old Hanamā'ulu neighborhoods have occurred as far back as I can remember and sadly became "normal" for us and something we "just had to deal with" because the agencies that are supposed to help us haven't. My 'ohana has notified multiple agencies over the years of the health and sanitation concerns we have to protect the health and safety of our people and to try and remedy the situation with little to no avail. They seem to just put up signage and notify people to stay out of the water until the bacteria "flushes out" yet they fail to address the root cause of why this happens in the first place. It is the duty of those in public office to protect the health and safety of the people and instead we see the continued permitting of more projects that add to the

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burden. We also see a failure to address that on any given day the bacterial levels in the stream and ocean remain above healthy and safe levels even when not storming.

With the addition of the Ho'oluana development in 2018, the already overwhelmed sewage pipes were put under greater usage and pressure. Our 'ohana warned that the infrastructure needed to be updated. Just as we warned, things have gotten so much worse since that development and spills occur more often now because the infrastructure was not updated to be able handle the new demand. This mismanagement has led to thousands of gallons of raw sewage flooding the valley and the river causing a lot of harm to not only humans, but also to our livestock, our crops, and the wildlife that call the valley home. Many maoli holoholona, some endangered, live in the valley like the pua'a, 'alae 'ula, ae'o, koloa maoli, auku'u, nēnē, koa'e kea, pīnao, 'o'opu and many more. They all drink from this water and deserve clean water just as us humans do.

As a kanaka maoli and a keiki of this valley I share the 'ike of what my kupuna taught me. The 'olepe (clams) you see scattered on the shores of the bay are an indication that the water quality is poor. The department of health and the surf rider foundation later confirmed this with their water testing throughout the years. In fact, they found that Hanamā'ulu has the highest levels of water pollution on this island. As kanaka maoli when we kilo we know the water quality is extremely poor at Hanamā'ulu bay because we know the fundamental kuleana of 'olepe are to filter dirty and contaminated water. If you kilo long enough, you'll see our 'aumakua, the hīhīmanu (rays) swimming along the shorelines feeding on the 'olepe. Honu, also an 'aumakua of many 'ohana, find refuge and safety in the bay. But they always choose to stay out near the pier because the water near shore is too dirty for them. Sadly this doesn't allow them to come to shore to rest anymore.

Hanamā'ulu has served as a pu'uhonua for Kanaka Maoli, many of my 'ohana that have been displaced and are now houseless. This is why Hanamā'ulu must see the respect and care it deserves from the people of Kaua'i. When you displace Kanaka Maoli the 'āina suffers.

I was told these three proposed developments would utilize the Līhu'e sewage plant at the Kaua'i lagoons which empties into Kalāpakī stream and a place many know as "running waters". This is another area as a lawai'a I visit often. So not only will Hanamā'ulu be

Page 3 of 4

negatively affected by these developments, so will all of Kalāpakī. Same as the Kapaia pump, the sewage treatment plant in Līhu'e is also overburdened. The waste then gets released near shore and has negative effects on all of the same things we talked about with Hanamā'ulu.

I oppose any further developments for those reasons. Development greatly affects Kanaka Maoli ability to practice our traditional customary rights and our way of life. From our lo'i kalo, mālā, our gathering of limu, opihi, and i'a from the stream and ocean. All of it. Development near Hanamā'ulu and Kalāpakī ahupua'a will cause irreversible damages. Changing our access and destroying what's left of the resources of the Hanamā'ulu and Kalāpakī ahupua'a. There is no way for me to justify further development in these areas when the past and present concerns I spoke about above have yet to be remedied. Development will only compound this burden.

'A'ole a'e kau i ka pūlima Ma luna o ka pepa o ka 'ēnemi Ho'ohui 'āina kū'ai hewa I ka pono sivila a'o ke kanaka

'A'ole mākou a'e minamina I ka pu'u kālā o ke aupuni Ua lawa mākou i ka põhaku I ka 'ai kamaha'o o ka āina

Ellen Wright Prendergast

Kaniela Kaleikaumaka Matsushima



Notice to agent(s) is notice to principal, notice to principal is notice to agent(s).

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23, Mei, 2023

COUNTY OF KAUA'I PLANNING DEPARTMENT

<u>S</u> <u>U</u> <u>B</u> <u>D</u> <u>I</u> <u>V</u> <u>I</u> <u>S</u> <u>I</u> <u>O</u> <u>N</u> <u>R</u> <u>E</u> <u>P</u> <u>O</u> <u>R</u> <u>T</u> (REVISED)

S - 2 0 0 5 - 4 1

Applicant: VISIONARY LLC. Surveyor/Authorized Agent Clyde T. Kodani/Kodani & Associates, Inc.

Date Accepted:

January 15, 2009 Prelim Approval _Not Applicable

Map Title <u>SUBDIVISION OF PORTION OF PARCEL 1 (TMK: 3-7-02)</u>, <u>BEING PORTIONS OF R.P. 4481, L.C. AW.</u> 7713, <u>APANA 2</u>, <u>PART 7 TO V. KAMAMALU INTO LOTS 1 THROUGH 45</u>, <u>AT KALAPAKĪ AND HANAMĀ'ULU</u>, <u>LĪHU'E, KAUA'I, HAWAI'I</u>

	G E	NE	RA	L	I	N F	С	RM	A	Т	ΙΟ	N		
Tax Map Key (4)	Р	Property Siz	ze		Zon	ing		General Plan				State Land Use Designation		
3-7-02:01 (Portion)		137 acres	Industrial (I-G)				Urban Center				Urban			
				Classific								Max	ximum Density	
Amount of Lots			-	Ag Parc	,			Permits Required					Utilized	
45			Not Applicable						None				No	
CZO Requirements Met: $[\checkmark]$ Yes $[]$ No If No, Explain: The subject parcel obtained a zoning amendment (ZA-96-2) which vas approved by the Planning Commission on 2/08/96. The amendment reclassified portions of the property from Agriculture District (A) to Industrial District (I-G).														
			* A	GEN	CY	co	M	MENTS	S *					
✓ Public Works:		h 21, 2009		✓ Wa	ter:	April	13,	2009		V 1	Health:	Marc	ch 31, 2009	
✓ DOT-Highways:	Janua	ry 03, 2006		✓ SH	PD:	April	18,	2005		(Other:			
	* E	XIST	NG	RO	A D	RIC	ΞH		- W	A 1	r(s)	*		
Road Name			Exist			quired		Paved			Reserve		Dedication	
			Widt			idth		YES	N	0			2 curoution	
Kāpule Highway			Varie			feet		✓						
Ahukini Road			Varie	s	80	feet		\checkmark						
			* A	PPL	ΙC	ABL	Ε	FEES	*					
Environmental Imp	pact As	ssessment ((EIA)		Park	Dedica	atio	n		D	etermine	ed by A	Appraisal Report	
subject to the applicate Planned Area. As suc the conditions of the c	h, the l	EIA & Parl	k Fees	shall b	e det	ermined	d up	on further	r dev	elopi	nent of	the lots	and resolution of	
RECOMMENDATION: [~]Tentative Approval Subject to Conditions <next page=""> 21-April 2009 Staff Planner Date []Approved as Recommended Comments:</next>														
Planning Director D.D. FOR Date														
FINAL APPROVAL Acceptance Date: []All Conditions Complied With Comments:														
Approved and Recommended to the Commission:														

Planning Director

Date

MAY 0 9 2023

. 1.9

Date

- 1. Requirements of the Planning Department:
 - a. An updated preliminary title report shall be submitted to the Planning Department for review.
 - b. The Applicant shall resolve with the State Highways Division the establishment of a future road widening reserve along the frontage of Kāpule Highway and Ahukini Road. Should a reserve be required, it shall be subject to the specifications of the State Highways Division. There shall be no new structures permitted within the reserve, and any new structures should be setback from the reserve. The reserve along with its restrictions shall be incorporated into the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
 - c. All existing and proposed easements shall be identified in the deed descriptions of affected lots and shown on the final subdivision map. Draft copies of the deed descriptions shall be submitted to the Planning Department for review and approval.
 - d. The Applicant is made aware that the streets designated within the subdivision must be officially named before the Department approves the construction plans. Street names should be in Hawaiian and be submitted to our Department for review and approval, along with a request letter and 12 maps (on $8\frac{1}{2}$ " x 14" paper). The maps should be detailed such that emergency vehicles, police services, postal deliveries, etc., are able to locate the street. References to roadway, such as the highway and other surrounding roads, should be shown on the street-naming map.
 - e. The Applicant shall prepare and obtain construction plan approvals for necessary road, water, drainage, electrical and telephone utilities and facilities, and either construct the same or post a surety bond for completion.
 - f. There shall be no direct access permitted onto Kāpule Highway and Ahukini Road from any of the lots within the proposed subdivision. Semi-circles denoting no direct access permitted shall be shown on the final subdivision map. This provision shall be incorporated as a restrictive covenant for the subject lots, draft copies of which shall be submitted to the Planning Department for review and approval.
 - g. The Applicant shall be subject to the applicable requirements of Ordinance No. PM-326-96. Specifically, the following conditions shall apply to this subdivision:

Conditions of Ordinance No. PM-326-96:

- 4. (EIA credit)
- 6. (design criteria outlined in "Draft Urban Design Plan")
- 7. (park master plan)
- 8. (roadway system)
- 10. (construction material disposal site)
- 11. (solid waste landfill site)
- 12. (intersection improvements)
- 13. (civil defense infrastructure)
- 14. (affordable housing requirements)
- 15. (infrastructure master plan)
- 17. (density)
- 19. (no development zone)
- 21. (status report)
- h. Relative to the requirements/standards setforth in Ordinance No. 777, the subdivider shall resolve with the Planning Department the provision of public access.

If public access is required, the applicant shall propose an access plan identifying the access location(s) for the review and approval of the Planning and Public Works

Departments. Furthermore, proper documents shall be prepared and ready for execution <u>prior</u> to final subdivision approval. The Planning Department reserves the right to impose additional conditions relating to this matter while in the process of resolving this condition

- i. As noted on the subdivision application, the zoning designation for the project area is General Industrial District (I-G). In reviewing the subdivision layout as represented on the preliminary subdivision map, it is the department's position that Lots 21 and 23 is undersized to accommodate industrial-type uses based on its present configuration. Prior to final subdivision approval, the Applicant shall work with the Planning Department to seek feasible alternatives to resolve this matter.
- j. The department strongly encourages the Applicant to consider establishing common driveway access locations for lots that are adjacent to one another, affecting Lots 7 through 45, in order to minimize access points along Roadway Lot 6, facilitate industrial vehicular traffic, and to assure public health, safety, and welfare is not compromised.

It would be the department's preference that common driveways serve as the primary access for adjacent lots and that it would be wide enough to accommodate two-way vehicular traffic.

- k. The proposed subdivision is situated in close proximity to the Lihu'e Airport and will be impacted by the aircraft noise nuisances from this facility. As such, the subdivider shall establish covenants or disclosure documents to inform potential buyers within the project area that the proposed lots are subject to aircraft noise nuisances. Draft copies of the documents shall be submitted to the Planning Department for review and approval.
- 1. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua'i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.
- 2. Requirements of the Department of Public Works (DPW):

DRAINAGE

- a. There are natural drainage ways and swales that flow through and along the property. These natural water courses will collect and concentrate storm flows through the site. A Drainage Study and provisions need to be established to prevent structures from being built in flood prone areas and to preserve the function and capacity of the watercourses.
- b. The natural pond in Lot 4 should be maintained.
- c. The subdivision and subsequent development of residences and other impermeable surfacing will increase storm water flowage. A Drainage Study needs to be made to evaluate the impact of the increased storm runoffs. Measures to keep flow rates and drainage patterns to predevelopment levels are required. There shall be no increase in storm flowage to the County Līhu'e Refuse Transfer Station.
- d. A Grading Permit will be required for this project. The property size is more than 10 acres. The maximum area that may be opened for grading or grubbing at any one time is ten (10) acres. The area of land that may be opened shall not exceed ten (10) acres. Grading/grubbing shall be accomplished in increments not more than 10 acres. Best Management Practices (BMP's) shall be provided to the maximum extent practicable to prevent damage by erosion, sedimentation and dust to streams, water courses, natural drainage areas, and the property of others.

- e. If required, curbs, gutters, and sidewalks shall be provided. Sidewalks shall comply with the American Disability Act and shall comply with the American Disability Act. A copy of the final document review by DCAB shall be submitted to the County's ADA Coordinator and to the Department of Public Works.
- f. The Applicant shall obtain construction plan approvals for the necessary roadways, water, drainage, electrical, telephone and derby cable utilities.
- 3. Requirements of the Department of Water (DOW):
 - a. The subdivider shall prepare and receive Department of Water's approval of a Water Master Plan for full development of the Līhu'e-Hanamā'ulu Master Plan by the Applicant. The Water Master Plan shall also address all source, storage and transmission requirements for the planned development area.
 - b. The subdivider shall pay the Department of Water, a Facilities Reserve Charge of \$202,400* (44 lots at \$4,600 per lot). The subdivider shall pay any rate increase and/or applicable charges in effect at the time of receipt.

* The subdivider is made aware that FRC offsets may apply if source, storage or qualifying transmission facilities are provided by the subdivider.

- c. The subdivider shall prepare and get Department of Water's approval on construction drawings for necessary water system facilities and either construct said facilities or post a performance bond for construction. These facilities shall also include:
 - (1) All water system facilities as required for the subdivision in the approved Water Master Plan.
- d. If a bond is filed to secure final subdivision approval, the subdivider shall clearly letter the following on the approved construction plans, final subdivision map and deeds:

"Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kaua`i."

The subdivider shall record this deed restriction with the Bureau of Conveyances within ninety (90) days of final subdivision approval by the Planning Department.

- 4. Requirements of the State Department of Health (DOH):
 - a. The subject project is located in close proximity to the County sewer system serving the Līhu'e area. All new wastewater generated shall be disposed in the County sewer system serving the Līhu'e area.
 - b. The property could be harboring rodents that will be dispersed to the surrounding areas when the site is cleared. In accordance with Chapter 11-26, entitled "<u>Vector</u> <u>Control</u>", Title 11, HAR, the Applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.
 - c. Noise will be generated during the site preparation and construction phase of this project. The applicable maximum permissible sound levels as stated in Chapter 11-46, entitled "<u>Community Noise Control</u>", Title 11, HAR, shall not be exceeded unless a noise permit is obtained from the Department of Health.
 - d. Temporary fugitive dust emissions could be emitted when the subdivided lots are developed. In accordance with Chapter 11-60.1, entitled "<u>Air Pollution Control</u>", Title 11, HAR, effective air pollution control measures shall be provided to

minimize or prevent any fugitive dust emissions caused by the construction work from impacting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.

- e. In accordance with Chapter 11-58.1, entitled "<u>Solid Waste Management Control</u>", Title 11, HAR, the construction waste that will be generated by the project shall be disposed of at a solid waste disposal facility that is in compliance with the State Department of Health. The open burning of any of these wastes on or off site is prohibited.
- f. The Department of Health, Clean Water Branch (CWB) has reviewed the subject document and offers these comments. Please note that the review is based solely on the information provided in the subject document and its compliance with Hawai'i Administrative Rules (HAR), Chapters 11-54 and 11-55. The Applicant may be responsible for fulfilling additional requirements related to the department's program. The department recommends that the Applicant reads the standard comments found on our website at: http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-

http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf.

- (1) Any project and its potential impacts to State waters must meet the following criteria:
 - (A) Antidegradation policy (HAR Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected;
 - (B) Designated uses (HAR Section 11-54-3), as determined by the classification of the receiving State waters; and
 - (C) Water quality criteria (HAR Sections 11-54-4 through 11-54-8).
- g. The Army Corps of Engineers should be contacted at (808) 438-9258 to identify whether a Federal Permit (including a Department of Army Permit) is required for this project. Pursuant to Section 401(a)(1) of the Federal Water Pollution Act (commonly known as the "Clean Water Act"), a Section 401 Water Quality Certification is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters..."
- h. A National Pollutant Discharge Elimination System (NPDES) general permit coverage is required for discharges of wastewater, including storm water runoff, into State surface waters (HAR Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, the Applicant may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:
 - Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Section 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi);
 - (2) Construction activities including clearing, grading, and excavation that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and different schedules under a larger common plan of development or sale. An NPDES Permit is required before the commencement of the construction activities.
 - (3) Discharge of treated effluent from leaking underground storage tank remedial activities;
 - (4) Discharge of once through cooling water less than one (1) million gallons per day;
 - (5) Discharge of hydrotesting water;
 - (6) Discharge of construction dewatering effluent;
 - (7) Discharge of treated effluent from petroleum bulk stations and terminals;

- (8) Discharge of treated effluent from well drilling activities;
- (9) Discharges of treated effluent from recycled water distribution systems;
- (10) Discharges of storm water from a small municipal separate storm sewer system; and
- (11) Discharge of storm water from decorative ponds and tanks.
- i. The Clean Water Branch (CWB) requires that a Notice of Intent (NOI) to be covered by a NPDES general permit for any of the above activities be submitted at least 30 days before the commencement of the respective activities. The NOI forms may be picked up at our office or downloaded from our website at <u>http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genlindex.html</u>.
- j. The Applicant may be required to apply for an individual NPDES Permit if there is any type of activity in which wastewater is discharged from the project into State waters, and/or coverage of the discharge(s) under the NPDES general permit(s) is not permissible. An application for the NPDES Permit is to be submitted at least 180 days before the commencement of the activities. The NPDES application forms may be picked up at our office or downloaded from our website at http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html.
- k. Hawai'i Administrative Rules, Section 11-55-38, also requires the owner to either submit a copy of the NOI or NPDES Permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD) or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. The Applicant shall provide a copy of the request for review by SHPD or SHPD's determination letter for the project along with the NOI or NPDES permit application, as applicable.
- 1. Please note that in general, anyone causing or contributing to a violation of the State water quality standards must apply for an NPDES permit coverage. Discharges which are not an integral and normal part of the operation, but are caused by heavy rains, floods, or other events outside the reasonable control of the owner or operation must also be permitted. Point sources include vehicle wash discharges or a discharge or processed wastewater from your construction activity. If there is a discharge of any pollutant to State waters, Hawai'i Revised Statutes (HRS), Section 342D-30, provides for penalties of up to \$25,000 per day for each violation.

The owner/applicant is advised to contact the CWB at 808.596.4309 to resolve any NOI or NPDES concerns.

5. Requirements of the Highways Division of the State Department of Transportation (DOT):

Highway Issues

- a. The proposed location of accesses to our State road/highway will need to be reviewed and approved by our Highways Division. The Applicant should submit a written request for any new accesses or change of existing accesses to our Right-of-Way Branch, Highways Division. The Highways Division will likely impose a number of conditions and requirements on the grant of new accesses or the revision of existing ones. The DOT may require changes to the proposed accesses based on an evaluation of the access openings, including, without limitation, the location and number of accesses.
- b. A Traffic Impact Analysis Report (TIAR), including intersection signal studies, reflecting the development timetable and impact of all the subdivisions through to

full build out (including the potential for further subdivisions of the subject properties) should be prepared by Visionary LLC (Visionary) and submitted to the DOT for review and approval. This should be done before Visionary is permitted to proceed with the development.

For any changes or revisions to the development plans or timetable, Visionary must submit a supplement and update to the TIAR, addressing the changes or revisions, for the DOT's review and prior written approval. This should be done before Visionary is permitted to continue the development.

Any TIAR submitted to the DOT must contain recommendations regarding traffic mitigation measures and improvements. The TIARs should also contain Visionary's commitment to pay for and fund the design, construction and implementation of the traffic mitigation and improvements measures. Without the proper mitigation and roadway improvements, the development of the proposed subdivisions will likely create significant adverse traffic impacts to our facilities. If the Applicant has development plans for the subdivisions, the plans, drawings, maps and other supporting documentation should be submitted with the TIARs and any supplements thereto.

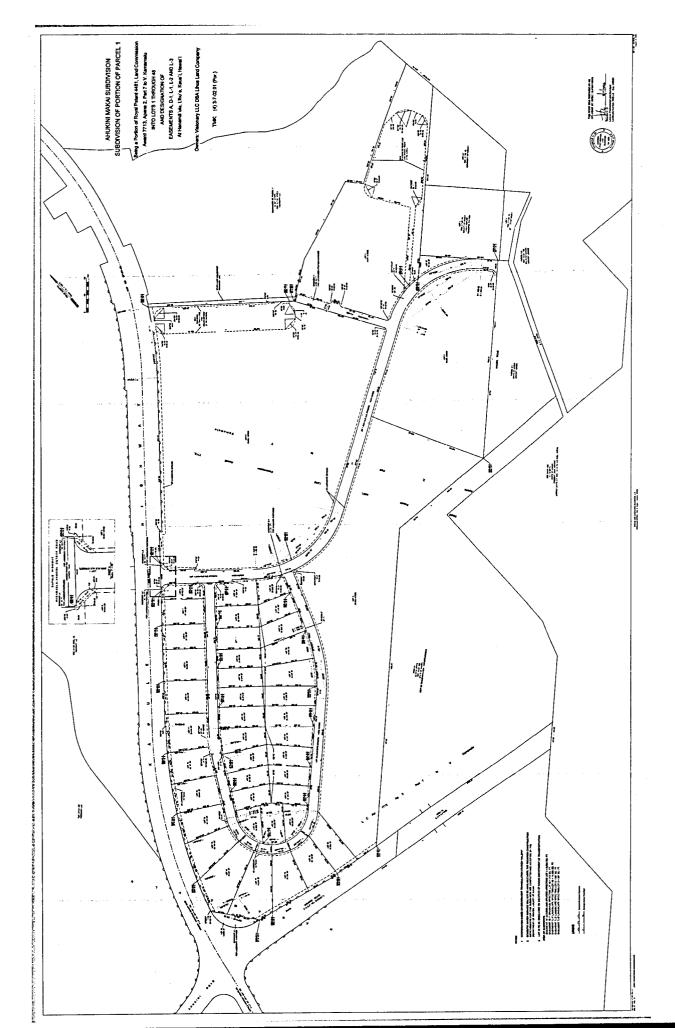
- c. No additional storm water runoff will be allowed onto our road/highway right-ofways.
- d. Construction plans for any work within or adjoining our road/highway right-ofway must meet our highway standards and be submitted to our Highways Division for prior review and approval. The Applicant (and/or its contractors) will need to obtain and have applicable building and environmental permits, including a permit to work in our road/highway right-of-ways from our Highways Division.
- e. The Applicant will be required to enter into and comply with use and occupancy agreement(s) with our Highways Division for all utilities and services to the subdivisions that are within our road/highway right-of-way.

Airport Issues

- f. No access connection to Ahukini Road from the proposed Road "B" and "C" will be considered at this time. Such access would require resolution of a number of issues. Access to and use of airport roads require terminal road circulation study, security controls and arrangements for the use, management and maintenance of the roads meeting FAA guidelines, and detailed reviews by our Airports Division for consistency and compatibility with Līhu'e Airport (LIH) development and expansion plans.
- g. The development of the subdivision will affect our LIH helicopter operations and any developed lots in this Ahukini Makai area will be impacted by aircraft noise and flight patterns and any future expansion of LIH. Development of the subdivision lands with structures and other improvements will alter the conditions under which aircraft and pilots now operate. At a minimum, safety perimeter or other clear or safety zones may have to be established within the Ahukini Makai area. Consequently, to address these and other issues relating the development impact on airport and aircraft operations, we strongly recommend consulting with our Airports Division before the subdivision/development plans progress any further.
- h. Also, the Airports Division has had previous discussions with Visionary or its predecessor about possible acquisition of land in the Ahukini Makai area based on the land's agricultural zoning and designation. The land area would be used for the expansion of LIH and to accommodate existing and/or additional airport activities at LIH. Our Airports Division has been in the process of seeking

funding approval for the acquisition. We plan to continue these discussions with Visionary.

- i. The topography of the Ahukini Makai area has surface and storm water drainage and runoff sloping toward our LIH roads and property. No such additional flow from the proposed subdivision development will be allowed onto our airport roads, drainage systems and land areas.
- j. Similar to Condition 5.d. above, for our highways, the same requirements for construction plans are applicable to work affecting or next to LIH and Ahukini Road and with submittals going to our Airports Division.
- k. The Applicant is made aware that the Department's concerns should be first addressed and resolved to our satisfaction because of the impacts to our facilities. The Department is willing to discuss our transportation concerns and our interest in the Ahukini Makai lands with Visionary.
- 6. As recommended by the State Historic Preservation Division of the Department of Land and Natural Resources, in the event that historic resources including human skeletal remains are identified during routine construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the State Historic Preservation Division, Kaua'i Section, needs to be contacted immediately at (808) 742-7033.
- 7. The applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).







COUNTY OF KAUA'I PLANNING DEPARTMENT 4444 RICE STREET, SUITE A473 LĪHU'E, HAWAI'I 96766 (808) 241-4050

SUBDIVISION APPLICATION ROUTING FORM DATE: January 30, 2023

Subdivision Map Review and Approval								
REQUEST:		Preliminary Pre-Final			Final Extension			
SUDIVISION APPLI	NO:	Pre-F	Pre-Final Subdivision No. 2005-41					
Owner(s)/Applicant(s		Ahukini Makai Subdivision						
	Applicant: Visionary LLC. DBA Līhu'e Land Compa					ı'e Land Company		
Name of Surveyor/En	gineer/Aut	horized Agent:		-				
Tax Map Key:	Tax Ma	Tax Map Key (4) 3-7-002:001 Assigned to: Kenny						
Improvements:								

Route To:

DPW-Engineering		Department of Transportation - STP
DPW-SolidWaste		DOT-Highway, Kauai
DPW-Wastewater	\boxtimes	State Department of Health
Fire-Department	\boxtimes	State Historic Preservation Division
Department of Parks & Recreation		UH Sea Grant
County Housing-Agency	\boxtimes	U.S. Postal Department
KHPRC		Other:
County Water Department		
County Transportation Agency		

COMMENTS from DPW Engineering:

We have no further comments and recommend proceeding to Final Map.

Sincerely,

Digitally signed by Michael Moule Date: 2023.01.30 15:24:24 -10'00'

Michael Moule, P.E. Chief, Engineering Division



4398 PUA LOKE STREET LIHU'E, KAUA'I, HAWAI'I 96766 PHONE: (808) 245-5400 / FAX: (808) 245-5813

SUBDIVISION REPORT

TO:PLANNING DEPARTMENTFROM:DEPARTMENT OF WATER

		2 7 02 001		Grove Farm, Inc.		<i>V</i> 1 ·		0 2005 41	
TM	K:	3-7-02:001	NAME:	(Ahukini Makai)	SURVEYOR:	Kodani	REPORT NO:	S-2005-41	
1.	Do	mestic water is a	dequate. Tentati	ve approval is recomme	nded.				
	Wa	ter Requirement	s are not affected	. Tentative approval is	recommended.				
2.	All	requirements ha	ve been fully me	t and; therefore, Final ap	proval is recomm	ended.		\boxtimes	
3.	Bef	fore final approv	al can be recomn	nended, the subdivider n	nust:				
	A.	Pay the Departs these charges in		e following charges in e	ffect at the time of	freceipt. At	the present time	· 🗌	
		1) The Facili	ties Reserve Cha	rge (FRC):					
			Lot @ \$14,115 p						
		2) the subdiv	ider causes a dela	r relocate, service ay in the service connect all be charged the increa	ion installation af	ter one year	ost of \$ I since final map	f	
	 approval, the subdivider shall be charged the increase in the fixed cost, if any. 3) Deposit (the subdivider will either be billed or returned the difference between this deposit and the actual cost of construction of \$ for construction by the Department of Water. 								
B. Submit to the Department of Water a copy of the subdivider's permit to perform work upon a State highways from the State Highways Division									
C. Prepare and receive Department of Water's approval of construction drawings for the necessary water system facilities and either construct said facilities or post a performance bond for construction. These facilities shall also include:									
D. Prepare and convey to the Department of Water a Right-of-Entry and Temporary Grant of Easement for the purpose of construction, repair, maintenance, and operation of the subdivision water system improvements installed in other than County-owned property.								r	
	E. If a bond is filed, to secure final subdivision approval, the subdivider shall clearly letter the following on the approved construction plans, final subdivision map, and deeds:								
		"Domestic wate subdivision are	er service will no completed and a	t be available until the re ccepted by the Departme	equired construction ent of Water, Court	on improver nty of Kaua'	nents for this i."		
		This deed restri	ction shall be rec	corded with the Bureau of ining Department.					
				ill not be required until r able service connection			de. The applicar	ıt	
5.	Oth	er (or remarks):							

Steven yono Steven Kyono (Apr 25, 2020)

Steve Kyono, P.E., Board Advisor Department of Water, County of Kauai 04/24/2020

Date





STATE OF HAWAII DEPARTMENT OF HEALTH KAUAI DISTRICT HEALTH OFFICE 3040 UMI STREET LIHUE, HAWAII 96766

January 22, 2020

County of Kauibruce S. Anderson, ph.D. Director of Health

> JANET M. BERREMAN, M.D., M.P.H., F.A.A.P. District health officer

RECEIVE

JAN 31

20

Mr. Ka'aina Hull, Director County of Kauai Planning Department 4444 Rice Street, Suite A473 Lihue, Hawaii 96766

Dear Mr. Hull:

SUBJECT: **PRE-FINAL** Subdivision Map Review and Approval Subdivision No.: **S-2005-14** Applicant: **Visionary, LLC**

We have no additional environmental health concerns to add to those previously submitted on March 31, 2009.

Should you have any questions, please call me at 241-3323.

Sincerely,

Patrick Peck, Chief 2 District Environmental Health Program Kauai

Enc. PP:DT/ckn GQVERNOR



CHIYOME LEINAALA FUKUNO, M.D. DIRECTOR OF HEALTH

DILEEP G. BAL, M.D., M.S., M.P.H. KAUAI DISTRICT HEALTH OFFICER

Doministic (MAR) Doministic (MAR) MARINE (MAR) MARINE (MAR)

STATE OF HAWAII DEPARTMENT OF HEALTH KAUAI DISTRICT HEALTH OFFICE 3040 UMI STREET LIHUE, HAWAII 96766

March 31, 2009

Mr. Ian Costa, Director County of Kauai Planning Department 4444 Rice Street, Suite 473 Lihue, HI 96766

Dear Mr. Costa:

SUBJECT:

CT: **REVISED** Preliminary Subdivision Map Review and Approval Subdivision No.: **S-2005-41** Applicant: **Visionary LLC.**

We have reviewed the subject application and the comments that we previously submitted on May 26, 2005. We offer the following updated environmental health concerns for your consideration.

- 1. The subject project is located in close proximity to the County sewer system serving the Lihue area. All new wastewater generated shall be disposed in the County sewer system serving the Lihue area.
- 2. The property may harbor rodents which will be dispersed to the surrounding areas when the site is cleared. In accordance with Chapter 11-26, entitled <u>Vector Control</u> of Title 11, Hawaii Administrative Rules (HAR), the applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.

3.

Noise will be generated during the site preparation and construction phase of this project. The applicable maximum permissible sound levels as stated in Title 11, HAR, Chapter 11-46, entitled

<u>Community Noise Control</u> shall not be exceeded unless a noise permit is obtained from the Department of Health.

- 4. Temporary fugitive dust emissions could be emitted when the project site is prepared for construction and when construction activities occur. At the time in accordance with Title 11, HAR, Chapter 11-60.1 entitled <u>Air Pollution Control</u> effective air pollution control measures shall be provided to prevent or minimize any fugitive dust emissions caused by construction work from impacting the surrounding areas. This includes the off-site roadways used to enter/exit the project.
- 5. The construction waste that will be generated by the project shall be disposed of at a solid waste disposal facility that is in compliance with the applicable provisions of Title 11, HAR, Chapter 11-58.1 entitled <u>Solid Waste Management Control</u>. The open burning of any of these wastes on or off site prohibited.
- 6. The Department of Health, Clean Water Branch (CWB) has reviewed the subject document and offers these comments on your project. Please note that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at http://www.hawaii.gov/health/environmental/envplanning/landuse/CWB-standardcomment.pdf.
 - I. Any project and its potential impacts to State waters must meet the following criteria:
 - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
 - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
 - II. Please call the Army Corps of Engineers at (808) 438-9258 to see if this project requires a Department of the Army (DA) permit. Permits may be required for work performed in, over, and under navigable waters of the United States.

Projects requiring a DA permit also require a Section 401 Water Quality Certification (WQC) from our office.

- III. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:
 - a. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi).
 - b. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the start of the construction activities.
 - c. Treated effluent from leaking underground storage tank remedial activities.
 - d. Once through cooling water less than one (1) million gallons per day.
 - e. Hydrotesting water.
 - f. Construction dewatering effluent.
 - g. Treated effluent from petroleum bulk stations and terminals.
 - h. Treated effluent from well drilling activities.
 - i. Treated effluent from recycled water distribution systems.
 - j. Storm water from a small municipal separate storm sewer system.



- k. Circulation water from decorative ponds or tanks.
- 7. You must submit a separate NOI form for each type of discharge at least 30 days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 before to the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at: http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html.
- 8. For types of wastewater not listed in Item 3 above or wastewater discharging into Class 1 or Class AA waters, you must obtain an NPDES individual permit. An application for an NPDES individual permit must be submitted at least 180 days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at http://www.hawaii.gov/health/environmental/water/cleanwater/forms /indiv-index.html.
- 9. You must also submit a copy of the NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project. Please submit a copy of your request for review by SHPD or SHPD's determination letter for the project along with your NOI or NPDES permit application, as applicable.
- 10. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54 and/or permitting requirements, specified in HAR, Chapter 11-55 may be subject to penalties of \$25,000 per day per violation.

If you have any questions, please visit our website at <u>http://www.hawaii.gov/health/environmental/water/cleanwater/index</u>.<u>html.</u> or contact the Engineering Section, CWB, at (808) 586-4309.

Due to the general nature of the application submitted, we reserve the right to implement future environmental health restrictions when more detailed information is submitted.



Sincerely,

Huald n Jahamur

Gerald N. Takamura, Chief District Environmental Health Program

GNT

JOSH GREEN, M.D. GOVERNOR



STATE OF HAWAII DEPARTMENT OF TRANSPORTATION HIGHWAYS DIVISION KAUAI DISTRICT 1720 HALEUKANA STREET LIHUE, HAWAII 96766

February 23, 2023

Mr. Kaaina Hull, Director County of Kauai Department of Planning 4444 Rice Street, Ste. A473 Lihue, Hawaii 96766 Attention: Mr. Kenneth A. Estes, Planner

Dear Mr. Hull:

Subject: Pre-Final Subdivision Map Review and Approval Subdivision No. S-2005-41 (Ahukini Makai Subdivision) Applicant: Visionary LLC dba Lihue Land Company

The subject map was received at our Director's office in Honolulu on September 6, 2022. The Kauai District Office completed the initial review and forwarded comments to Visionary on September 20, 2022. Visionary responded with the requested information on January 18, 2023.

We have completed our review and find the Pre-Final Subdivision Map received on September 6, 2022, to be acceptable.

Should you have any questions, please contact me at (808) 241-3006 or via email at lawrence.j.dill@hawaii.gov.

Sincerely,

Lawrence J. Dill, P.E. Kauai District Engineer

c: David Hinazumi, Visionary LLC

EDWIN H. SNIFFEN DIRECTOR

Deputy Directors DREANALEE K. KALILI TAMMY L. LEE ROBIN K. SHISHIDO JAMES KUNANE TOKIOKA

IN REPLY REFER TO:

DIR 0854 HWY-K 4.230038 JOSH GREEN, M.D. GOVERNOR



County of Kaua'i PLANNING DEPT. EDWIN H. SNIFFEN DIRECTOR

Deputy Directors DREANALEE K. KALILI TAMMY L. LEE ROBIN K. SHISHIDO JAMES KUNANE TOKIOKA

IN REPLY REFER TO:

AIR-PM 23.0353

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April 21, 2023

RECEIVEL

Mr. Kaaina Hull, Director County of Kauai Department of Planning 4444 Rice Street, Suite A473 Lihue, Hawaii 96766

Attention: Mr. Kenneth A. Estes, Planner

Dear Mr. Hull:

Subject: Pre-Final Subdivision Map Review and Approval Ahukini Makai – Subdivision No. S-2005-41 Lihue, Kauai, Hawaii Tax Map Key: (4) 3-7-002:001

The State of Hawaii, Department of Transportation, Airports (DOTA) is in receipt of your April 12, 2023, memorandum requesting review and approval to the Pre-Final Subdivision Map dated July 1, 2022, Subdivision No. S-2005-41.

Based on DOTA's review of the Pre-Final Subdivision Map and discussions with the landowner, DOTA approves the Pre-Final Subdivision Map dated July 1, 2022.

If there are any questions, please contact Mr. Mike Auerbach, Land Agent of our Airports Property and Business Development Staff at (808) 838-8684, or by email at mike.auerbach@hawaii.gov.

Sincerely,

tel fr

EDWIN H. SNIFFEN Director of Transportation DAVID Y. IGE GOVERNOR OF HAWAII





STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION KAKUHIHEWA BUILDING 601 KAMOKILA BLVD, STE 555 KAPOLEI, HAWAII 96707

September 28, 2018

Paul Togioka County of Kauai Public Works, Engineering Division 4444 Rice Street, Suite 275 Lihue, HI 96766 ptogioka@kauai.gov

Dear Mr. Togioka:

SUBJECT: Chapter 6E-42 Historic Preservation Review – REVISED COMMENTS Clearinghouse Application No. CL-2017-031 Ahukini Makai Subdivision (S-2005-41), PW 08.17.087 Hanamā'ulu Ahupua'a, Puna District, Island of Kaua'i TMK: (4) 3-7-002:001

This letter provides the State Historic Preservation Division's (SHPD's) revised comments regarding the subject application. SHPD received the original application submittal on September 15, 2017 from the County of Kauai Department of Public Works. The submittal indicated that the owners, Visionary LLC, proposed to grade a 127.68-acre portion of the 171.9-acre parcel, including excavation of 239,626 cubic yards and an embankment of 122,419 cubic yards.

On March 28, 2018, SHPD requested an archaeological inventory survey (AIS) be conducted as SHPD had insufficient information to assess the potential for the proposed project to impact significant historic properties (Log No. 2017.02067, Doc No. 1803GC32).

On April 17, 2018, SHPD received supplemental information from Kodani & Associates Engineers, LLC, requesting reconsideration of SHPD's request for an AIS to be conducted. The supplemental information included a copy of a previous SHPD determination letter and an AIS titled *Additional Archaeological Inventory Survey Molokoa Lands Project Area, Lands of Hanamā'ulu and Kalapaki, Līhu'e District, Island of Kaua'i* (Franklin and Walker, 1994). The AIS covered 552.3 acres within Hanamā'ulu and Kalapaki, including the current project area. The Ahukini Makai parcel comprises 143.8 acres. Franklin and Walker (1994) indicated that due to extensive agricultural pursuits and land alterations it is unlikely that surface or subsurface historic properties will be encountered. No historic properties were documented during a pedestrian survey for this specific parcel. In a letter dated October 25, 1994, SHPD commented on the *Lihue Hanamaulu Master Plan, The Lihue Plantation Co Ltd. (AMFAC/JMB)* and indicated that the project areas were adequately covered by the Walker and Franklin (1994) archaeological study. The SHPD determined that no significant sites occur in the project area and that the project will have no effect on significant historic properties (Log No. 12985, Doc. No. 9410NM17).

Based on the information provided, SHPD's determination is no historic properties affected for the subject application pursuant to HRS 6E; no significant historic properties have been identified within the current project area. Pursuant to HAR §13-284-7(e), "When the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD's written concurrence and historic preservation review ends". The historic preservation review process is ended. The permit issuance may proceed.

SUZANNE D. CASE CHARPERSON BOARD OF LAND AND NATURAL RESOURCES COMMISSION ON WATER RESOURCE MANAGEMENT

> ROBERT K. MASUDA FIRST DEPUTY

JEFFREY T. PEARSON, P.E. DEPUTY DIRECTOR - WATER

AQUATIC RESOLUCES BOATRO AD OCEAN RECREATION BURENIO F CONVEYANCES COMMISSION ON WATER RESOLUCE MANAGEMENT CONSERVATION AND RISOLUCES ENFORCEMENT ENDIMERINO FORESTRY AND WILDLIFE HISTORIC PRESERVATION KAHOOLA WE ISLAND RESERVE COMMISSION LAND STATE PARKS

IN REPLY REFER TO: Log No. 2017.02067 Doc No. 1809GC15 Archaeology Mr. Togioka September 28, 2018 Page 2

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Please contact Ka'āhiki Solis, SHPD Cultural Historian, at <u>Sheleigh.Solis@hawaii.gov</u> for any cultural resources concerns and Dr. Susan A. Lebo, Archaeology Branch Chief, at <u>Susan.A.Lebo@hawaii.gov</u> or at (808) 692-8019 for any questions regarding archaeological resources or this letter.

Aloha, *Alan Downer*

Alan S. Downer, PhD Administrator, State Historic Preservation Division Deputy, State Historic Preservation Officer

cc: Chance Bukoski, <u>cbukoski@kauai.gov</u> Kaina Hull, <u>khull@kauai.gov</u> Andy Miles, Kodani & Associates Engineers, LLC, <u>andy@kodani.com</u>



DEREK S.K. KAWAKAMI, MAYOR REIKO MATSUYAMA, MANAGING DIRECTOR

SUBDIVISION REPORT

I. SUMMARY

Action Required by Planning Commission:	Consideration of Subdivision Application No. S-2023-3 involving a five (5) lot subdivision.
Subdivision Permit No.	Application No. S-2023-3
Name of Applicant(s)	VISIONARY, LLC.

II. PROJECT INFORMATION

Map Title	Consolidation of Portion of Lot 1-A and Lot "A" Being Portions of Royal Patent 4480, Land Commission Award 7713, Apana 2, Part 1 to V. Kamamalu and Royal Patent 4481, Land Commission Award 7713, Apana 2, Part 7 to V. Kamamalu and Subdivision of Said Consolidation into Lots 1 Through 5 Cancellation of Easements "A" and "E-1" and Designation of Easement 1 at Kalapakī, Hanamā'ulu, Līhu'e, Kaua'i, Hawai'i.								
Tax Map Key(s):	3-6-002:001/3-					Area:		5 Acres	
Zoning:	Residential (R-8)	/ Resi	denti	al (R-20)	/ Gei	neral Com	nmercia	l (C-G)	
State Land Use District(s):	Urban					ral Plan gnation:	Urban	Center	
	AGENCY COMMENTS								
COK Public Works	pending		\square	State DO	T-Hig	hways:		pendir	ng
COK Water:	COK Water: 01.25.2023			State Health: 01.23.2023					
Other:				DLNR – S	HPD:				
	EXISTI	NG RO	AD R	IGHT-OF	WAY	′(S)			
Road Name		Existing Width		Require Width	ed	Pavement YES		NO	Reserve
Kāpule Highway / Kau Memorial Highway	ai Veterans	Various		80 fe	et				
Ahukini Road		Various		80 fe	et				
Ka'ana Street		60 f	eet	60 fe	et	× 12			
Ho'olako Street	Hoʻolako Street 60			60 fe	et				
	APPLICABLE FEES								
Environmental In	npact Assessment	: (EIA)	To be resolved						
	Park Dedic	ation	Tot	oe resolve	ed				
App	oraisal Report Req	uired	N/A						

G.1.a.1. Jan. 9, 2024

III. EVALUATION

The subdivision proposal establishes five (5) lots within the Molokoa Village Area and is considered a "block subdivision". It should be noted that there will be no development associated with this subdivision application and the intent of the proposal is to create conveyable parcels that can be developed independently. As represented, Lot 1 of the proposal will be conveyed to the Kaua'i Habitat for Humanity to accommodate an affordable housing project.

The development area is referenced as "Wailani Subdivision" (fka. Molokoa Village Area) and it contains a mixture of zoned lands ranging from Residential District (R-8 & R-20) and General Commercial District (C-G). The subject property is approximately 132.45 acres in size and is situated to the west of the Kaua'i Veterans Memorial Highway/Ahukini Road intersection, just mauka of the Līhu'e Airport facility and extending south to the Molokoa Subdivision, Unit III.

The subject parcel is a part of the overall Līhu'e - Hanamā'ulu Master Planned Area that obtained a Zoning Amendment (ZA-96-2) to reclassify portions of the subject property from the Agriculture District (A) to the Residential District (R-8 & R-20) and Commercial District (C-G). The zoning amendment was approved by the County of Kaua'i, Planning Commission on February 8, 1996, and was subsequently approved by the Kaua'i County Council on May 8, 1996 (Ordinance No. PM-326-96). Additionally, the subject parcel was a part of a State Land Use District Boundary Amendment (LUC Docket No. A94-703) that reclassified lands within the Līhu'e - Hanamā'ulu Master Planned Area from the State Land Use Agricultural District and Conservation District into the State Land Use Urban District. The subdivision proposal shall be subject to the applicable requirements of Ordinance No. PM-326-96 and Land Use Commission (LUC) Docket No. A94-703.

In reviewing the proposal, the assessment of an EIA Fee and Park Dedication Fee shall be determined upon further development of the lots and resolution of the conditions of Ordinance No. PM-326-96.

Native Hawaiian Traditional and Cultural Rights

A Ka Pa'akai O Ka'aina Analysis was prepared by Cultural Surveys Hawai'i, Inc., for the proposed development. The analysis describes the historic and traditional accounts associated with the Kalapakī and Hanamā'ulu Ahupua'a as well as provides a summary of archaeological studies that have been conducted in the vicinity of the project area. The analysis also provides a detailed summary of the community outreach that was conducted including oral and written testimony of individuals that were contacted.

The consultation outreach involved attempting to contact Hawaiian organizations, agencies, and community members as well as cultural and lineal descendants in order to identify individuals with cultural expertise and/or knowledge of the project area and vicinity. Community outreach letters were sent to 37 individuals or groups by email and/or U.S. Postal Service with additional follow-up by text or phone. As represented, Cultural Surveys Hawaii completed the community consultation in July 2023 and ten (10) individuals had responded in

S-2023-3; Subdivision Report Visionary, LLC. 01.09.2024 **2** | Page

which two provided written testimony, and two of these Kamā'aina and/or Kūpuna met with Cultural Surveys Hawaii for more in-depth interviews.

Based on the information contained in the analysis and evaluating the historical information that was available to the department, the department finds that the proposed development at its designated location should have no impact on any known Hawaiian traditional or customary practices for the following reasons:

- a. There are no known traditional or customary practices of Native Hawaiians that are presently occurring at the project site.
- b. There are no known special gathering practices taking place at the project site or within the vicinity of the project site.
- c. The Project should not detrimentally inhibit access to any streams; access to the shoreline or other adjacent shoreline areas; gathering along any streams, the shoreline or in the ocean.
- d. There are no known religious practices taking place within the project site.

IV. RECOMMENDATION

TENTATIVE APPROVAL	FINAL APPROVAL					
☑Approval □ Denied	Approval Denied					
Tentative Approval subject to all requirements as noted on the follow pages:	All conditions have been complied with					
Jodi Higuchi Digitally signed by Jodi Higuchi Date: 2023.12.26 11:33:47 -10'00' Director of Planning Date	Director of Planning Date					

V. AGENCY REQUIREMENTS

- 1. Requirements of the Planning Department:
 - a. An updated preliminary title report for the existing lot shall be submitted to the Planning Department for review.
 - b. All existing and proposed easements, if any, shall be identified in the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.

- c. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua'i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.
- d. The project area was previously reviewed through Subdivision Application No. S-2005-39 that was granted Preliminary Subdivision Map Approval by the Kaua'i Planning Commission on April 10, 2007, and was subsequently granted an extension until July 12, 2013, to file the final subdivision maps. Presently, this subdivision application is considered expired since no further extension requests have been made or granted by the Commission. Therefore, prior to final subdivision approval, the Applicant shall provide a letter to the department formally requesting termination of Subdivision Application No. S-2005-39.
- e. Prior to final subdivision approval, the Applicant shall work with the Planning Department and Department of Public Works to resolve the future extension and alignment of Ka'ana Street through Lot 5 of the development.
- f. The Applicant is made aware that further development of these lots shall require the construction of curbs, gutters, and sidewalks along the frontages of Ka'ana Street, Ho'olako Street, and the interior roadway lots prior to final subdivision approval.
- g. The Applicant shall be subject to all applicable requirements of Ordinance No. PM-326-96 and State Land Use Commission (LUC) Docket No. A94-703.
- h. The applicant shall depict with a dotted line on the final subdivision map zoning lines delineating the boundaries between each County Zoning District per Ordinance No. PM-326-96.
- 2. Requirements of the Department of Public Works (DPW):
 - a. The subdivider shall comply with the requirements of the Department of Public Works, if any, prior to final subdivision approval.
- 3. Requirements of the Department of Water (DOW):
 - a. Installation of service connection will not be required until the request for water service is made. The applicant for service will be required to complete all Department of Water's (DOW) requirements existing at that time including but not limited to:
 - 1) Preparing and receiving the DOW's approval of construction drawings for the necessary water system facilities as required in the approved water master plan.
 - 2) Construct required facilities.
 - 3) Full payment of the applicable Facilities Reserve Charge (FRC).

A statement to this effect shall be clearly lettered on the final subdivision map.

4. Requirements of the Department of Health (DOH):

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

- 1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
- 2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
- 3. Standard comments for the Clean Air Branchareat: <u>https://health.hawaii.gov/epo/landuse/</u>.

Clean Water Branch

 All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <u>https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwbstandard- comments/</u>.

Hazard Evaluation & Emergency Response Office

- A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
- 2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <u>https://health.hawaii.gov/epo/landuse/</u>.

Indoor and Radiological Health Branch

- 1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, 11-504.
- 2. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at https://health.hawaii.gov/irhb/asbestos/.

Safe Drinking Water Branch

- Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of: 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related the Safe Drinking Water program: <u>https://health.hawaii.gov/sdwb/</u>.
- 2. Standard comments for the Safe Drinking Water Branch can be found at: <u>https://health.hawaii.gov/epo/landuse/</u>.

Solid & Hazardous Waste Branch

- 1. Hazardous Waste Program The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
- Solid Waste Programs The laws and regulations are contained in HRS Chapters 339D, 342G, 342H and 3421, and HAR Chapters 11-58.1, and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
- 3. Underground Storage Tank Program The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
- 4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <u>https://health.hawaii.gov/epo/landuse/</u>.

Wastewater Branch

By Revised Statute 11-62-31.1, if the parcel is less than 10,000 square feet, an individual onsite waste-water unit may be possible for future construction. Please contact Sina Pruder at DOH Waste-Water Branch at 808-586-4288 for further information. For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation/ Local DOH Comments:

- 1. Noise may be generated during demolition and/or const ruction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
- 2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

Other

- 1. <u>CDC–Healthy Places–Healthy Community Design Checklist Toolkit</u> recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
- 2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3495.
- 5. Requirements of the State Department of Transportation (DOT):
 - a. The subdivider shall comply with the requirements of the State Department of Transportation, if any, prior to final subdivision approval.
- 6. The Applicant is advised that should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division to determine mitigation measures.

S-2023-3; Subdivision Report Visionary, LLC. 01.09.2024 7 | Page

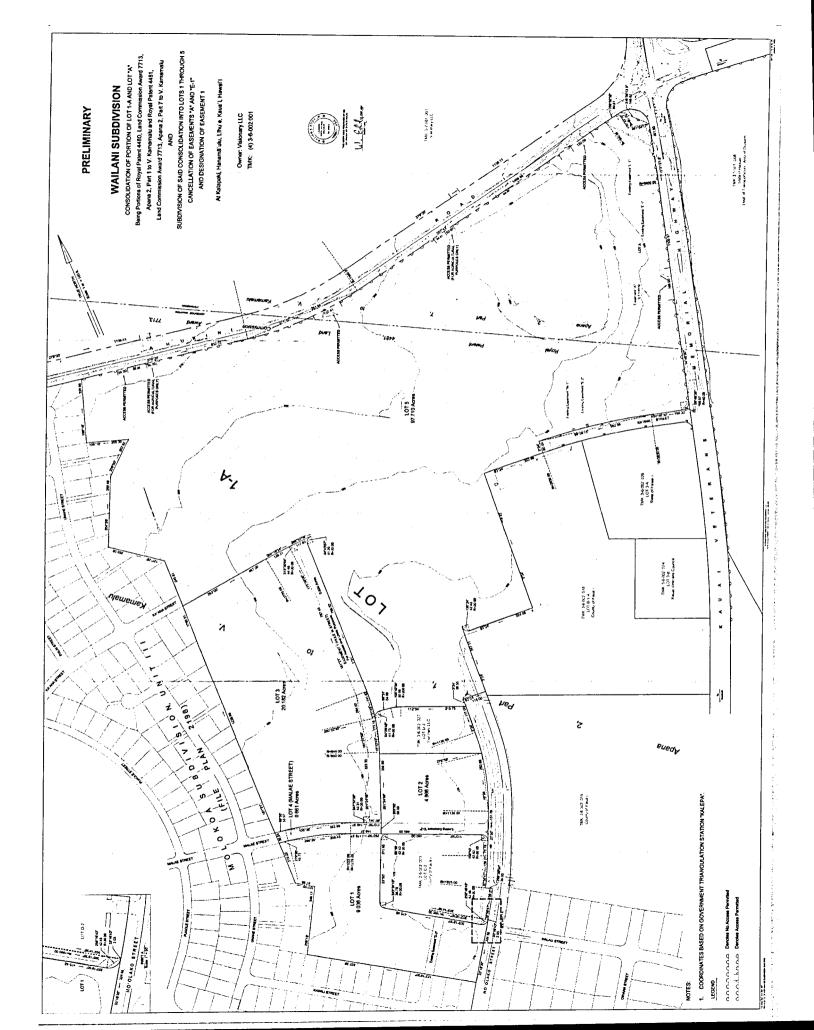
7. The Applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).

The Planning Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process scheduled for JANUARY 9, 2024, whereby the entire record should be considered prior to decision-making. The entire record should include but not be limited to:

- a. Pending government agency comments;
- b. Testimony from the general public and interested others; and
- c. The Applicant's response to staff's report and recommendation as provided herein.

enneth A. Eits

KENNETH A. ESTES Planner







4398 PUA LOKE STREET LIHU'E, KAUA'I, HAWAI'I 96766 PHONE: (808) 245-5400 / FAX: (808) 245-5813

SUBDIVISION REPORT

TO:PLANNING DEPARTMENTFROM:DEPARTMENT OF WATER

January 24, 2023

ТМК	: _3	-6-002:0	01 NAME:	Visionary LLC	SURVEYOR:	William A. Eddy Jr.	_ REPORT NO:	S-2023-3
1. 2. 3.	Wat All Befe	ter Requ requirer ore final	irements are nents have l approval ca	commended. e not affected. Tentati been fully met and; the in be recommended, th t of Water the followin	refore, Final appr ne subdivider mus	oval is recomn t:		
		1) Th	e Facilities F	charges include: Reserve Charge (FRC): \$14,115 per lot =	\$			
		sul	odivider cau	tall one, service conne ses a delay in the servi the subdivider shall be	ce connection ins	tallation after	one year since	final 🗌
		dej	posit (the su posit and th Water.	ıbdivider will either be e actual cost of constru	billed or returned action of \$ f	l the differenc or constructio	e between this n by the Depar	tment 🗌
	B.	Submit	to the Depa	rtment of Water a copy the State Highways Di	y of the subdivide	r's permit to p	erform work u	pon a
	C.	Prepare necessa bond fo	and receive and receive ary water system or construct	Department of Water's stem facilities and eith ion. These facilities sh service connection.	's approval of con er construct said	struction drav facilities or po	vings for the st a performan	ce 🗌
		2) The	e fire service	e connection, if applica umbing with appropria	ble. ate backflow preve	ention device/	s.	
	D.	Easeme	nt for the p sion water s	y to the Department of urpose of construction ystem improvements i	, repair, maintena nstalled in other 1	nce and opera than County-o	tion of the wned property.	
	E.	If a hor	d is filed, to	secure final subdivisi proved construction p	on approval, the s	ubdivider sha	ll clearly letter	the
		"Domes this sub	stic water se odivision are	rvice will not be availa completed and accep	ble until the requi ted by the Depart	ired construct ment of Water	ion improvemen , County of Kau	ıaʻi."
		This de days of	ed restrictio final subdiv	n shall be recorded wi vision approval by the	th the Bureau of C Planning Departm	Conveyances w lent.	ithin ninety (90))
4.	Inst The	allation applica:	of service controls of service	onnections will not be e will be charged the a	required until a re pplicable service	equest for wat connection cha	er service is ma arges at that tin	nde. □ ne.
5.		made	llation of se e. The applie (V) requirement Preparing necessary Construct	rvice connection will n cant for service will be ents existing at that tin and receiving the DOV water system facilities required facilities. ent of the applicable F	required to comp ne including but r V's approval of co s as required in th	lete all Depart ot limited to: nstruction dra le approved wa	ment of Water's wings for the	S

A statement to this effect shall be clearly lettered on the final subdivision map.



Water has no substitute Conserve it!

4398 PUA LOKE STREET LIHU'E, KAUA'I, HAWAI'I 96766 PHONE: (808) 245-5400 / FAX: (808) 245-5813

SUBDIVISION REPORT

Jason Kagimoto Jason Kagimoto, P.E. Engineering Division Water Resources and Planning Section

01/25/2023 Date

SUBDIVISION REPORT NO. S-2023-3

S-2023-3, 3-6-002-001, Visionary LLC, 20230125



TO:

County of Kaua'i Planning Department 4444 Rice St., Suite A473 Lihue, HI 96766 (808) 241-4050

COUNTY OF KAUA //17/2023 FROM: Kaaina S. Hull, Director Planner: Kenneth Estes SUBJECT: Subdivision S-2023-3 23 JAN 26 P2:00 Tax Map Key: 360020010000 Applicant: Visionary LLC PLANNING DEPT. Wailani 5 County DPW - Engineering State Department of Transportation - STP County DPW - Wastewater State DOT - Highways, Kauai (info only) State DOT - Airports, Kauai (info only) County DPW - Building County DPW - Solid Waste State DOT - Harbors, Kauai (info only) County Department of Parks & Recreation State Department of Health State Department of Agriculture County Fire Department County Housing Agency State Office of Planning County Economic Development State Dept. of Bus. & Econ. Dev. Tourism State Land Use Commission County Water Department State Historic Preservation Division County Civil Defense County Transportation Agency State DLNR - Land Management KHPRC State DLNR - Forestry & Wildlife U.S. Postal Department State DLNR - Aquatic Resources UH Sea Grant State DLNR - Conservation & Coastal Lands

Other: Office of Hawaiian Affairs

FOR YOUR COMMENTS (pertaining to your department) (Due Date 1/17/2023)

Office of Hawaiian Affairs

JOSH GREEN M.D. GOVERNOR OF HAWAII KENNETH S. FINK, M.D., M.G.A., M.P.H DIRECTOR OF HEALTH



STATE OF HAWAII DEPARTMENT OF HEALTH 3040 Umi St. Lihue Hawaii 96766

DATE:	January 23, 2023
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TO: Kaaina S. Hull

FROM: Janet M. Berreman, M.D., M.P.H., District Health Officer (Acting for District Environmental Health Program Chief)

SUBJECT: RESPONSE_Visionary LLC_S-2023-3

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: https://health.hawaii.gov/epo/landuse/. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

- 1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
- 2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established

wherever possible.

3. Standard comments for the Clean Air Branch are at: https://health.hawaii.gov/epo/landuse/

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 All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <u>https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-</u>standardcomments/.

Hazard Evaluation & Emergency Response Office

- 1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
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Indoor and Radiological Health Branch

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- 2. Standard comments for the Safe Drinking Water Branch can be found at: https://health.hawaii.gov/epo/landuse/.

Solid & Hazardous Waste Branch

- 1. Hazardous Waste Program The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
- Solid Waste Programs The laws and regulations are contained in HRS Chapters 339D, 342G, 342H and 342I, and HAR Chapters 11-58.1, and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse and recycling are preferred

options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.

- Underground Storage Tank Program The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
- 4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <u>https://health.hawaii.gov/epo/landuse/</u>.

Wastewater Branch

By Revised Statue 11-62-31.1 If the parcel is less than 10,000sq feet, an individual onsite waste-water unit may not be possible for future construction. Please contact Sina Pruder at the DOH waste-water branch at 808-586-4288 for further information. For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

- Noise may be generated during demolition and/or construction. The applicable
 maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46,
 "Community Noise Control," shall not be exceeded unless a noise permit is obtained
 from the Department of Health.
- 2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

Other

- <u>CDC Healthy Places Healthy Community Design Checklist Toolkit</u> recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
- 2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3492.

Janet Berreman

Janet M. Berreman, MD, MPH, FAAP Kauai District Health Officer Office Phone: (808) 241-3614

		4444 Rice \$	County of Kaua's Planning Departme St., Suite A473 Lih (808) 241-4050	ent		
FROM: Kaain	na S. Hull, Director	COUNTY OF I	: Kenneth Estes	RECEIVED	1/17/2023	
SUBJECT:	Subdivision S-2023-3 Tax Map Key: 3600200100 Applicant: Visionary LLC Wailani 5	23 JAN 25 PLANNING		JAN 1 9 2023 County of Kauai Transportation Agency		
TO:						
State De	partment of Transportation - ST	ГР	County DPW -	Engineering	•.	
State DO	T - Highways, Kauai (info onl	y)	County DPW - Wastewater			
State DO	T - Airports, Kauai (info only)	ŀ	County DPW - Building			
State DO	T - Harbors, Kauai (info only)		County DPW - Solid Waste			
State Dep	partment of Health		County Department of Parks & Recreation			
State Dep	partment of Agriculture		County Fire Dep	County Fire Department		
State Off	ice of Planning		County Housing	County Housing Agency		
State Dep	ot. of Bus. & Econ. Dev. Touris	sm	County Economic Development			
State Lar	d Use Commission		County Water Department			
State His	toric Preservation Division		County Civil Defense			
State DLNR - Land Management			County Transportation Ageney			
State DLNR - Forestry & Wildlife			□ KHPRC			
State DLNR - Aquatic Resources			U.S. Postal Department			
State DLNR - Conservation & Coastal Lands			UH Sea Grant			
Office of Hawaiian Affairs			Other: Office of Hawaiian Affairs			

Office of Hawaiian Affairs

FOR YOUR COMMENTS (pertaining to your department) (Due Date 1/17/2023)

(TA HAS NO FURTHER COMMENT ON THIS PROJECT. THAPUKS! Multiple 1.23.2023



LETTER OF TRANSMITTAL

Date:	December 6, 2023
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To: Kenny Estes Staff Planner Planning Department County of Kauai 4444 Rice Street, Suite A473 Lihue, HI 96766 COUNTY OF KAUAI 23 DEC -6 P2:20 PLANNING DEPT.

Re: TMK (4) 3-6-002:001, 017 and 027 TMK (4) 3-7-001:001 and (4) 3-7-002:012 TMK (4) 3-7-002:001

We are sending you (X) enclosed () under separate cover, the following:

Copies of Final Ka Pa`akai Analysis Covering: Wailani Subdivision Project Ahukini Mauka Subdivision Project Ahukini Makai Subdivision Project

- (X) For your information
- () For your files
- () For review and comment
- () For correction
- () For distribution
- () Per your request
- () Per our agreement
- () Per our conversation
- () Approved
- () Approved as noted
- () Disapproved
- () For payment

- () For necessary action
 -) For signature in BLACK INK & RETURN
- () For signature in BLACK INK and FORWARD TO:

 For filing or recording
 Checks enclosed to cover filing or recording fee

(X) See remarks below

REMARKS: Enclosed are copies of the Final Ka Pa`akai Analysis for the above-referenced project sites. Should you have any questions, please feel free to contact me at 808-245-3775.

Bv:

David Hinazumi Senior Vice President

Encl.

Final Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu Ahupua'a, Līhu'e District, Kaua'i TMKs: (4) 3-6-002:001, 017, and 027

Prepared for Haili Moe, Inc.

Prepared by Kellen Tanaka, B.A., David W. Shideler, M.A., and Hallett H. Hammatt, Ph.D.

Cultural Surveys Hawaiʻi, Inc. Kailua, Hawaiʻi (Job Code: KALAPAKI 11)

December 2023

Oʻahu Office P.O. Box 1114 Kailua, Hawaiʻi 96734 Ph.: (808) 262-9972 Fax: (808) 262-4950

www.culturalsurveys.com

Maui Office 1860 Main St. Wailuku, Hawai'i 96793 Ph.: (808) 242-9882 Fax: (808) 244-1994

Management Summary

Reference	Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu Ahupua'a, Līhu'e District, Kaua'i, TMKs: (4) 3-6-002:001, 017, and 027 (Tanaka et al. 2023)
Date	December 2023
Project Number(s)	Cultural Surveys Hawai'i, Inc. (CSH) Job Code: KALAPAKI 11
Agencies	County of Kaua'i Department of Planning
Land Jurisdiction	Private, Haili Moe, Inc.
Project Proponent	Private, Haili Moe, Inc.
Project Location	In general terms the Wailani Subdivision project area is located between the county seat of Līhu'e Town and Līhu'e Airport (the main airport servicing the island of Kaua'i). More specifically, the Wailani Subdivision project area is located southwest of the intersection of Ahukini Road (which forms the north edge of the project area) and Kapule Highway that forms much of the east edge of the project area. The southeast corner of the project area is bounded by Kā'ana Street, the Circuit Court of the Fifth Circuit complex and Ho'olako Street. Vidinha Stadium lies just east of the south portion of the project area. The west and southwest sides of the project area are bounded by the Līhu'e suburbs of Unahe Street and Kawili Street. The Wailani Subdivision project area is depicted on a 1996 Lihue USGS topographic quadrangle (Figure 1), a tax map plat (Figure 2), and a 2013/2019 aerial photograph (Figure 3), as well as several additional historic maps and aerial photographs.
Project Description	Haili Moe, Inc. is proposing to construct a walkable, mixed-use community of residential lots and supporting infrastructure known as the Wailani Subdivision project. The subdivision would involve grading and excavation for utilities, roads, foundations, and landscaping. A subdivision map (courtesy of client) is provided in Figure 4.
Project Acreage	Approximately 125 acres
Document Purpose and Regulatory Context	The Kaua'i County Planning Department has indicated a need for Ka Pa'akai Assessment studies to attend applications for Planning Department processing. The Planning Department has kindly supplied a Kaua'i Planning Department Worksheet for Ka Pa'akai Assessment which is regarded here as the guiding document. The purpose of the present Ka Pa'akai Analysis and Assessment is to assist the
	client and the Kaua'i Planning Department in their effort to 1) ensure the applicant has sufficiently assessed that the proposed project/action will not harm traditional and customary practices exercised by

Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i TMKs: (4) 3-6-002:001, 017, and 027

	Native Hawaiians; and 2) to provide sufficient documentation to support the applicant's assessment.
	This work is designed to address the letter and spirit of the following:
	• Ka Pa'akai O Ka'aina v. Land Use Commission (94 Hawai'i 31), in which the Hawai'i Supreme Court established a three-part analytical framework to assist the state and counties in fulfilling their constitutional obligation to preserve and protect traditional and customary practices (TCP ["TCP" is used here as it is used in the Kaua'i Planning Department Worksheet for Ka Pa'akai Assessment to refer to "traditional and customary practices]) exercised by Native Hawaiians, to the extent feasible, and
	• The mandate set forth by the Hawai'i State Constitution (Articles IX and XII), courts, Hawai'i Revised Statutes (HRS), and Hawai'i Administrative Rules (HAR) and other Hawai'i State laws requiring government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups.
Results of Background	Background research for this study yielded the following results, presented in approximate chronological order:
Research	 The original moku (district) for the study area covered in this report is Puna, which means "spring of water." Līhu'e (literally translated as "cold chill"; Pukui et al. 1974:132) became the modern political name for the traditional moku of Puna. According to Ethel Damon (1931:402), the name Līhu'e was first applied to this area by Kaikio'ewa, Governor of Kaua'i in the 1830s, perhaps after Kaikio'ewa's upcountry residence on the island. This late derivation of the name has been recently disputed (Griffin 2012:46). The Wailani Subdivision project area lies in two ahupua'a (traditional Hawaiian land division usually extending from the mountains to the sea); it is mostly in Kalapakī Ahupua'a to the south but the northeast corner extends into Hanamā'ulu Ahupua'a. Kalapakī is described as a land division and a beach in Pukui et al. (1974:75), but no meaning is presented. Pukui and Elbert (1984:113) define the word kalapakī (with a small "k") as "double-yolked egg, Kaua'i." Kalapakī was also the name of a village located along the coast. The "Hanamā'ulu" ahupua'a name means "tired (as from walking) bay" (Pukui et al. 1974:41). Wichman (1998:61) relates that Hanamā'ulu Bay was given this name because it was "off the main around- the-island trail and a traveler had to walk extra miles to get there." According to Hammatt and Creed (1993:22), Land Commission documents demonstrate the "village of Kalapakī" was synonymous with the "ili [traditional land division smaller than an ahupua'a] of Kuuhai." According to a collection of Kaua'i place names by Kelsey (n.d.), Kalapakī was also known in traditional times as "Ahukini." Traditional habitation in both

Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i TMKs: (4) 3-6-002:001, 017, and 027

.

	Kalapakī and Hanamā'ulu <i>ahupua'a</i> is understood to have been very
	strongly focused in the floor of the respective stream valleys.
	4. The traditional ka'ao (legends) mention several place names associated with
	the Kalapakī and Hanamā'ulu area. The place name Līhu'e is mentioned in
	the "Legend of Uweuwelekehau" (Fornander 1918-1919:5:196–197). In the
	<i>mo 'olelo</i> (story), "The Goddess Pele," two place names in the vicinity of
	the present project area are mentioned, Ninini and Ahukini (Rice 1977:14).
	In "The Menehunes," Ninini is also mentioned as a favorite place for the
	sport of jumping off cliffs into the sea (Rice 1977:44).
	5. In pre-Contact and early historic times, the <i>ahupua 'a</i> of Kalapakī and
	Hanamā'ulu were permanently inhabited and intensively used. At the
	coastal areas were concentrations of permanent house sites and temporary
	shelters, <i>heiau</i> (pre-Contact place of worship), <i>ko</i> 'a and $k\bar{u}$ 'ula (both types
	of relatively small shrines dedicated to fishing gods), and numerous trails.
	The <i>kula</i> (dry inland areas) of Kalapakī, Hanamā'ulu, and neighboring
	<i>ahupua</i> 'a contained native forests and were cultivated with crops of <i>wauke</i>
	(paper mulberry, <i>Broussonetia papyrifera</i>), 'uala (sweet potatoes, <i>Ipomoea</i>
	<i>batatas</i>), and <i>ipu</i> (bottle gourd). (There were four holes in Keleneki and Henemä'ulu Abukini (sometimes)
	6. There were four <i>heiau</i> in Kalapakī, and Hanamā'ulu, Ahukini (sometimes
	written Ahuhini) near Ahukini Point, Ninini Heiau near Ninini Point, an
	unnamed <i>heiau</i> near Kūki'i Point, and Kalauokamanu Heiau near the south
	end of Kālepa Ridge in Hanamā'ulu. Ninini Heiau (Bennett site # 100),
	Ahukini Heiau (Bennett site # 101), and Kalauokamanu Heiau (Bennett site
	# 102), were described by Bennett as destroyed (by 1931). Damon
	(1931:398) lists four <i>heiau</i> in Kalapakī, Kalapakī, Ahukini, Ninini, and
	Pohako'ele'ele, so it is possible the unnamed <i>heiau</i> was called
	Pohako'ele'ele.
	7. Traditional fishing villages were once located near the seashore at Kalapakī,
	east and north (around and up the coast) of Kalapakī Beach and along
· ·	Hanamā'ulu Stream in Hanamā'ulu valley. Loko (fishponds) and small
	drainages were inland of these settlement areas.
	8. Land Commission Award (LCA) documents indicate a land use pattern that
	may be unique to this part of the island, or to Kaua'i in general, in which
	lo 'i (irrigated taro patch) and kula lands are described in the same 'apana
	(lot), with house lots in a separate portion. In most places, kula lands are
	defined as drier landscapes, and they do not typically occur next to, and
	among, wetter lo 'i lands. Also, there are several LCA references to other
	lo'i next to the beach which indicate wetland cultivation extending right to
	the shoreline." This is another type of land use that seems to be fairly
	unique to Kaua'i.
	9. Victoria Kamāmalu was awarded the <i>ahupua 'a</i> of Hanamā'ulu and
	Kalapakī under LCA 7713:2. The Victoria Kamāmalu award (LCA 7713:2
	part 7) includes all the land within the present project area. There were no
	native tenant awards in Kalapakī or Hanamā'ulu within approximately
	700 m of the Wailani Subdivision project area. The locations of <i>kuleana</i> or
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native tenant LCA claims (1848–1853) in Kalapakī Ahupua'a are clumped in two areas, along the floodplain of the north side of Nāwiliwili Stream (just back from the coast, south of Rice Street) and on the shore, back from Kalapakī Beach of Nāwiliwili Bay. The native tenant LCAs of Hanamā'ulu were all within the Hanamā'ulu Stream valley. 10. There were 13 native tenant LCA claims in Kalapakī, of which nine were awarded. The cultivation of taro (kalo; Colocasia esculenta), the major staple, was along the Nāwiliwili Stream flood plains and along the smaller brooks of Kalapakī and Koenaawa where there were springs. The house lots in Kalapakī were at the shore. The only crop other than kalo mentioned specifically in Kalapakī is wauke. Additionally, more than one claim in Kalapakī mentions the fishponds of Koenaawa. Two streams-Koenaawa nui and Koenaawa iki-are identified in the claims but neither is named on current maps. Most Kalapakī claimants lived, however, at the shore in the "kulana kauhale" or village of Kalapakī, located behind Kalapakī Beach on Nāwiliwili Bay. Several of the claimants describe their village house lots in relation to the fishponds of Koenaawa (Koenaawainui and Koenaawaiki). There is also a description of the *muliwai* or estuary of Koenaawanui. Fifteen native tenant claims in Hanamā'ulu (all in the stream valley) reference house lots and taro lands. Following the death of Victoria Kamāmalu in 1866, her lands were 11. inherited by Princess Ruth Ke'elikolani. In 1870, Ke'elikolani sold large portions of her Kalapakī and Līhu'e lands to William Hyde Rice of Lihue Plantation. William Hyde Rice made subsequent land purchases from Princess Ruth in 1879 including a large makai (seaward) section of the ahupua'a of Kalapakī and from there directed the Lihue Ranch. In later vears he sold most of this land to the plantation (Damon 1931:747). An Interior Department document (ca. 1850) mentioned the konohiki 12. (headman of an ahupua 'a land division under the chief) named Wikiola (konohiki for both ahupua 'a) had proprietary rights to ana 'e (mullet; Mugil *cephalus*) as the protected fish of Hanamā'ulu, and *uhu* (parrot fish; *Scarus perspicillatus*) for Kalapakī. The protected tree for Hanamā'ulu was *hau* (Hibiscus tiliaceus) and the protected tree for Kalapakī was koa (Acacia koa). The reference to koa indicates customary use of that inland wood resource. These protected species are part of the konohiki resources, which he or she would use to meet his/her obligations to superior chiefs, governors/ governesses and the King or Queen (Maly and Maly 2003:301). An 1857 listing of the lands of Victoria Kamāmalu (going by the name V.K. Kaahumanu) mentions "Akule" (bigeye scad fish, Selar crumenophthalmus) as the protected fish of both Kalapakī and Hanamā'ulu (Maly and Maly 2003:298). This may be of note in that akule are known to frequent bays, like Kalapakī Bay and Hanamāulu Bay, where they were sometimes subject to corporate fishing efforts. Pigs, sweet potatoes, and salt, among other items, were traded to the 13. earliest sailing vessels arriving in Hawai'i (post-1794) and it is likely that in

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	 Līhu'e District, as elsewhere, the production of these items increased beyond the needs of the immediate family and their expected contributions to their chiefs during this period of early visiting voyagers. 14. The plantation at Līhu'e was first established in 1849 by Henry A. Pierce; Judge Wm. Little Lee, the chairman of the Land Commission; and Charles Reed Bishop. It became Lihue Plantation in 1850. A steampowered mill was built in 1853 at Lihue Plantation, the first use of steam power on a Hawaiian sugar plantation. Another important innovation at Līhu'e was created in 1856, when William H. Rice completed the 10-milelong Hanamā'ulu Ditch, the first large-scale irrigation project for any of the sugar plantations (Moffatt and Fitzpatrick 1995:103). 15. Plantation labor was brought in from many countries and these new laborers brought some of their own cash crops. Rice production was an offshoot industry of the sugar plantation in the 1870s, since many of the new Chinese plantation workers began to grow rice for themselves and then for trade with California. Japanese immigrants, by the end of the nineteenth century did the same and took over many of the Chinese rice paddies. In general, rice planters used abandoned taro fields, but made the patches larger than the traditional taro <i>lo 'i.</i> This is probably true of the Kalapakī floodplain. 16. From our earliest detailed maps (Donn 1906; Monsarrat 1900) right up through the 1978 USGS aerial photograph, the project area is indicated as part of a sea of commercial sugarcane cultivation.
Results of Community Consultation	In most cases, two or three attempts were made to contact individuals, organizations, and agencies. Community outreach letters were sent to 37 individuals or groups; ten responded, two provided written testimony, and two of these <i>kama 'āina</i> (native born) and/or <i>kūpuna</i> (elders) met with CSH for more in-depth interviews. Some concerned parties are opposed to development with little specificity regarding the nature of adverse impacts tied to a specific geographic area or specific project. While one might question whether a categorical opposition to development on Kaua'i falls within a Ka Pa'akai analysis that attempts to identify specific adverse impacts to traditional Hawaiian cultural practices by a specific project, it should be stated that some Native Hawaiian parties absolutely see development as a categorical adverse impact to traditional Hawaiian cultural practices.
	The testimony of Kimo and Kaniela Kaleikaumaka Matsushima was particularly compelling due to their family's indicated very long-standing involvement in Hanamā'ulu and very long history of involvement in traditional Hawaiian subsistence practices (see Section 6.4 and Appendix C).
	This study has identified no ongoing customary cultural practices in the proposed Wailani Subdivision project area per se. The testimony of Kimo and Kaniela Kaleikaumaka Matsushima (see Section 6.4 and Appendix C) documents a long-standing pattern of subsistence fishing and gathering along

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	Hanamā'ulu Stream, in Hanamā'ulu Bay, and along the adjacent coasts of Kalapakī and Hanamā'ulu.
Identification of Impacts to Cultural Practices	Kaniela Kaleikaumaka Matsushima writes of ongoing adverse impacts to traditional Hawaiian practices and expresses his confidence that further development will make matters worse. The reader is referred to his verbatim testimony in Appendix C. Concerns are expressed for the exacerbation of rain- induced erosion, of trash polluting the valley and adversely impacting the plants and animals of the valley used for traditional Hawaiian subsistence, the exacerbation of pollution of the Hanamā'ulu Stream and its plants and animals used for traditional Hawaiian subsistence, sewage flooding the valley and the river causing a lot of harm to not only humans, but also to their livestock, crops, and the wildlife that call the valley home including many <i>maoli</i> <i>holoholona</i> (native animals including endangered species) that live in the valley like the <i>pua'a</i> (pigs), <i>'alae 'ula</i> (Hawaiian gallinule), <i>ae 'o</i> (Hawaiian stilts), <i>kōloa maoli</i> (native ducks), <i>auku'u</i> (black crowned night herons), <i>nēnē</i> (Hawaiian goose), <i>koa'e kea</i> (white tailed tropic birds), <i>pinao</i> (native dragon flies), <i>'o 'opu</i> (native gobies), and many more, and pollution of coastal waters, leading to a decrease in the availability of fishes and other seafood including <i>'opihi</i> (limpets) and <i>limu</i> (seaweed) and even endangering safe swimming.
	A related, but somewhat separate issue is that adverse impacts to marine resources also adversely affect <i>'aumākua</i> (family or personal god) species such as <i>honu</i> (turtles) and <i>hīhīmanu</i> (eagle rays).
	While Mr. Matsushima acknowledges he is addressing existing, unaddressed problems, his concern is that development will only compound this burden to the <i>'āina</i> (land), <i>wai</i> (water), and <i>kai</i> (sea) of Hanamā'ulu and neighboring lands.
	Kimo Matsushima also expressed concern regarding increased runoff polluting the waters of Hanamā'ulu Stream and Hanamā'ulu Bay. He discussed how the conditions of Hanamā'ulu Stream and Hanamā'ulu Bay have changed over the years. When he was growing up, the pollution from runoff was not as bad and the water in Hanamā'ulu Bay was clean. He noted that from the 1990s to the present, pollution from runoff has caused the water in the bay to become murky, sometimes even looking like chocolate.
	He recalled catching fish and crabs in Hanamā'ulu Bay and setting up prawn traps in Hanamā'ulu Stream. He stated that he is still able to catch crabs in Hanamā'ulu Bay, however, he noted he must filter out the pollution before it is safe to eat. He also mentioned there are still prawns in Hanamā'ulu Stream, but they are not as plentiful as in the "good old days."
	Kimo Matsushima stated that runoff from the existing Hanamā'ulu Subdivision has negatively impacted the quality of water in the stream and bay. From his farm, which is located on both sides of Hanamā'ulu Stream, he has observed the impacts of runoff on the health of the stream as well as fish and other

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	animals who use the stream. He noted that following heavy rainfall, the water in Hanamā'ulu Stream and Hanamā'ulu Bay is very dirty. He has observed prawns and mud turtles resting on the banks of the stream to avoid the polluted water following heavy rain. He also pointed out Hanamā'ulu Stream is located in the flood zone and following heavy rain, runoff drains into the stream and right into the pasture where his cattle and goats feed. This runoff carries debris he and his 'ohana (family) must clean. He also mentioned sewage spills at the Kapaia Sewage Pump Station occur often causing sewage to enter into Hanamā'ulu Stream that eventually flows into Hanamā'ulu Bay. Mr. Kimo Matsushima did not indicate any knowledge of human burials in the
	Wailani Subdivision project area. He mentioned there are <i>iwi kūpuna</i> in the slope going to the beach in the Ahukini Makai project area. He also mentioned there are <i>iwi kūpuna</i> in Hanamā'ulu Valley whose locations are marked by rocks.
	Ms. Kanani Fu shared her concerns regarding the quality of <i>wai</i> (water) in Hanamā'ulu Ahupua'a. She described the drastic changes to the water quality of Hanamā'ulu Stream and Hanamā'ulu Bay she has observed over the years. Before she left for boarding school around 1990, the water was clear and when she returned to Kaua'i around the year 2000, she noticed a distinct difference in color due to pollution. She also observed changes in the quality and quantity of fish in the bay.
	Ms. Fu would like to see a balance between progress and honoring what Kaua'i is. She emphasized that Hanamā'ulu is one of those things that should be honored. She would like the quality and abundance of the <i>wai</i> restored in perpetuity so resources that were once abundant within Hanamā'ulu Stream and Hanamā'ulu Bay can be replenished.
	Ms. Fu is optimistic that damage to the quality of <i>wai</i> can be reversed. She believes cultural resources associated with the Hanamā'ulu Stream and Hanamā'ulu Bay still exist and can be restored with proper management. She noted that as part of the entitlement process, it is the landowner's obligation to mitigate potential negative impacts to Hanamā'ulu Stream and Hanamā'ulu Bay. She pointed out that Grove Farm has developed a management plan that calls for a biological monitoring program of the water quality within Hanamā'ulu Stream and Hanamā'ulu Bay which just needs to be implemented.
Mitigation Possibilities Identified During Background Research and	This is a somewhat unusual case in that testimony clearly identifies existing adverse impacts to traditional cultural practices of long duration (going back more than 50 years). There is independent support for this, in particular in that "the beach at Hanamā'ulu was closed for public use due to the high bacterial pollution levels in the nearshore waters and in the adjoining stream" from 1972 to 1974 (Clark 1990:6).
Consultation	For starters, mitigation would seem to ensure that any development projects do not make matters worse, minimally by ensuring best management practices.

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	It is suggested that appropriate mitigation should aim not for just maintaining the status quo of traditional and customary practices, but for net improvement. Given that the county and state are likely to experience significant financial gain from taxes associated with any development projects, it seems germane to suggest the county's duty in "fulfilling their constitutional obligation to preserve and protect traditional and customary practices" (Kaua'i Planning Department Worksheet for Ka Pa'akai Assessment) includes addressing what would appear to be an unacceptable history of adverse impact to traditional and customary practices that has existed for at least 50 years.	
	The identification of the sources of the existing adverse impact to traditional and customary practices is beyond the scope of this study (although identification of the nature and extent of existing pollution sources might be an appropriate first step of mitigation). Sources of existing pollution to be addressed and mitigated may include surface run-off into Kalapakī Bay and Hanamā'ulu valley, trash disposal management, the existing sewerage system in the Kalapakī and Hanamā'ulu watershed, existing septic tanks, "fecal matter from pasture animals in the upper valley and from the piggeries in upper Kapaia" (Clark 1990:6).	
	It is understandable that many Native Hawaiians of Kaua'i feel development will only compound the existing burden to the ' <i>āina</i> , wai, and kai. It is to be hoped that proper county management and mitigation associated with development projects could result in a net improvement to the ' <i>āina</i> , wai, and kai and attendant traditional and customary practices and result in a win-win situation.	
Ka Pa'akai	In <u>Ka Pa'akai vs Land Use Commission</u> , 94 Hawai'i (2000) the Court held the	
Analysis	 following analysis must also be conducted: The identity and scope of valued cultural, historical, or natural resources in the project area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the project area; The extent to which those resources—including traditional and customary Native Hawaiian rights—will be affected or impaired by the proposed action; and The feasible action, if any, to be taken by the LUC to reasonably protect Native Hawaiian Rights if they are found to exist. 	
	Based on information gathered from the cultural and historical background and community consultation for this project, no culturally significant resources were identified within the project area per se. At present, there is no documentation or testimony indicating traditional or customary Native Hawaiian rights are currently being exercised "for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778" (Hawai'i	

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State Constitution, Article XII, Section 7) within the Wailani Subdivision project area per se. While no cultural resources, practices, or beliefs were identified as currently existing within the project area. Kalapakī and Hanamā'ulu ahupua'a maintain a rich cultural history in the exercise of traditional or customary Native Hawaiian rights within the project ahupua'a. Given the location well back from the coast, with no notable landforms in the vicinity, the relatively low rainfall, the absence of potable water, the prior land history of intensive sugarcane cultivation with frequent plowing of the entire project area and the prevailing vegetation regime dominated by a mat of exotic grasses, it is concluded that no traditional and customary Native Hawaiian resources will be affected by the proposed action within the specific project area. Concerns have been expressed in the testimony of Kaniela Kaleikaumaka Matsushima (see present Appendix C) that development of the proposed Wailani Subdivision project area (and/or development of the proposed Ahukini Makai and Ahukini Mauka subdivisions) will have deleterious impacts to subsistence fishing and gathering along Hanamā'ulu Stream, in Hanamā'ulu Bay, and along the adjacent coasts of Kalapakī and Hanamā'ulu. In addition to adverse impacts to subsistence practices, additional degradation of the coastal environment is suggested to have a potential adverse impact on 'aumākua species such as honu and hīhīmanu. Kimo Matsushima also expressed concern regarding potential impacts to the waters of Hanamā'ulu Stream and Hanamā'ulu Bay due to increased runoff from the proposed Wailani Subdivision project area (and/or development of the proposed Ahukini Makai and Ahukini Mauka subdivisions). He pointed out that Hanamā'ulu Stream is located in the flood zone and following heavy rain, runoff drains into the stream and right into the pasture where his cattle and goats feed. He also mentioned sewage spills at the Kapaia Sewage Pump Station occur often causing sewage to enter into Hanamā'ulu Stream that eventually flows into Hanamā'ulu Bay. The County of Kaua'i has a drainage policy that applies to development projects and will be followed for this project. Kanani Fu also shared her concerns regarding the quality of wai in Hanamā'ulu Ahupua'a. She described the drastic changes to the water quality of Hanamā'ulu Stream and Hanamā'ulu Bay she has observed over the years. She also observed changes in the quality and quantity of fish in the bay. Ms. Fu would like the quality and abundance of the *wai* restored in perpetuity so cultural resources that were once abundant within Hanamā'ulu Stream and Hanamā'ulu Bay can be replenished. She believes cultural resources associated with the Hanamā'ulu Stream and Hanamā'ulu Bay still exist and can be restored with proper management. She noted that as part of the entitlement process, it is the landowner's obligation to mitigate potential negative impacts to Hanamā'ulu Stream and Hanamā'ulu Bay. She pointed out that Grove Farm

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has developed a management plan that calls for a biological monitoring program of the water quality within Hanamā'ulu Stream and Hanamā'ulu Bay which just needs to be implemented.
An evaluation of the secondary, and/or cumulative impacts of development on Kānaka Maoli (Native Hawaiians) subsistence fishing and gathering along Hanamā'ulu Stream, in Hanamā'ulu Bay, and along the adjacent coasts of Kalapakī and Hanamā'ulu is beyond the scope of the present study. Kaniela Matsushima makes a compelling case that the status quo of Kaua'i County and State of Hawai'i actions and inactions adversely impact subsistence practices and <i>'aumākua</i> species at the present (and of long standing).
Appropriate mitigation and feasible action may include dedication of any enhanced county tax resources to addressing the present and long-standing adverse impacts of county actions and inactions to these subsistence practices, perhaps first in moving forward with study to identify specific sources of pollution and then to take action to mitigate their adverse impact to the 'āina, wai and kai and attendant traditional and customary Hawaiian practices.

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Section 1 Introduction

1.1 Project Description

Haili Moe, Inc. is proposing to construct a walkable, mixed-use community of residential lots and supporting infrastructure known as the Wailani Subdivision project in Kalapakī and Hanamā'ulu Ahupua'a, Līhu'e District, southeast Kaua'i, TMKs: (4) 3-6-002:001, 017, 027. In general terms the Wailani Subdivision project area is located between the county seat of Līhu'e Town and Līhue Airport (the main airport servicing the island of Kaua'i). More specifically, the Wailani Subdivision project area is located southwest of the intersection of Ahukini Road (which forms the north edge of the project area) and Kapule Highway (which forms much of the east edge of the project area). The southeast corner of the project area is bounded by Kaana Street, the Circuit Court of the Fifth Circuit complex, and Ho'olako Street. Vidinha Stadium lies just east of the south portion of the project area. The west and southwest sides of the project area are bounded by the Līhu'e suburbs of Unahe Street and Kawili Street. The Wailani Subdivision project area is depicted on a 1996 Lihue USGS topographic quadrangle (Figure 1), a tax map plat (Figure 2), and a 2013/2019 aerial photograph (Figure 3) as well as several additional historic maps and aerial photographs. A subdivision map (courtesy of client) is provided in Figure 4. The subdivision would involve grading and excavation for utilities, roads, foundations, and landscaping.

1.2 Regulatory Context

The Kaua'i County Planning Department has indicated a need for Ka Pa'akai Assessment studies to attend applications for Planning Department processing. The Planning Department has kindly supplied a Kaua'i Planning Department Worksheet for Ka Pa'akai Assessment which is regarded here as the guiding document (text supplied below). We have added (in bold and italics) after each subheading where in the present study the point has been addressed:

Kaua'i Planning Department Worksheet for Ka Pa'akai Assessment

In Ka Pa'akai O Ka'aina v. Land Use Commission (94 Hawai'i 31), the Hawai'i Supreme Court established a three-part analytical framework to assist the State and Counties in fulfilling their constitutional obligation to preserve and protect traditional and customary practices (TCP ["TCP" is used here as it is used in the *Kaua'i Planning Department Worksheet for Ka Pa'akai Assessment* to refer to "traditional and customary practices]) exercised by Native Hawaiians, to the extent feasible. The analytical framework was developed to assist with balancing both the rights of Native Hawaiians to exercise their TCPs, and the private landowners.

Before determining an application is complete for processing, the Planning Department will review the application to ensure: 1) the applicant has sufficiently assessed that the proposed project/action will not harm TCP rights exercised by Native Hawaiians; and 2) the applicant has provided sufficient documentation to support its assessment. The applicant's documentation should provide sufficient information for the Planning Department to apply the Ka Pa'akai 3-step analytical framework as set forth below.

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Introduction

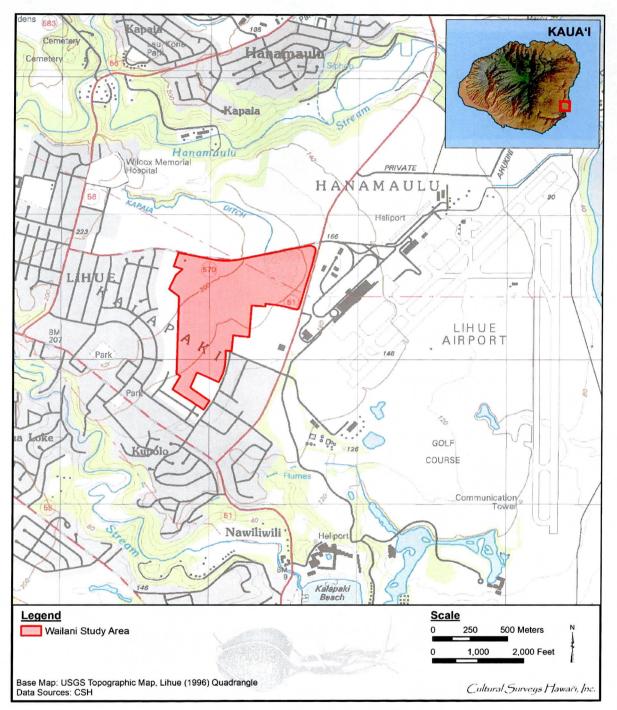


Figure 1. Portion of the 1996 Lihue USGS 7.5-minute topographic quadrangle showing the location of the Wailani Subdivision project area

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Cultural Surveys Hawai'i Job Code: KALAPAKI 11

Introduction

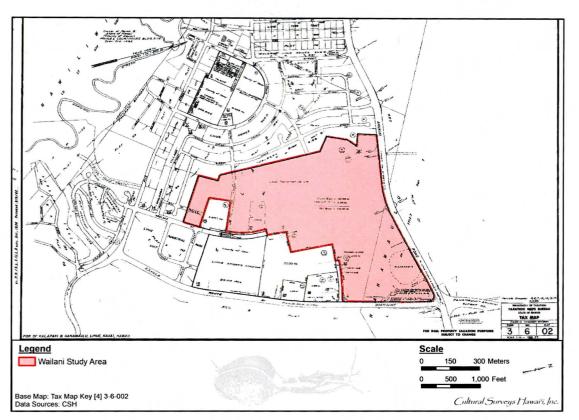


Figure 2. Tax Map Key (TMK) (4) 3-6-002 showing the Wailani Subdivision project area (Hawai'i TMK Service 2014)

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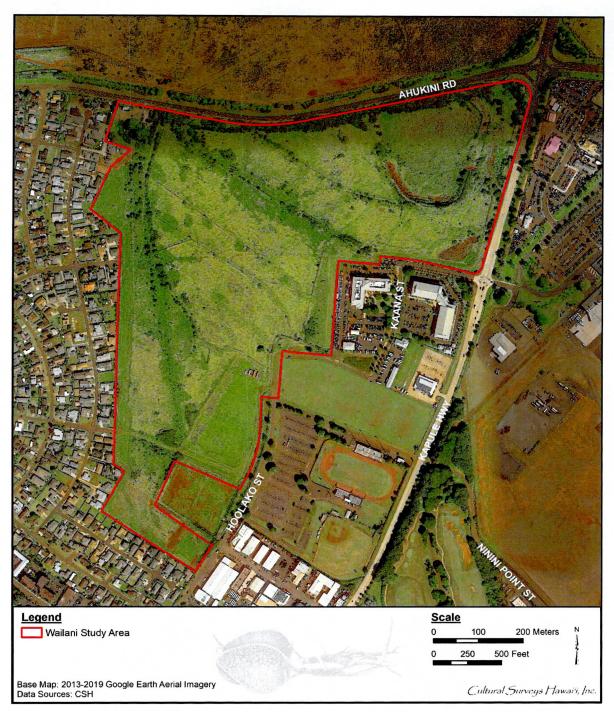


Figure 3. Aerial photograph showing the location of the Wailani Subdivision project area (Google Earth 2013-2019)

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Figure 4. Wailani Subdivision map (courtesy of client)

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1. Identify whether any valued cultural, historical, or natural resources are present within the project area, and identify the extent to which Native Hawaiian TCP rights are exercised.

Depending on the project, the applicant's documentation may include but not be limited to the following information and documentation:

a. A detailed map of the project area

The map shall include any proposed development in relation to the *ahupua* 'a. This includes land commission awards (LCA), *kuleana* [native tenant land rights] lands (including *kama* 'āina testimony during the Commission to Quiet Land Titles hearing), trails (within the *ahupua* 'a and lateral to the *ahupua* 'a), streams, shoreline. [We have included overlays of the project area on 20 maps and aerial photographs to better analyze and present the history of traditional cultural practices in the project area and ahupua'a.]

- b. **Cultural consultation** with families, Native Hawaiian Organizations, Office of Hawaiian Affairs, and the Aha Moku Advisory Council who may have a relationship or knowledge of the *ahupua'a* and specific project area, including TCP of gathering, hunting, religious ceremonies, etc. *[Cultural consultation outreach to 37 parties is summarized in Section 6 and Section 7.]*
- c. Summary of community outreach if any, that may include community concerns, especially from Native Hawaiians, about destruction of resources, denial of access, etc. [The cultural consultation outreach and responses are summarized in Section 6.]
- d. Archaeological Inventory Survey that includes the names of LCA awardees and *kuleana* awardees to identify potential descendants of the *ahupua'a*, archival research of previous archaeological studies, including the *mo'olelo* (stories) of the *ahupua'a* and adjacent areas, cultural consultations, etc., identification of known cultural and historic resources, including burials, *heiau* [pre-Christian place of worship], cemeteries, *lo'i kalo* terraces, etc.; and history of the land uses from precontact to present, including agricultural uses, grading and grubbing, habitation, vacant lands, etc. [The findings of archaeological surveys in the project area *including a* Walker et al. (1991) "Archaeological Inventory Survey" study (see Section 5.2.9) and a Franklin and Walker 1994 "Additional Archaeological Inventory" study (see Section 5.2.13) and other archaeological studies in the vicinity are presented in Section 5 of this study. Additional information on the history of land use in Kalapakī and Hanamā'ulu ahupua'a is provided in Section 4.]
- e. **Cultural Impact Assessment** that includes ethnographic interviews, identification of cultural, historic, and natural resources and TCP. *[Findings on the cultural history of Kalapakī, Hanamā'ulu, and the Wailani Subdivision in particular are summarized in Section 6 and Section 7.]*

f. Environmental Studies that include botany studies about potential native plants, and other relevant information. *[It is understood a compendium of environmental studies is being produced under other covers.]*

2. Determine the extent to which the identified resources and rights will be affected or impaired by the proposed project. This will be case-by-case depending on the facts, but consider the following:

- a. Overlay the known trails, access, sensitive areas, historic sites, cultural sites (including burials), LCAs, etc. over the proposed project, including installation of utilities, to determine the proposed project's potential impacts to the valued cultural, historic, and natural resources; [The relationship of identified resources and rights to the project area are summarized in Section 7 and Section 8.] and
- b. Information in the material provided by the applicant or during the public meetings or hearings from *ahupua'a* descendants or members of the community regarding potential impacts. [Addressed in Section 6 through Section 8]
- 3. Specify any feasible action, if any, to be taken to reasonably protect Native Hawaiian rights if they are found to exist, either currently or possibly in the past. This will be case-by-case depending on the facts, but consider the following:
- a. Information in the material provided by the applicant or during the public meetings or hearings from *ahupua'a* descendants or members of the community regarding any feasible action to preferably avoid impacts, and if avoidance is not possible then potential mitigation measures; [Addressed in Section 8] and
- b. Consider a condition that Cultural Descendants who have traditionally and customarily fished, hunted, or gathered in the area shall have right to access the subject property to fish, hunt, or gather, and they shall coordinate access with the landowner in advance, and this right shall run with the land. [Addressed in Section 8]

1.3 Document Purpose

The purpose of the present Ka Pa'akai Analysis and Assessment is to assist the client and the Kaua'i Planning Department in their effort to 1) ensure the applicant has sufficiently assessed that the proposed project/action will not harm traditional and customary practices exercised by Native Hawaiians; and 2) to provide sufficient documentation to support the applicant's assessment.

This work is being carried out to address the letter and spirit of the following:

• Ka Pa'akai O Ka'aina v. Land Use Commission (94 Hawai'i 31), in which the Hawai'i Supreme Court established a three-part analytical framework to assist the state and counties in fulfilling their constitutional obligation to preserve and protect

Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i TMKs: (4) 3-6-002:001, 017, and 027 traditional and customary practices exercised by Native Hawaiians, to the extent feasible, and

• The mandate set forth by the Hawai'i State Constitution (Articles IX and XII), courts, Hawai'i Revised Statutes (HRS), and Hawai'i Administrative Rules (HAR) and other Hawai'i State laws requiring government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups.

1.4 Natural Environment

The project area—lying at elevations of approximately 170 feet (ft) to 210 ft amsl—lies within the Līhu'e depression or basin. Of the area's volcanic history, Macdonald et al. (1983) note,

Lava flows of the Koloa Series cover about half the surface of the eastern part of the island. They form the entire floor of the Lihue basin except for two small kipukas of Waimea Canyon rocks (Aaohoaka hill and Puu Pilo) that protrude through them west of the gap through which the Wailua River crosses the Kālepa Nounou Ridge [...] The greatest exposed thickness of Koloa lavas is 650 meters, in the east wall of Hanalei Valley; but they may be even thicker in the Lihue basin and along the southern edge of the island, where their base is not exposed. [Macdonald et al. 1983:460–461]

The project area is situated on the southeast coast of Kaua'i and is exposed to the prevailing northeast trade winds generally from 10-20 miles per hour. Annual rainfall at the neighboring Līhu'e Airport station is 997 mm (39.25 inches) (Giambelluca et al. 2013).

1.4.1 Ka Lepo (Soils)

According to the U.S. Department of Agriculture (USDA) Soil Survey Geographic (SSURGO) database (2001) and soil survey data gathered by Foote et al. (1972), the project area's soils consist mostly of Lihue silty clay (LhB) with some Lihue gravelly silt clay (LIB) (see Figure 5) (Foote et al. 1972: Sheets 30 and 31).

Lihue Series soils are described as follows:

consists of well-drained soils on uplands on the island of Kauai. These soils developed in material weathered from basic igneous rock. They are gently sloping to steep. Elevations range from nearly sea level to 800 feet. [...] These soils are used for irrigated sugarcane, pineapple, pasture, truck crops, orchards, wildlife habitat, woodland, and homesites. The natural vegetation consists of lantana, guava, koa haole, joee, kikuyugrass, molassesgrass, guineagrass, bermudagrass, and Java plum. [Foote et al. 1972:82]

Lihue silty clay (LhB) soils are further described as "on the tops of broad interfluves in the uplands" and "Permeability is moderately rapid. Runoff is slow, and the erosion hazard is no more than slight" (Foote et al. 1972:82).

Lihue gravelly silt clay (LIB) is similar "except that it contains ironstone-gibbsite pebbles and has brighter colors in the B horizon" (Foote et al. 1972:82).

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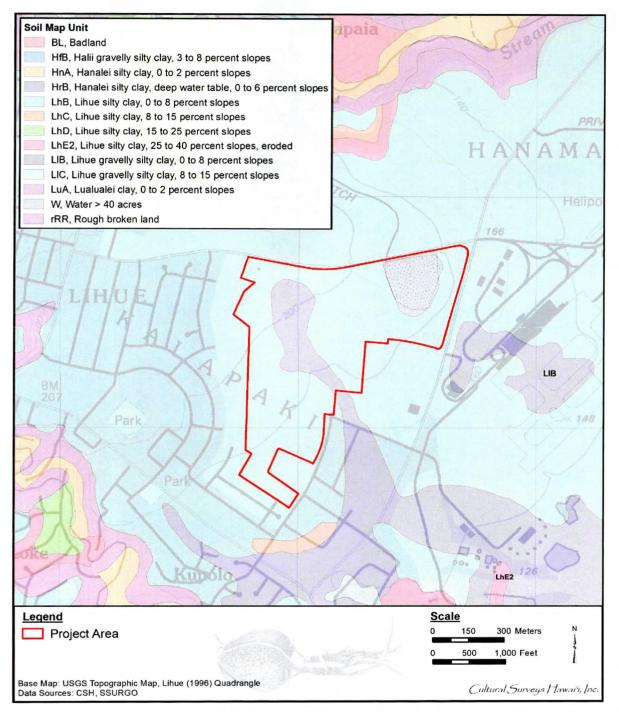


Figure 5. Overlay of *Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii* (Foote et al. 1972), indicating soil types within and surrounding the Wailani Subdivision project area (USDA SSURGO 2001)

1.4.2 Ka Makani (Winds)

Makani is the general Hawaiian term for the wind. *A'e loa* is another of the Hawaiian names given to the prevailing northeasterly trade winds (Nakuina 1992:138) along with A'e (Pukui and Elbert 1984:3), Moa'e, and Moa'e Lehua (Pukui and Elbert 1984:229). In the traditional story *The Wind Gourd of La'amaomao*, Pāka'a and his son Kūapāka'a are descendants of the wind goddess La'amaomao whose traditional home was in a wooden calabash (bowl), a gourd that also contained all of the sacred winds of Hawai'i. La'amaomao controlled and called forth the winds by chanting their names (Nakuina 1992). Kūapāka'a's chant traces the winds of Kaua'i. He calls upon the wind named Waikai of the *ahupua'a* of Kalapakī and Kā'ao of Hanamā'ulu (Nakuina 1992:53). Pukui and Elbert (1984:350) define *wai kai* as "brackish water, salty water." "Ka'ao" means "to blow in gusts or spurts with frequent lulls" (Pukui and Elbert 1984:101). The portion of Kūapāka'a's chant mentioning winds of the *moku* of Līhu'e is presented below:

Paupua is of Kipu,

Ala'oli is of Hule'ia,

Waikai is of Kalapaki,

Ka'ao is of Hanama'ulu,

Waipua'a'ala is the wind

That knocks down hale of Konolea,

Wai'opua is of Wailua,

[Nakuina 1992:53]

1.4.3 Ka Ua (Rains)

Precipitation is a major component of the water cycle, and is responsible for depositing *wai* on local flora. Pre-Contact *kānaka* (Native Hawaiians) recognized two distinct annual seasons. The first, known as *kau* (period of time, especially summer) lasts typically from May to October and is a season marked by a high-sun period corresponding to warmer temperatures and steady trade winds. The second season, *ho'oilo* (winter, rainy season) continues through the end of the year from November to April and is a much cooler period when trade winds are less frequent, and widespread storms and rainfall become more common (Giambelluca et al. 1986:17). Each small geographic area on O'ahu had a Hawaiian name for its own rains. According to Akana and Gonzalez (2015),

Rain names are a precious legacy from our kūpuna [elders] who were keen observers of the world around them and who had a nuanced understanding of the forces of nature. They knew that one place could have several types of rain, each distinct from the other. They knew when a particular rain would fall, its color, its duration, its intensity, its path, its sound, its scent, and its effect on the land and their lives [...] Rain names are a treasure of cultural, historical, and environmental information. [Akana and Gonzalez 2015:n.p.]

The *moku* of $L\bar{l}hu'e$ was no exception to the practice. Two rains were associated with $L\bar{l}hu'e$: the Pa'upili and the Kenikeni. Other rain names associated with the area include the 'Ala and the Lihau.

Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i

1.4.3.1 Pa'upili

In a textbook on Hawaiian language, *E Kama'ilio Hawai'i Kakou: Let's Speak Hawaiian*, Kahananui and Anthony describe the Pa'upili rain as "pili [grass] soaking." They noted that "*Līhu'e, Kaua'i, has a Pa'upili rain.*"

20. He ua Pa'upili (pili soaking) ko Līhu'e, Kaua'i. Līhu'e, Kaua'i, has a Pa'upili rain.

[Akana and Gonzalez 2015:226]

The Pa'upili rain is also mentioned in the *mele* (song) "Wailua alo lahilahi," also known as "Nani wale Līhu'e." The *mele* which is "credited by Lili'uokalani and Kapoli and by others to Leleiohoku and Mrs. Kamakua," describes Līhu'e as "*calm* [...] In the mist of the Pa'upili rain."

21. Nani wale Līhu'e i ka la'i

I ka noe a ka ua Pa'upiliī

So beautiful is Līhu'e in the calm

In the mist of the Pa'upili rain

[Akana and Gonzalez 2015:226]

In the *mele* "Maika'i Kaua'i," the Pa'upili rain is described as "drenching rain that clings to the house."

22. Ua nani wale 'o Līhu'e

I ka ua Pa'upili hale

I ka wai hu'ihu'i anu

Kahi wai a'o Kemamo

So very beautiful is Līhu'e

In the drenching [Pa'upili] rain that clings to the house

With the cold, refreshing waters

From the springs of Kemamo

[Akana and Gonzalez 2015:226]

1.4.3.2 Kenikeni

The Kenikeni rain of LTh'ue is mentioned in an obituary for Eda Kawaikauomaunahina Kalua.

1. E ka ua Kenikeni o Līhu'e, ua pau kou ho'opulu pē 'ana i ka 'ili o ku'u aloha.

O Kenikeni rain of Līhu'e, your drenching of my love's skin has ended.

From an obituary for Eda Kawaikauomaunahina Kalua. Hawaiian source: Kalua.

English trans. by author.

[Akana and Gonzalez 2015:77]

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The Kenikeni rain is also mentioned in a *kanikau* (lament) which was also written in honor of Eda Kawaikauomaunahina Kalua.

2. Me ka ua Kenikeni o Līhu'e

E uē helu mai 'o Kaapuwai

With the Kenikeni rain of Līhu'e

Kaapuwai wails, recounting your deeds

[Akana and Gonzalez 2015:77]

The annual rainfall at the neighboring Lihue Airport Station is 997 mm (39.3 inches) (Giambelluca et al. 2013), suggested as marginal for non-irrigated agriculture. Rainfall increases rapidly to the northwest with elevation, however, with Kukaua Station on Kilohana Crater reporting 2,490 mm (98.0 inches) per year, suggested as more than ample for non-irrigated agriculture.

1.4.4 Nā Kahawai (Streams)

The Līhu'e District is well-watered and is fed by six main water sources (following the DLNR Stream Summary 1993:23, from south to north), the Hulē'ia Stream, the Pū'ali Stream, the Nāwiliwili Stream, the Hanamā'ulu Stream, the small Kawailoa watercourse, and the Wailua River (with its many tributaries). The attractiveness of this region to the early Kaua'i residents is preserved in the following *'ōlelo no 'eau* (proverb):

He nani wale no o Puna mai 'o a 'o.

There is only beauty from one end of Puna to the other.

There is nothing to complain about-refers to Puna, Kaua'i. [Pukui 1983:91]

Two smaller streams, Koena'awa nui and Koena'awa iki, are identified in Land Commission documents, although neither of these is named on any extant maps. Given the gently sloping character of the natural lay of the land from Līhu'e to the coast, it is possible there were once a few other smaller drainages traversing what is now the airport, resort, and golf course area and that Native Hawaiian planters made use of this water (Figure 6).

On a four-point scale, Hanamā'ulu Stream is evaluated at a one or "Limited" for "aquatic" and "cultural" resources but is ranked as a three or "Substantial" for "riparian" and "recreational" resources (State of Hawaii Commission on Water Resource Management and National Park Service Rivers Trails and Conservation Assistance Program 1993).

1.4.5 Lihikai ame ka Moana (Seashore and Ocean)

Southeast of the project area is Nāwiliwili Harbor, a commercial deep-water port which accommodates "a wide range of vessels including passenger liners, interisland barges, freighters, and tankers" (Clark 1990:3). In *The Beaches of Kaua'i and Ni'ihau*, John R.K. Clark translates Nāwiliwili as "the wiliwili [*Erythrina sandwicensis*] trees" (Clark 1990:2). He notes, "These trees provided the Hawaiians with orange-to-red seeds that were strung into leis [garlands] and a very light wood that was used to make surfboards, canoe outriggers, and fishnet floats" (Clark 1990:2).



Figure 6. Kalapakī Bay, showing location of two streams and their outlets (red Xs) to Kalapakī Bay; Koena'awa Stream is on the left (Kaua'i Museum n.d.)

On the southern side of the Nāwiliwili Harbor is the Nāwiliwili Small Boat Harbor which includes a boat ramp, restrooms, and parking for automobiles and trailers. The Nāwiliwili Small Boat Harbor is utilized by both recreational and commercial vessels. It is also a favorite spot for shoreline fishermen (Clark 1990:3). On the northern side of the Nāwiliwili Harbor is Nāwiliwili Park, a long, narrow park whose entire seaward edge is formed by a concrete sea wall (Clark 1990:3). The park is primarily used for picnicking, fishing, and surfing. A surfing site known as Ammonias is located directly offshore from the wall. The northern end of Nāwiliwili Park adjoins Kalapakī Beach (Clark 1990:3).

Kalapakī Beach is the closest white sand beach to Līhu'e. The beach is a popular place for many types of recreational activities. The sandy and gently sloping ocean bottom provides favorable conditions for swimming (Clark 1990:3–4). Clark (1990:4–5) states, "The surfing site known as Kalapakī offshore the beach is an ideal beginner's surfing break with gentle waves that roll across a shallow sand bar." He notes, "Kalapakī is one of Kaua'i's historic surfing sites. The break was surfed and bodysurfed by ancient Hawaiians and later by non-Hawaiians who took up the sports." He adds, "Today the waves at Kalapakī continue to attract surfers, bodysurfers, and a large number of bodyboarders." Other types of ocean recreation are also popular at Kalapakī including "canoe surfing, fishing, snorkeling, windsurfing, and twin-hull sailing" (Clark 1990:5).

Located near the northern point of Nāwiliwili Harbor, Ninini Beach consists of "two large pockets of white sand, separated by lava rock at the base of a low sea cliff" (Clark 1990:5). Clark notes the beach is "subject at all times of the year to high surf and kona (southerly) storms, both of which may generate dangerous water conditions" (Clark 1990:5). The larger beach consists of a "gentle, rock-free slope leading into a sandy ocean bottom" (Clark 1990:5). Conditions are good for snorkeling and the shore break is frequented by bodysurfers during periods of high surf. The smaller beach is "rocky at the water's edge with pockets of sand and rock immediately offshore" (Clark 1990:5). Conditions at the smaller beach are also good for swimming and snorkeling. The smaller pocket beach is located approximately one-quarter mile from Ninini Point which is "marked by the Nawiliwili Light Station and the foundations of the former lighthouse keeper's quarters" (Clark 1990:5). Ninini Point is also a fishing spot that's very popular with shoreline fishermen.

Germane to this study is the description of another major natural landform, Hanamā'ulu Bay with Hanamā'ulu Beach Park at the head of the bay located just north up the coast.

The park is a popular picnic and camping site for local residents. The narrow sand beach that fronts the park slopes gently into a shallow, sandy sea bottom nearshore. Although the conditions seem ideal for swimming, the bay waters are usually murky and not particularly appealing for in-water activities Hanamā'ulu Stream crosses the southern end of the beach, discharging its silt-laden waters into the bay. The ocean currents circulating in the inner bay areas are not strong enough to flush out the murky water, so it lingers at the park's shoreline.

During the early 1970s the water flowing in Hanamā'ulu Stream was not only dirty, but polluted as well. On June 9, 1972, the beach at Hanamā'ulu was closed for public use due to the high bacterial pollution levels in the nearshore waters and in the adjoining stream. The pollution came from fecal matter from pasture animals in the upper valley and from the piggeries in upper Kapaia. It was spread by runoff into the stream from plantation irrigation water. The beach was reopened for public swimming in June two years later when the pollution problems were corrected.

The outer reaches of Hanamā'ulu Bay are much cleaner and attract scuba divers and other fishermen. Commercial net fishermen surround *akule* and other migratory schooling fish that appear seasonally. Mullet and sharks, particularly juvenile hammerheads, are also found in the bay. [Clark 1990:6]

Vegetation in the fallow former cane fields of the project area is a variety of noxious exotic weeds, grasses, and vines.

1.4.6 Built Environment

The proposed Wailani subdivision is largely undeveloped former sugarcane lands. The project area is bounded on two sides by major vehicular arteries, Ahukini Road to the north and Kapule Highway to the east. The west side is bounded by a Līhu'e town subdivision along Anahe Street and the southwest corner is bounded by a Līhu'e town subdivision along Kawili Street. The southeast corner of the proposed Wailani subdivision is bounded by Ho'olako Street, Kā'ana Street, and a mix of state and county facilities including Vidinha Stadium, Vidinha Stadium soccer fields, the police department, and the Circuit Court of the Fifth Circuit.

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Section 2 Methods

2.1 Archival Research

Research centers on Hawaiian activities including ka'ao (legends), wahi pana (storied places), '*ölelo no'eau* (proverbs), oli (chants), mele (songs), traditional mo'olelo (stories), traditional subsistence and gathering methods, ritual and ceremonial practices, and more. Background research focuses on land transformation, development, and population changes beginning with the early post-Contact era to the present day.

Cultural documents, primary and secondary cultural and historical sources, historic maps, and photographs were reviewed for information pertaining to the study area. Research was primarily conducted at the CSH library. Other archives and libraries including the Hawai'i State Archives, the Bishop Museum Archives, the University of Hawai'i at Mānoa's Hamilton Library, Ulukau, The Hawaiian Electronic Library (Ulukau 2014), the State Historic Preservation Division (SHPD) Library, the State of Hawai'i Department of Accounting and General Services Land Survey Division, the Hawaiian Historical Society, and the Hawaiian Mission Houses Historic Site and Archives are also repositories where CSH cultural researchers gather information. Information on Land Commission Awards (LCAs) were accessed via Waihona 'Aina Corporation's Māhele database (Waihona 'Aina 2022), the Office of Hawaiian Affairs (OHA) Papakilo Database (Office of Hawaiian Affairs 2015), and the Ava Konohiki Ancestral Visions of 'Āina website (Ava Konohiki 2020).

2.2 Community Consultation

We begin our consultation efforts with utilizing our previous in-house database of $k\bar{u}puna$, kama ' $\bar{a}ina$, cultural practitioners, lineal and cultural descendants, Native Hawaiian Organizations (NHOs; includes Hawaiian Civic Clubs and those listed on the Department of Interior's NHO list), and community groups. We also contact agencies such as SHPD, OHA, and the appropriate Island Burial Council where the proposed project is located for their response to the project and to identify lineal and cultural descendants, individuals, and/or NHO with cultural expertise and/or knowledge of the study area. CSH is also open to referrals and new contacts. A significant point of the outreach effort is a request for referrals to other $k\bar{u}puna$, kama ' $\bar{a}ina$, and traditional cultural practitioners knowledgeable about the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a.

Section 3 Nā Ka'ao and Mo'olelo

Hawaiian storytellers of old were greatly honored; they were a major source of entertainment and their stories contained lessons while interweaving elements of Hawaiian lifestyles, genealogy, history, relationships, arts, and the natural environment (Pukui and Green 1995:IX). According to Pukui and Green (1995), storytelling is better heard than read for much becomes lost in the transfer from the spoken to the written word and *ka 'ao* are often full of *kaona* or double meanings.

Ka 'ao are defined by Pukui and Elbert (1984:101) as a "legend, tale [...], romance, [and/or], fiction." Ka 'ao may be thought of as oral literature or legends, often fictional or mythic in origin, and have been "consciously composed to tickle the fancy rather than to inform the mind as to supposed events" (Beckwith 1970:1). Conversely, Pukui and Elbert (1984:234) define mo 'olelo as a "story, tale, myth, history, [and/or] tradition." The mo 'olelo are generally traditional stories about the gods, historic figures or stories that cover historic events and locate the events with known places. Mo 'olelo are often intimately connected to a tangible place or space (wahi pana).

In differentiating ka'ao and mo'olelo it may be useful to think of ka'ao as expressly delving into the wao akua (realm of the gods), discussing the exploits of akua (gods) in a primordial time. Mo'olelo on the other hand, reference a host of characters from ali'i (royalty) to akua; kupua (supernatural beings) to maka'āinana (commoners); and discuss their varied and complex interactions within the wao kānaka (realm of man). Beckwith elaborates, "In reality, the distinction between ka'ao as fiction and mo'olelo as fact cannot be pressed too closely. It is rather in the intention than in the fact" (Beckwith 1970:1). Thus a so-called mo'olelo, which may be enlivened by fantastic adventures of kupua, "nevertheless corresponds with the Hawaiian view of the relation between nature and man" (Beckwith 1970:1).

Both ka 'ao and mo 'olelo provide important insight into a specific geographical area, adding to a rich fabric of traditional knowledge. The preservation and passing on of these stories through oration remains a highly valued tradition. Additionally, oral traditions associated with the study area communicate the intrinsic value and meaning of a place, specifically its meaning to both kama 'āina as well as others who also value that place.

The following section presents traditional accounts of ancient Hawaiians living in the vicinity of the project area. Many relate an age of mythical characters whose epic adventures inadvertently lead to the Hawaiian race of *ali* '*i* and *maka* ' $\bar{a}inana$. The *ka* '*ao* in and around the project area shared below are some of the oldest Hawaiian stories that have survived; they still speak to the characteristics and environment of the area and its people.

3.1 Nā Ka'ao

3.1.1 Pele Chants of the Winds of Kalapakī and Hanamā'ulu

On a visit to Kaua'i, the Hawaiian volcano goddess Pele met the handsome Kaua'i chief, Lohi'au. When he requested a dance, Pele instead said she would chant all the wind guardians for Nihoa and Kaua'i. Going from west to east, she chanted the names of the winds, from Nāwiliwili Ahupua'a to Kalapakī Ahupua'a, to Ahukini Point in Kalapakī, to a reference to the inland area of the district of Līhu'e, to Kapaia, a village and *'ili* within Hanamā'ulu, then Hanamā'ulu Ahupua'a itself (place name locations from Soehren 2014).

He Hu'eone ka makani o Nāwiliwili	The wind of Nāwiliwili is a Hu'eone
He Wāmua ka makani o Kalapakī	The wind of Kalapakī is a Wāmua
He 'Ehukai ka makani o Ahukini	The wind of Ahukini is an 'Ehukai
He Pāhola ke kiu holo kiʻi makani	A Pāhola wind is the scout that
lele kula o Līhu'e	fetches the winds sweeping the Līiu'e plains
He Kuliʻāhiu ka makani o Kapaia	The wind of Kapaia is a Kuli'āhiu
He Hoʻoluakoʻinehe ka makani o	The wind of Hanamā'ulu is a
Hanamā'ulu	Ho'oluako'inehe

[Ho'oulumāhiehie 2008a:18:2008b:17]

The name of the wind (*makani*) of Kalapakī, "Wāmua," is uncertain. The name of the wind of Hanamā'ulu, "Ho'oluako'inehe," is not translated, but several Hawaiian winds begin with the term *ho'olua*, which is a strong, or forceful wind (Kent 1986:438). The name of the *makani* of neighboring Kapaia, "Kuli'āhiu," is also uncertain but ""āhiu" is a name for a wind of Kahana O'ahu with a connotation of "wild" or "untamed" (Pukui and Elbert 1984:7).

3.1.2 Legend of Uweuwelekehau

In Fornander's Hawaiian Antiquities and Folklore, a pioneering collection of Hawaiian lore, references are made to Kalapakī Ahupua'a, and to Līhu'e. One of the named Kaua'i winds, "He waikai ko Kalapakī," refers to the salty fresh water of Kalapakī (Fornander 1918-1919:5:96–97). The place name Līhu'e appears in the "Legend of Uweuwelekehau." Uweuwelekehau and his wife Luukia are being punished; they are stripped of their clothing and sent to Manā (at the west end of the island). When they reach the plains of Līhu'e, Luukia complains of her nakedness. Uweuwelekehau tells her they will find on a nearby hill a pa'u (skirt) and all manner of kapa (bark cloth), which they do (Fornander 1918-1919:5:196–197).

3.1.3 The Goddess Pele

During the 1920s, William Hyde Rice, a life-long resident of Kaua'i, recorded and collected Hawaiian lore of the island in *Hawaiian Legends* (1977). In that volume two place names in the vicinity of the present project area—Ninini and Ahukini—are mentioned once each. In "The Goddess Pele":

Two brothers of Pele who had come from foreign lands, saw Lohiau's body lying as a stone where the lava flow had overtaken him. Pity welled up [...] and they brought Lohiau to life again. One of these brothers made his own body into a canoe and carried the unfortunate Lohiau to Kauai, where he was put ashore at Ahukini. [Rice 1977:14]

Ahukini in the above quote probably refers to the *heiau*, which formerly stood in Kalapakī near Ahukini Point on the bluff overlooking the sea, since the name "Ahukini" means "altar of many blessings."

3.1.4 The Menchune

In "The Menehunes," a favorite place for their sport of jumping off cliffs into the sea is Ninini: "A [...] little beach surrounded by cliffs, just inside the point where the larger Nāwiliwili lighthouse now stands;" the tale also mentions that part of a large rock from Kīpūkai is at Ninini (Rice 1977:44).

3.2 Nā Wahi Pana

Wahi pana are legendary or storied places of an area. These may include a variety of natural or human-made structures. Oftentimes dating to the pre-Contact period, most wahi pana are in some way connected to a particular mo 'olelo, however, a wahi pana may exist without a connection to any particular story. Davianna McGregor outlines the types of natural and human-made structures that may constitute wahi pana:

Natural places have mana [spiritual power], and are sacred because of the presence of the gods, the akua, and the ancestral guardian spirits, the 'aumakua. Humanmade structures for the Hawaiian religion and family religious practices are also sacred. These structures and places include temples, and shrines, or heiau, for war, peace, agriculture, fishing, healing, and the like; pu'uhonua, places of refuge and sanctuaries for healing and rebirth; agricultural sites and sites of food production such as the lo'i pond fields and terraces slopes, 'auwai irrigation ditches, and the fishponds; and special function sites such as trails, salt pans, holua slides, quarries, petroglyphs, gaming sites, and canoe landings. [McGregor 1996:22]

As McGregor makes clear, *wahi pana* can refer to natural geographic locations such as streams, peaks, rock formations, ridges, offshore islands and reefs, or they can refer to Hawaiian land divisions such as *ahupua* 'a or 'ili, and man-made structures such as fishponds. In this way, the *wahi pana* of Kalapakī and Hanamā'ulu tangibly link the *kama* 'āina of Kalapakī and Hanamā'ulu to their past. It is common for places and landscape features to have multiple names, some of which may only be known to certain 'ohana (family) or even certain individuals within an 'ohana, and many have been lost, forgotten or kept secret through time. Place names also convey *kaona* (hidden meanings) and *huna* (secret) information that may even have political or subversive undertones. Before the introduction of writing to the Hawaiian Islands, cultural information was exclusively preserved and perpetuated orally. Hawaiians gave names to literally everything in their environment, including individual garden plots and 'auwai (water courses), house sites, intangible phenomena such as meteorological and atmospheric effects, *põhaku* (stone), *pūnāwai* (freshwater springs), and many others. According to Landgraf (1994), Hawaiian *wahi pana* "physically and poetically describes an area while revealing its historical or legendary significance" (Landgraf 1994:v).

The Wailani Subdivision project area is well back from the coast (1.8 km) and is relatively flat and featureless (see Figure 1 and Figure 3). It is understood to be relatively far from documented traditional habitations and traditional agricultural lands. *Wahi pana* tended to be associated with the coast and notable land forms.

3.2.1 Heiau

Heiau are most commonly associated with important religious ceremony; large structures with platforms or altars of one or more terraces were indicative of such function (McAllister 1933:8). Construction of some *heiau* was elaborate, consisting of large communal structures, while others were simple earth terraces or shrines (McAllister 1933:8).

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Thomas Thrum (1906) lists three *heiau* in Kalapakī: Ninini, Ahukini, and Pohakoelele. Wendell Bennett (1931:124–125) documented two *heiau* in Kalapakī: Ninini and Ahuhini (Ahukini) Heiau and Ka-lau-o-ka-manu in Hanamā'ulu. He noted that Ninini Heiau, which he identified as Site 100, is located "near the site of the Nawiliwili lighthouse" (Bennett 1931:124), and Ahuhini Heiau, which he identified as Site 101, is located "near Ahukini Point on the bluff overlooking the sea" (Bennett 1931:125). Ka-lau-o-ka-manu in Hanamā'ulu was at the south end of Kālepa Ridge. Ninini Heiau, Ahukini Heiau, and Ka-lau-o-ka-manu Heiau were described by Bennett as destroyed. According to Thrum (Bennett 1931:125), Ahukini was "[a] heiau of medium size; foundations only now remain."

Ahukini has been translated as "altar [for] many [blessings]," and this was also the name of a *heiau* in Kāne'ohe, O'ahu. The *heiau*, located near Ahukini Point, was likely named for Ahukinia-la'a, one of the three sons of La'a-mai-kahiki, an ancestor of the Kaua'i chiefly lines. Ahukini lived about AD 1250 (Wichman 1998:61) and became the *ali'i nui* (supreme chief) of the Puna district (Wichman 2003:39). Ninini has been translated as "pour," as in *ninini wai*, to pour water.

In her book, *Koamalu*, Ethel Damon (1931) mentions "three small heiaus" in Kalapakī: "Ninini, Ahukini and Pohako-eleele." She notes, "little more than the names survive" (Damon 1931:397–398).

A fourth *heiau* in Kalapakī was identified by Lt. George E.G. Jackson, Navy cartographer for the Hawaii Government Survey Office in 1881 at Kūki'i Point. The Kaua'i Community College newsletter, *Archaeology on Kauai*, notes these "remains of ancient heiau" identified by Jackson are "where the cottages of the Kauai Surf now stand" (Kaua'i Community College Volume 2; 4 October 1973:4).

Ka-lau-o-ka-manu Heiau in Hanamā'ulu was associated with two men who were turned to stone (Lahainaluna Students 1885:I:218 and Wichman 1998:61–62) and these stones certainly were storied places of Hanamāulu but these are believed to have been near the south end of Kālepa Ridge, approximately 2.0 km north of the Wailani Subdivision project area.

3.3 Nā 'Ōlelo No'eau

Hawaiian knowledge was shared by way of oral histories. Indeed, one's *leo* (voice) is oftentimes presented as *ho 'okupu* ("a tribute or giff" given to convey appreciation, to strengthen bonds, and to show honor and respect); the high valuation of the spoken word underscores the importance of the oral tradition (in this case, Hawaiian sayings or expressions), and its ability to impart traditional Hawaiian "aesthetic, historic, and educational values" (Pukui 1983:vii). Thus, in many ways these expressions may be understood as inspiring growth within the reader or between speaker and listener:

They reveal with each new reading ever deeper layers of meaning, giving understanding not only of Hawai'i and its people but of all humanity. Since the sayings carry the immediacy of the spoken word, considered to be the highest form of cultural expression in old Hawai'i, they bring us closer to the everyday thoughts and lives of the Hawaiians who created them. Taken together, the sayings offer a basis for an understanding of the essence and origins of traditional Hawaiian values. The sayings may be categorized, in Western terms, as proverbs, aphorisms, didactic adages, jokes, riddles, epithets, lines from chants, etc., and they present a variety of

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literary techniques such as metaphor, analogy, allegory, personification, irony, pun, and repetition. It is worth noting, however, that the sayings were spoken, and that their meanings and purposes should not be assessed by the Western concepts of literary types and techniques. [Pukui 1983:vii]

Simply, '*ölelo no 'eau* may be understood as proverbs. The Webster dictionary notes it as "a phrase which is often repeated; especially, a sentence which briefly and forcibly expresses some practical truth, or the result of experience and observation." It is a pithy or short form of folk wisdom. Pukui equates proverbs to a treasury of Hawaiian expressions (Pukui 1995:xii). Oftentimes within these Hawaiian expressions or proverbs are references to places. This section draws from the collection of author and historian Mary Kawena Pukui and her knowledge of Hawaiian proverbs describing '*āina*, chiefs, plants, and places.

3.3.1 *Ölelo No 'eau #* 838

The following *olelo no 'eau* describes the beauty of the *moku* of Puna. In traditional times, the *moku* of Līhu'e was known as Puna.

He nani wale no o Puna mai 'o a 'o.

There is only beauty from one end of Puna to the other.

There is nothing to complain about.

Refers to Puna, Kaua'i. [Pukui 1983:91]

3.3.2 *Ōlelo No 'eau #* 2467

The following *olelo no 'eau* describes Kilohana, a crater located *mauka* (toward the mountain) of Līhu'e (and northwest of the proposed Wailani Subdivision), and mentions that robbers hid and preyed on travelers along the old trail leading from Kona to Ko'olau.

O Kilohana ia, he 'awe'awe moku.

That is the Kilohana of the broken bundle cords.

Said of Kilohana above Līhu'e on Kaua'i. An old trail went by here, leading from Kona to Ko'olau. Robbers hid there and waylaid lone travelers or those in small companies and robbed them of their bundles. [Pukui 1983:269]

3.4 Nā Oli (Chants)

Oli, according to Mary Kawena Pukui (Pukui 1995:xvi-xvii) are often grouped according to content. Chants often were imbued with *mana* (divine power); such *mana* was made manifest through the use of themes and *kaona*. According to Pukui, chants for the gods (*pule*; prayers) came first, and chants for the *ali'i*, "the descendants of the gods," came second in significance. Chants "concerning the activities of the earth peopled by common humans" were last in this hierarchy (Pukui 1995:xvi-xvii). Emerson conversely states,

In its most familiar form the Hawaiians—many of whom [were lyrical masters] used the oli not only for the songful expression of joy and affection, but as the vehicle of humorous or sarcastic narrative in the entertainment of their comrades. The dividing line, then, between the oli and those other weightier forms of the mele,

the inoa, the kanikau (threnody), the pule, and that unnamed variety of mele in which the poet dealt with historic or mythologic subjects, is to be found almost wholly in the mood of the singer. [Emerson 1965:254]

While *oli* may vary thematically, subject to the perspective of the *ho* 'opa'a (chanter), it was undoubtedly a valued art form used to preserve oral histories, genealogies, and traditions, to recall special places and events, and to offer prayers to *akua* and '*aumākua* alike. Perhaps most importantly, as Alameida (1993:26) writes, "chants [...] created a mystic beauty [...] confirming the special feeling for the environment among Hawaiians: their *one hānau* (birthplace), their *kula iwi* (land of their ancestors)."

3.4.1 Pele

On a visit to Kaua'i, the Hawaiian volcano goddess, Pele, met the handsome Kaua'i chief, Lohi'au. When he requested a dance, Pele instead said she would chant all the wind guardians for Nihoa and Kaua'i. Going from west to east, she chanted the names of the winds, including those for Kīpū Kai, Kīpū, Ha'ikū Niumalu, Nāwiliwili, and Kalapakī:

Не Риариа 'арапо 'о ко Кīрū Каі…

He Puapua'a ke makani o Kĩpũ Uka...

He Hāpuku me Ala'oli nā makani kuehu lepo o Helē'ia,

He Lawekiupua'i'i ka makani o Alekoko

Nahā ka mākāhā, lele ka 'upena a nā akua, Kāne a me Kanaloa

He Kāhuilipi'i ka makani o Niumalu

He Waiohue ka makani o Pāpālinahoa

He Hu'eone ka makani o Nāwiliwili

He Wāmua ka makani o Kalapakī

He 'Ehukai ka makani o Ahukini

He Pāhola ke kiu holo ki'i makani lele kula o Līhu'e.

[Ho'oulumāhiehie 2008a:17–18]

Kīpū Kai has a Puapua'apano'o wind...

The wind of Kīpū Uka is a Puapua'a...

The dust stirring winds of Hulē'ia [Ha'ikū] are a Hāpuku and an Ala'oli

The wind of 'Alekoko [fishpond in Niumalu] is a Lawekiupua'i'i

The sluice-gate breaks [reference to fishpond], the net of the gods, Kane and

Kanaloa, flies

The wind of Niumalu is a Kāhilipi'i

The wind of Pāpālinahoa ['ili of Nāwiliwili] is a Waiohue

The wind of Nāwiliwili is a Hu'eone

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The wind of Kalapakī is a Wāmua

The wind of Ahukini is an 'Ehukai

A Pāhola wind is the scout that fetches the winds sweeping the Līhu'e plains.

[Ho'oulumāhiehie 2008b:17]

A similar chant of the winds of Kaua'i was called by the boy Kūapāka'a, who controlled the magical wind gourd of La'amaomao (Nakuina 1992):

Paupua is of Kīpū,

Ala'oli is of Hulēia,

Waikai is of Kalapakī,

Kā'ao is of Hanamā'ulu,

Waipua'a'ala is the wind

That knocks down hale of Konolea,

Wai'ōpua is of Wailua.

[Nakuina 1992:53]

3.5 Nā Mele (Songs)

The following section draws from the Hawaiian art of *mele*, poetic song intended to create two styles of meaning.

Words and word combinations were studied to see whether they were auspicious or not. There were always two things to consider the literal meaning and the *kaona*, or 'inner meaning.' The inner meaning was sometimes so veiled that only the people to whom the chant belonged understood it, and sometimes so obvious that anyone who knew the figurative speech of old Hawai'i could see it very plainly. There are but two meanings: the literal and the *kaona*, or inner meaning. The literal is like the body and the inner meaning is like the spirit of the poem. [Pukui 1949:247]

The Hawaiians were lovers of poetry and keen observers of nature. Every phase of nature was noted and expressions of this love and observation woven into poems of praise, of satire, of resentment, of love and of celebration for any occasion that might arise. The ancient poets carefully selected men worthy of carrying on their art. These young men were taught the old *meles* and the technique of fashioning new ones. [Pukui 1949:247]

There exist a few *mele* that concern or mention Kalapakī, Hanamā'ulu or Līhu'e. These particular *mele* may also be classified as *mele wahi pana* (songs for legendary or historic places). *Mele wahi pana* such as those presented here may or may not be accompanied by *hula* (dance) or *hula wahi pana* (dance for legendary or historic places). As the Hula Preservation Society notes,

Hula Wahi Pana comprise a large class of dances that honor places of such emotional, spiritual, historical, or cultural significance that chants were composed for them. Only the composers of the chants could know the deepest meanings, as

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they would be reflections of their feelings and experiences [...] Since the subjects of *Wahi Pana* compositions are extremely varied, their implementation through hula are as well. Coupled with the differences from one *hula* style and tradition to the next, *Hula Wahi Pana* can be exceptionally diverse. They can be done sitting or standing, with limited body movement or wide free movement; with or without the use of implements or instruments; with the dancers themselves chanting and/or playing an implement or being accompanied by the *ho 'opa 'a* [drummer and *hula* chanter (memorizer)]. Beyond the particular *hula* tradition, what ultimately determines the manner in which a *Hula Wahi Pana* is performed are the specific place involved, why it is significant, the story being shared about it, and its importance in the composer's view. [Hula Preservation Society 2014]

3.5.1 Lihu'e

The following *mele* was composed by Annie Koulukou for the town of Līhu'e. The *mele* describes Līhu'e as "beloved" and mentions the Paupili rain (Huapala n.d.a). The *mele* also mentions Niumalu Beach and Hauola Ridge which are located near Līhu'e (Huapala n.d.a).

Aloha 'ia no a'o Lihu'e	Beloved is Lihu'e
I ka ne'e mai a ka ua Paupili	In the moving of the Paupili rain
Ua pili no au me ku'u aloha	I am close with my love
Me ke kai nehe mai a'o Niumalu	By the murmuring sea at Niumalu
Ua malu ko kino na'u ho'okahi	Your body is reserved for me alone
Na ka nani pua rose a'o Hauola	By the beautiful rose blossom of Hauola
Ua ola no au me ku'u aloha	My very life is my love
A kau i ka pua o ka lanakila	Worn as the flower of victory
Kilakila Haʻupu aʻe ku nei	Majestic is Ha'upu standing there
Kahiko i ka maka aʻo ka opua	Adorned in the mist of the clouds
A he pua lei momi na kuʻu aloha	A lei of pearls from my love
Ua sila paʻa ia i ka puʻuwai	Was sealed in my heart
A he waiwai nui na'u ko aloha	Great riches is your love to me
Kaulana no ka 'āina malihini	Famous indeed the new land
Hea aku no wau o mai 'oe Na ka pua lei momi poina 'ole	I call, you answer For the unforgettable person, precious as a rare shell lei
[Huapala n.d.a]	

3.5.2 Maika'i Kaua'i

The following *mele* was based on an *oli* by Kapa'akea, father of David Kalākaua, which was composed in honor of Keolaokalani, Bernice Pauahi Bishop's *hānai* (adopted) child who passed away at the age of seven months. The *oli* may have been originally composed in honor of the chief of Kaua'i, Kaumuali'i. Henry Waiau, choir director of the Līhu'e Hawaiian Congregational Church composed the accompanying music titled *Lei I Ka Mokihana* (Huapala n.d.b). The *mele* describes Līhu'e as "beautiful" and also describes the Pa'upili rain as "the drenching rain that clings to the house" (Huapala n.d.b).

Maika'i nō Kaua'i	So fine is Kaua'i
Hemolele i ka mālie	So perfect in the calm
Kuahiwi Waiʻaleʻale	Beautiful Mount Wai'ale'ale
Lei ana i ka mokihana	Wears the mokihana lei
Hanohano wale lei 'o Hanalei	So glorious is Hanalei
I ka ua nui hōʻehaʻili	Rain that hurts the skin
I ka wai 'u'inakolo	The rustling water
I ka poli o Nāmolokama	In the bosom of Nāmolokama
Ua nani wale 'o Līhu'e	So beautiful is Līhu'e
I ka ua paʻū pili hale	In the drenching rain that clings to the house
I ka wai huʻihuʻi anu	With the cold refreshing waters
Kahi wai a'o Kēmano	From the springs of Kemano
Kaulana wale 'o Waimea	Renowned is Waimea
I ke one kani o Nohii	With the roaring sands of Nohili
I ka wai 'ula 'iliahi	Amisst the red tinged waters
A he wai na ka malihini	Water that visitors enjoy
Maika'i wale nō Kaua'i	So beautiful is Kauaʻi
Hamolala wala i ka mālia	So perfect in the calm

Hemolele wale i ka mālie Kuahiwi nani Waiʻaleʻale Lei ana i ka mokihana [Huapala n.d.b] So beautiful is Kaua'i So perfect in the calm Beautiful Mount Wai'ale'ale Wears the mokihana lei

Section 4 Traditional and Historical Background

4.1 Pre-Contact Settlement Patterns

The *ahupua* 'a of Kalapakī and Hanamā'ulu were permanently inhabited and intensively used in pre-Contact and early historic times. At the coastal areas were concentrations of permanent house sites and temporary shelters, *heiau*, *ko* 'a and $k\bar{u}$ 'ula (both types of relatively small shrines dedicated to fishing gods), and numerous trails. The *kula* (dry inland areas) of these *ahupua* 'a contained native forests and were cultivated with crops of *wauke* (paper mulberry, *Broussonetia papyrifera*), 'uala (sweet potatoes, *Ipomoea batatas*), and *ipu* (bottle gourd). Legends and historic documentation (especially Land Commission records) elaborate on many of these important natural resources.

Traditional fishing hamlets were once located near the seashore at Kalapakī, east and north (around and up the coast) of Kalapakī Beach and in Hanamā'ulu stream valley. *Loko* (fishponds) and small drainages were inland of these settlement areas. Land Commission documents indicate a land use pattern that may be unique to this part of the island, or to Kaua'i in general, in which *lo'i* (irrigated taro patch) and *kula* lands are described in the same 'āpana (lot), with house lots in a separate portion. In most places, *kula* lands are defined as drier landscapes, and they do not typically occur next to, and among, wetter *lo'i* lands. Also, according to Hammatt and Creed (1993:23), "there are several [LCA] references to other *lo'i* next to the beach which indicate wetland cultivation extending right to the shoreline." This is another type of land use that seems to be fairly unique to Kaua'i.

Nāwiliwili Stream has formed extensive natural (alluvial) terraces along its length. Two smaller streams (Koena'awa nui and Koena'awa iki) are identified in Land Commission documents as draining into Kalapakī Bay. Hanamā'ulu stream valley afforded substantial bottom lands for taro cultivation.

4.2 Place Names of Kalapakī and Hanamā'ulu

Place name translations presented in this subsection are from *Place Names of Hawaii* (Pukui et al. 1974), unless indicated otherwise. Lloyd Soehren (2013) has lately compiled all of the place names from mid-nineteenth century land documents into an online database. He presents spelling and meanings of names from Pukui et al. (1974). When no meaning from this book is given, he often suggests meanings for simple names based on meanings from Pukui and Elberts' (1984) *Hawaiian Dictionary*. Relatively few place names have been reported for Hanamā'ulu and Kalapakī *ahupua'a*. A study by Creed et al. (2006:67--69) provides a list of identified place names of Kalapakī (Table 1) and Hanamā'ulu (Table 2).

The original *moku* for the study area covered in this report was Puna, which means "spring of water." Līhu'e (literally translated as "cold chill"; Pukui et al. 1974:132) became the modern political name for the traditional *moku* of Puna. According to Ethel Damon (1931:402), the name Līhu'e was first applied to this area by Kaikio'ewa, Governor of Kaua'i in the 1830s, perhaps after Kaikio'ewa's upcountry residence on the island. This late derivation of the name has been recently disputed (Griffin 2012:46).

Place name	Comment/Sources	
Hanoi pali	Name of <i>pali</i> (cliff) in land claim 3325	
KalapakīBeach, Līhu'e District, Kaua'i (Pukui, Elbert and Mookini 1974); village, brook/ stream (land claims LCA 3249, LCA 3280, LCA 32 LCA 3425); "double-yolked egg" (Wichman 1998:59); Wichman story for this name is no longer known.		
Kamilo Point	Līhu'e district, Kaua'i probably; lit. the <i>milo</i> tree (Pukui, Elbert and Mookini 1974), shore point (USGS map)	
Keahekea / Kaahakea	'Ili in Kalapakī (land claim LCA 3642) Keahakea; lit. Bobea trees and shrubs (Pukui, Elbert and Mookini 1974)	
Keahua/Keakua	'Ili in Kalapakī (land claim 3280). Keahua; lit. the mound (Pukui, Elbert and Mookini 1974)	
Kena	'Ili in Kalapakī (land claims LCA 238P and LCA 3325)	
Kiolepo	'Ili in Kalapakī (land claim LCA 3425)	
Koenaawanui	Muliwai in Kalapakī (land claim LCA 3280); see Koenaawa	
Koenaawa Stream (land claim LCA 3643); by inference from Koenalimu mean "remaining <i>limu</i> or seaweed" possible meaning "remaining <i>'awa</i> ."		
Koenawaiiki Stream, fishpond, <i>pali</i> and sea (land claims LCA 3280 and LCA Koenaawa		
Kuhiau <i>Heiau</i> in Nāwiliwili, name meaning "I gesture"; a <i>heiau</i> in continual us (Wichman 1998:59); Site 99. Kuhiau Heiau, at Nāwiliwili near the site courthouse. Thrum describes this structure as follows: "A large paved <i>i</i> whose enclosure covered an area of about four acres; long since destroy. The rock Paukini, now separate from but formerly connected with the s was where the kahuna lived. This is said to have been the largest and m famous on Kaua'i in its day" (Bennett 1931:124). Pua-kini "multitude flowers" is a rock on the reef "where the <i>kahuna nui</i> of Kuhiau lived. T rock and the reef were covered over with dirt to create the modern port Puakini can be seen in old photographs" (Wichman 1998:59) *near Ka but in Nāwiliwili		
Kukii Point	Place name on shore at Kalapakī (USGS map); point and surfing area north of Nāwiliwili Bay; lit., standing image (Pukui, Elbert and Mookini 1974); George E.G. Jackson, Navy cartographer for the Hawaii Government Survey Office in 1881 showed remnants of a large <i>heiau</i> at this point, but did not give it a name.	

Table 1. Place names of Kalapakī (largely adapted from Creed et al. 2006:71-73)

Place name Comment/Sources		
Ninini	Līhu'e district, Kaua'i; Point; Site 100. Ninini Heiau, in Kalapakī near the site of the Nāwiliwili lighthouse. It is now all destroyed (Bennett 1931:124). Lit. meaning of Ninini: pour (Pukui, Elbert and Mookini 1974); the name "comes from the favorite pastime of the Menehune. They carried small stones with them from their mountain homes when they went to swim and placed these stones in heaps on the top of their preferred cliffs. Then they would toss a stone into the sea and jump feet first into the water to catch the stone before it disappeared into the depths" (Wichman 1998:60).	
Nuuhai/Kuuhai	'Ili near shore in Kalapakī (land claim LCA 3408)	
Opoi Place name on shore at Kalapakī (USGS map) on the boundary with Hanamā'ulu (Boundary description)		
Palanohi/'Ili in Kalapakī, pali (land claim LCA 10632) Palauohi—gulch listedPalauohiBoundary description of Kalapakī along the Nāwiliwili boundary		
Pau /Paau 'Ili in Kalapakī (land claim LCA 3907)		
Pohaluau/'Ili in Kalapakī (land claim LCA 3249 and LCA 3643)Puhauluau		

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Place name	Comment/Sources
Ahukini	Coastal land section and landing north of Nāwiliwili, Kaua'i, named for a son of La'a-mai-Kahiki, who came from Tahiti. Former <i>heiau</i> . Lit., altar [for] many (blessings] (Pukui, Elbert and Mookini 1974), landing, <i>heiau</i> , port community; first port on Kaua'i to have pier-to-ship facilities, ca.
	1920-1950; Ahukini Camp (<i>Garden Island</i> 1993), Ahukini Road (USGS map); Chief Ahukini lived ca. AD 1250 and was one of the three sons of La'a-mai-kahiki, who had come from Raiatea in the Society Islands to
	visit with his foster father Mō'īkeha (Wichman 1998:61).
Halu falls	Falls (TMK: [4] 3-8-001)
Hanamā'ulu	Landing land section, village, bay, ditch, river, beach park, and birthplace of the hero Ka-welo, Līhu'e district; lit. tired (as from walking) bay (Pukui, Elbert and Mookini 1974); Hanamaulu Mill (TMK: [4] 3-8); it was off the main around-the-island trail and a traveler had to walk extra miles to get there (Wichman 1994:61).
Hanawale	Fishing village near Līhu'e (Wilkes, Narrative of the United States Exploring Expedition, Volume 4, 1845:68)
Hipa	Road (TMK:[4] 3-8)
Hoena	'lli in Hanamā'ulu (land claim LCA 3558)
Kaaukai	<i>'Ili</i> in Hanamā'ulu (land claim LCA 3650)
Kahoewa	<i>'Ili</i> at shore in Hanamā'ulu (land claim LCA 3246)
Ka-ʻiliʻili-ahi-nale Ka-ʻili-hina-lea Ka lau o ka manu	"pebblestone of the clear fire.[] The name is a reference to the markers used in the game $k\bar{o}nane$, a form of checkers, in which one player used white stones and the other either black or red stones. It is played on a square board and the object is to occupy as much space as possible. Perhaps there was a source of fiery red pebbles on this particular peak that a player would be delighted to use" (Wichman 1998:62–63). There is some uncertainty, but this may be the same as "Ka-ili-hina-lea" on Kaua'i that Rice (1923:49) associates with a story of bird catchers (for their feathers). <i>Heiau</i> of the <i>po'okanaka</i> type, or one in which human sacrifices were
Heiau	offered; most of the stones from this enclosure were taken to make firm the foundation of the Hanamaulu sugar mill (Damon 1931:397), Site 102, Kalauokamanu Heiau, in Hanamā'ulu above the present mill. Described by Thrum as "A large walled <i>heiau</i> that stood above the present mill; destroyed about 1855. Of <i>po 'okanaka</i> class" (Bennett 1931:125); "tip of the endpiece of the canoe"; this <i>heiau</i> was "greatly feared because of the many human sacrifices that were made there. The stench was so bad that travelers would hurry past holding their noses. This was a large walled temple that was destroyed in 1855 to make the foundations for the Hanamaulu sugar mill" (Wichman 1998:62)

Table 2. Place names of Hanamā'ulu (largely adapted from Creed et al. 2006:67–70)

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Place name	Comment/Sources		
Kālepa	Ridge, forest reserve, and trail, Līhu'e, Kaua'i. Lit. trade (Pukui, Elbert and Mookini 1974); the name has two meanings. The oldest meaning is		
	"to flutter," "to wave," or "marker flag or ensign." This gives rise to the		
	newer meaning, which is "to trade," "to sell," or "to peddle," or as a		
	noun, "trader," "peddler," or "salesman." Anyone who had articles for		
	barter would raise a flag to indicate that <i>poi</i> or some other article was for		
	sale or trade (Wichman 1998:61).		
Kamakaihanahana	Name of village (kulanakauhale) in land claim LCA 3653 for		
/Kamakahanahana	Hanamā'ulu; name of 'ili in land claim LCA 3644		
Kamilo Point	Name of land formation on USGS map		
Kapaia.	Village, stream, and reservoir in Līhu'e, Kaua'i; name of <i>'ili</i> and in land claim LCA 3371 for Hanamā'ulu; lit. the walls or bowers (Pukui, Elbert and Mookini 1974)		
Kapapa	Name of 'auwai in land claim LCA 3647 for Hanamā'ulu; lit. unity (Pukui, Elbert and Mookini 1974)		
Kapuhala	Name of <i>'ili</i> in land claim LCA 3426 for Hanamā'ulu, possible meaning		
Isapunan	tabooed or reserved hala (pandanus) grove		
Kauai Memorial	Cemetery in Hanamā'ulu Ahupua'a, Kaua'i (USGS)		
Gardens			
Kawailoa	Stream at the sea on northern boundary (State Survey Office Document		
	336, boundaries of Hanamā'ulu)		
Kaili'iliahinale	Hill on the Wailua boundary (Boundary description of Hanamā'ulu)		
Ke-'alohi-waiThe cliffs of Nā-pali-'o'oma-o-Hanamā'ulu renamed this "in hon dream woman from O'ahu" (Wichman 1998:62)			
Kilohana CraterMeaning "vantage point" (Wichman 1998:60); a collapsed crat summit of a small shield volcano that fills most of the southern the Lihue Basin (Macdonald:459); a home of the Uwa'u (petre (Damon 1931:393–394)			
Kuha	Name of 'ili in land claim LCA 3271 for Hanamā'ulu		
Limawela	Name of <i>'ili</i> in land claims LCA 3640, LCA 3657, LCA 5640B for Hanamā'ulu near border of Kalapakī		
Makali'i'Ili named in land claim LCA 3271 for Hanamā'ulu; lit, tiny (Pukui, Elbert and Mookini 1974); Hawaiian month name; th summer months collectively (Pukui and Elbert 1986); Makali (December-January) Makali'i refers to the little (li'i) eyes (m 			
Maulili	Name of <i>'ili</i> in land claim LCA 3653 for Hanamā'ulu (Pukui, Elbert and Mookini 1974 list this place name in Maui but give no definition)		
Moala Name of land awarded in land claim LCA 3647 for Hanamā'ulu, name of an edible crab, or to relish food (mo'ala) (land Elbert 1986)			
Momakuhana	Name of hill on border between Hanamā'ulu and Ha'ikū (Boundary description of Hanamā'ulu)		
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Place name	Comment/Sources		
Nā-pali-'o'oma-o-	"concave cliffs of Hanama'ulu"; across the bay from Ahukini (Wichman		
Hanamā'ulu	1998:62)		
Noni/Ononi	Name of 'ili in land claim LCA 3649 for Hanamā'ulu; meaning possibly		
	the pandanus tree (Pukui and Elbert 1986)		
Nukoli'i	Clark 1990:6		
Okinawa Nukoli'i	Reservoir in Hanamā'ulu Ahupua'a, Kaua'i (USGS); probably a		
Reservoir	reservoir built with Okinawan laborers		
Opai/Opoi	Name of 'ili (Opai) in land claim LCA 3392B for Hanamā'ulu; (Opoi		
	listed as northeasterly corner of land of Kalapakī in Hanamā'ulu in		
	Boundaries of Hanamā'ulu)		
Palaha / Palaka	Name of 'ili in land claim LCA 3600 for Hanamā'ulu		
Papua'a	Name of ' <i>ili ku</i> in land claim LCA 3647 for Hanamā'ulu; lit. pig pen;		
	Pukui and Elbert 1974); the pig pen is often described in the Māhele		
	documents as belonging to the konohiki (headman of the ahupua'a) or in		
	common to the ahupua 'a		
Peaiki Name of an <i>'ili</i> in land claim LCA 3271 for Hanamā'ulu			
Ро-ро-ріі	The Menehune hill today no longer known; connected with a Kilohana		
	Crater story (Damon 1931:396); listed in Pukui, Elbert and Mookini 1971		
	as Po'opo'oiki, a valley in northeast Kaua'i, with meaning "small		
	depression"		
Puaka Name of village named in land claim LCA 3271 for Hanamā'u			
Pukakolu	Name of kulanakauhale in land claim LCA 3650 for Hanamā'ulu		
Waiahi	"In the interior of the <i>ahupua</i> 'a is the stream Wai-ahi, 'fiery water,' that		
	flows from Wai-'ale'ale into the Wai-aka, 'reflecting stream.' The waters		
	of the stream were considered a kupua (the body of a supernatural		
	being)" (Wichman 1998:60).		
Waiaka	"reflecting stream" see "Waiahi" (above) (Wichman 1998:60)		
Waiaoao F.T./ Name of ' <i>ili</i> in land claim LCA 3558 for Hanamā'ulu; Waiaauau;			
Waiauau (NT.)bathing place or pool (Pukui and Elbert 1986)			
Waieo	Name of <i>'ili</i> in land claim LCA3647 for Hanamā'ulu		
Waiu	Land area, Līhu'e District; lit. female breast (Pukui, Elbert and Mookini		
	1974)		
Wilcox Memorial	Hospital in Hanamā'ulu Ahupua'a, Kaua'i (USGS) named for George N.		
Hospital Wilcox (1839-1933) (Pukui, Elbert and Mookini 1974)			

Kalapakī Ahupua'a is described as a land division and a beach in Pukui et al. (1974:75), but no meaning is presented. Pukui and Elbert (1984:113) define the word *kalapakī* (with a small "k") as "double-yolked egg, Kaua'i." Kalapakī was also the name of a village located along the coast. According to Hammatt and Creed (1993:22), Land Commission documents demonstrate that the "village of Kalapakī" was synonymous with the "ill of Kuuhai."

Kalapakī is separated from Hanamā'ulu Ahupua'a to the north at the shore by a boundary point called Opoi. Along the Kalapakī shore, going south, are Ahukini [Ahuhini] Point, Kamilo Point, Ninini Point, Kūki'i Point, and Kalapakī Beach. The boundary line inland between Kalapakī and Hanamā'ulu extended due west to a wetland at the end of Kapaia Ditch, then along another straight line to the junction of the ditch with Hanamā'ulu Stream, then along a straight line to a hill called Kamoanakukaua, on the eastern edge of Kilohana Crater.

From there the boundary extended back to the shore along the boundary with Nāwiliwili Ahupua'a, to a point on a ravine called Palauohi, then extending down Nāwiliwili Stream to its mouth at the shore. As noted, Kalapakī had several noted coastal points, Opoi, Ahukini ("altar for many blessings"), Kamilo ("probably, the milo [Thespesia populnea] tree"), Ninini ("pour"), and Kūki'i ("standing image").

According to a collection of Kaua'i place names by Kelsey (n.d.), Kalapakī was also known in traditional times as "Ahukini," as in the following *'olelo no 'eau*:

Ahukini, oia ka inoa nui o ka'aina a hiki Hanamā'ulu.

Ahukini is the overall name of the land next to Hanamā'ulu.

Claims for house lots or agricultural patches were made in ten *'ili 'āina* (small land divisions) within Kalapakī Ahupua'a: Ka'ahakea (named for a native tree, *Bobea* spp.; Soehren 2013); Keahua ("the mound"); Kena ("quenched of thirst, or weary from heavy toil;" Soehren 2013); Ki'olepo ("swamp or a mud puddle;" Soehren 2013); Koena'awaiki; Koena'awanui; Nu'uhai; Palauohi; Pau; and Pūhaulū'au.

Storied place names of Hanamā'ulu include Ahukini, Hanamā'ulu bay and valley, the location of the *heiau* of Ka-lau-o-ka-manu (Lahainaluna Students 1885:I:218, Wichman 1998:61–62), and the cliffs of Nā-pali-'o'oma-o-Hanamā'ulu which were renamed Ke-'alohi-wai "in honor of the dream woman from O'ahu" (Wichman 1998:62)

4.3 Early Historic Period

The first written accounts of the lifestyle on Kaua'i are from travelers, missionaries, and surveying expeditions. Missionary accounts from the first half of the nineteenth century provide the majority of the early written records for this portion of Kaua'i.

Ethel Damon, in *Koamalu*, repeats the scenic description of Līhu'e given by Reverend Hiram Brigham in his book, *A Residence of Twenty-One Years in the Sandwich Islands*, published in 1847:

In 1824, when walking around the island from Waimea to counsel the people after the wreck of The Cleopatra's Barge, Rev. Hiram Bingham crossed from Hanapepe, as has been seen, over the old upland trail back of Kilohana, and wrote of it as 'a country of good land, mostly open, unoccupied and covered with grass, sprinkled with trees, and watered with lively streams that descend from the forest-covered mountains and wind their way along ravines to the sea,' —a much finer country than the western part of the island. [Damon 1931:401]

In the Narrative of the United States Exploring Expedition (1845), Lt. Commander G.E.G. Wilkes describes the "Lihui" District:

At noon they reached Lihui, a settlement lately undertaken by the Rev. Mr. Lafon, for the purpose of inducing the natives to remove from the sea-coast, thus abandoning their poor lands to cultivate the rich plains above. Mr. Lafon has the charge of the mission district lying between those of Koloa and Waioli. This district was a short time ago formed out of the other two.

[...] The temperature of Lihui has much the same range as that of Koloa, and the climate is pleasant: the trade-winds sweep over it uninterruptedly, and sufficient rain falls to keep the vegetation green throughout the year.

As yet there is little appearance of increase in industry, or improvement in the dwellings of the natives. There are no more than about seventy pupils in this district, who are taught by natives. There are two houses of worship, and about forty communicants. No decrease is apparent in the population within a few years.

On the fertile places, although the pasture was good, yet no cattle were to be seen.

From Lihui, they pursued their way to Hanawale, which is a small fishing village at the mouth of a little stream. The country on this route was uninteresting, until they reached Wailua [...] [Wilkes 1845:67–68]

Cutting and shipping sandalwood to Asia was probably the first real "industry" seen from a western perspective. We have only one indirect reference to the sandalwood trade in the Līhu'e area. Ethel Damon records that early settler Richard Isenberg had been told by Chief Forester C.S. Judd that Mount Kālepa had formerly been covered with sandalwood (Damon 1931:913).

The sandalwood trade or industry was soon replaced by the whaling trade. Between the 1840s and 1860s, whaling ships came to Hawai'i to spend the winter, repair their ships, recruit sailors, leave sick sailors behind, and stock up supplies for the next season. Early historical accounts relate that Kōloa, on the south side of Kaua'i, was a major port or roadstead for the victualing trade for whalers, fur traders, and merchant ships plying their trades between Asia and the west and back and forth to the Arctic. Though there is no specific evidence that crops raised in the Līhu'e area were for trade in Kōloa, the roadstead would have provided residents of Līhu'e with a market for their produce:

The principal village is Nawiliwili, ten miles east of Koloa. This district contains about forty square miles, being twenty miles long by two broad. The soil is rich: it produces sugar-cane, taro, sweet-potatoes, beans, &c. The only market is that of Koloa. The cane suffers somewhat from the high winds on the plains. [Wilkes 1845:67–68]

While sweet potatoes, gourds, sugarcane, and *wauke* were important commodities in pre-Contact days, they supplemented the basic traditional diet of fish and taro. Thus, early foreign

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ideas of fertility and industry, backed by the needs of traders and whalers for supplies, mark the beginning of the shift to cash crops as the new landscape of inland "fertile plains."

Missionaries came to preach and teach western religion and culture. Missionary-sponsored schools of Līhu'e are also documented by Damon:

1842: Number of schools in Lihue district 5: teachers 7: scholars 185; of whom readers 123, writers 28, those in arithmetic 64, and in geography 8. The Catholics have succeeded in getting away 12 children from one of these schools. [Damon 1931:407]

4.4 The Māhele and the Kuleana Act

Paulo Kanoa, Governor of Kaua'i at the time of the Māhele claimed both the *ahupua'a* of Hanamā'ulu and Kalapakī but was awarded neither. Victoria Kamāmalu was awarded both *ahupua'a* under Land Commission Award (LCA) 7713:2. The Victoria Kamāmalu award (LCA 7713:2 part 7) includes all the land within the present project area. There were no commoner awards anywhere nearby.

The locations of *kuleana* or commoner land claims of the Māhele (1848-1853) in Kalapakī Ahupua'a are clumped in two areas, along the floodplain of the north side of Nāwiliwili Stream (just back from the coast, south of Rice Street) and on the shore, back from Kalapakī Beach of Nāwiliwili Bay (Figure 7 and Table 3). The claims in Hanamā'ulu were all in Hanamā'ulu stream valley (Table 4, and north of the area depicted in Figure 7).

There were 13 claims in Kalapakī, of which ten were awarded. The cultivation of *kalo* (taro), the major staple, was along the Nāwiliwili Stream flood plains and along the smaller brooks of Kalapakī and Koenaawa where there were springs. The house lots in Kalapakī were at the shore. The only crop other than *kalo* mentioned specifically in Kalapakī is *wauke*. Additionally, more than one claim in Kalapakī mentions the fishponds of Koenaawa. Two streams—Koenaawa nui and Koenaawa iki—are identified in the claims but neither is named on current maps.

Most Kalapakī claimants lived, however, at the shore in the "kulana kauhale" or village of Kalapakī, located behind Kalapakī Beach on Nāwiliwili Bay. Several of the claimants describe their village house lots in relation to the fishponds of Koenaawa (Koenaawainui and Koenaawaiki). There is also a description of the *muliwai* or estuary of Koenaawanui.

The large tracts of inland areas (*kula*), not in the river valleys or at the shore, are not described in the claims but were probably in use. This *kula* land at the time of the Māhele belonged to Victoria Kamāmalu. Land use is not elaborated in her claims for Hanamā'ulu or Kalapakī. Traditional *kula* resources for all claimants would have been medicines, herbs, construction materials such as *pili* (*Heteropogon contortus*) grass and trees for building houses, canoes, and perhaps lithic materials for tools. Sweet potatoes and other dryland crops, such as *wauke*, probably were cultivated in patches throughout the area at one time or another.

Cattle, introduced by Vancouver, had at first been under a royal *kapu* (taboo) and were allowed to roam freely and reproduce. Within a few decades, cattle had begun to wreak havoc on village gardens and taro lands and homes. Residents either abandoned the land destroyed by roaming cattle or else started building walls to keep the cattle out of their homes and gardens. Hulē'ia, an

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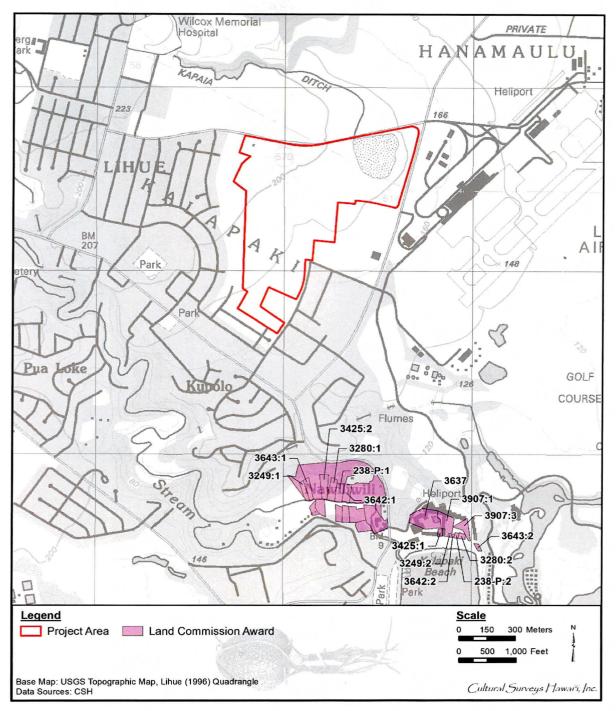


Figure 7. Location of Native Tenant LCA claims in Kalapakī Ahupua'a relative to the present Wailani subdivision project area (base map 1996 Lihue USGS topographic quadrangle)

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LCA #	Claimant	Location	Description
238P	Kinipeki	Kalapakī, Puna	Claimed two ' <i>āpana</i> : 'Āpana 1 for four <i>lo</i> ' <i>i</i> (taro patches) bounded by a <i>kahawai</i> (stream) and neighbors' <i>lo</i> ' <i>i</i> (taro patches), and 'Āpana 2 for a <i>pāhale</i> (house lot) bounded by the <i>kahakai</i> (beach), and two neighbors' house lots
3249	Нао	Kalapakī, Puna	Claimed two ' <i>āpana</i> : 'Āpana 1 for four <i>lo</i> ' <i>i</i> bounded by the <i>kahawai</i> and neighbor's taro patches, and 'Āpana 2 for a <i>pāhale</i> bounded by the <i>kahakai</i> and neighbor's house lots
3280	Wawai	Kalapakī, Puna	Claimed two ' <i>āpana:</i> 'Āpana 1 for three <i>lo</i> ' <i>i</i> bounded by a <i>pali one kula</i> (dry, sandy scarp), and a <i>kahawai</i> , and 'Apana 2 for a <i>pāhale</i> bounded by the <i>kahakai</i>
3408	Papaa	Kalapakī, Puna (seemingly "Waila'au" was name of <i>lo'i</i> parcel)	Claimed two ' $\bar{a}pana$: ' $\bar{A}pana$ 1 for two <i>lo</i> ' <i>i</i> bounded by the <i>kahawai</i> near the government road (<i>kokoki i ka alanui</i>) and neighbors' taro patches, and ' $\bar{A}pana$ 2 for a <i>p$\bar{a}hale$</i> bounded by the government road by the sea (<i>ka alanui me</i> <i>ke kai</i>), and a cliff and the house lot of a neighbor
3425	Paiki	Kalapakī, Puna	Claimed two ' $\bar{a}pana$: ' $\bar{A}pana$ 1 for a $p\bar{a}hale$ bounded by the stream named "Konaawaiki" and a cliff and the sea (<i>kai</i>) and ' $\bar{A}pana$ 2 for five <i>lo</i> ' <i>i</i> near a cliff and stream, and neighboring taro patches
3637	Kauhailawa	Kalapakī, Puna	Claimed one <i>'āpana</i> consisting of six <i>lo 'i</i> and a <i>kula</i> by the stream of Kalapakī (<i>kahawai o Kalapakī</i>), a cliff, the main trail (<i>alanui</i>) and neighboring taro patches
3642	Kuoloku	Kalapakī, Puna	Claimed two ' <i>āpana</i> : 'Āpana 1 for three <i>lo</i> ' <i>i</i> bounded by a neighbor's <i>lo</i> ' <i>i</i> , and the stream (<i>kahawai</i>), and the ' <i>ili</i> of "Heana," and 'Āpana 2 for a <i>pāhale</i> bounded by neighbor's house lots and the sea (<i>kai</i>)
3643	Kukahiko	Kalapakī, Puna	Claimed two ' $\bar{a}pana$: ' $\bar{A}pana$ 1 for six <i>lo</i> ' <i>i</i> bounded by the stream and neighboring taro patches, and ' $\bar{A}pana$ 2 for a <i>pāhale</i> bounded by the sea and a cliff and a neighboring taro patch
3907	Nakala	Kalapakī	Claimed three 'āpana: 'Āpana 1 for a pāhale and four lo'i bounded by the sea and stream named "Konaawaiki" (ke kai ma ke kahawai o Konaawaiki) and a cliff and a neighboring taro patch and a neighboring house lot; 'Āpana 2 was a single lo'i bounded by the stream and neighbors' taro patches. 'Āpana 3 was an ' <i>Aina kula</i> (understood as dry agricultural land) by the sea and a cliff.

Table 3. Kalapakī Land Commission Awards

Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i TMKs: (4) 3-6-002:001, 017, and 027 .

LCA #	Claimant	Location	Description
7713	Kamāmalu, V.	Kalapakī (<i>ahupuaʻa</i>)	Notes of Survey of the ahupua'a of Land called Kalapakī, situated in the district of Puna, Island of Kaua'i. Commencing upon the sea at the rocky Point called Apoi which forms the South easterly Corner of land called Hanamā'ulu, running from thence S. $75^{\circ} 45'$ W. 102 Chains, to a low <i>kukui</i> tree, standing upon the plain called K. bounded by the said land called Hanamā'ulu, thence, N. 82° W. 186 Chains, crossing the South of the Hanamā'ulu River, bounded by the land called Hanamā'ulu, thence, n. 84° W. 186 Chains, passing Up said valley or ravine to a point near the Mt. Road leading to Kilauhana, and upon the Northerly side of Said Road, bounded by land called Hanamā'ulu, thence, S. 71° E. 176 Chains, passing down the ridge laying Between Kilauhana of sea. to a point near the sourtherly side of the small ravine or gulch called Palauohi. Bounded by land called Nāwiliwili thence . S. 55° E. 43 Chains, following the Southerly side of said gulch called Palauohi to a stake in the fence, bounding the plantation of H.A. Peirce & Co. on the south, thence, S. 42° E 67 Chains, crossing over the plains to a certain Rock, standing upon the plain, bounded by the land called Nāwiliwili, thence N 85° E. 11 chains to the Northerly edge of the <i>Pali</i> bounding the valley of Nāwiliwili, thence, S. 35° E 9 50/100 Chains, passing down the side of said <i>pali</i> , to the Nāwiliwili river, passing between the two <i>'ili</i> of land Down the said River called Nāwiliwili to its month at the sea thence following the sea to point of commencement. Comprising An area of Two Thousand & Four Acres

LCA #	Claimant	Location	Description
3271	Lalahilimoku, Leimoku	Hanamāʻulu, Puna	Claimed two parcels 'Āpana 1 for five <i>lo</i> 'i adjacent to an 'auwai and a kahawai; 'Āpana 2 for a pāhale adjacent to a muliwai (lagoonal backwater) and a pali
3371	Naehu	<i>'lli</i> of Kapaia, Hanamā'ulu, Puna	Claimed one <i>'Aina kalo</i> (taro land) parcel with a <i>pāhale</i> adjacent to Hanamā'ulu Stream and a ditch
3423	Paka	Hanamā'ulu, Puna	Claimed two parcels 'Āpana 1 for a <i>pāhale</i> adjacent to a <i>pali</i> and 'Āpana 2 for eight <i>lo</i> ' <i>i</i> and a <i>kula</i> next to the Hanamā'ulu watercourse and a <i>pali</i>
3426	Pelekane	Hanamāʻulu, Puna	Claimed two parcels 'Āpana 1 for four <i>lo</i> ' <i>i</i> next to a <i>muliwai</i> and an ' <i>auwai</i> ; 'Āpana 2 for a <i>pāhale</i> next to a <i>kahawai</i> and the house lots (<i>pāhale</i>) of Munamuna and Paulu. The Kaua'i Historical Society has kindly supplied the data that one of their ' <i>āpana</i> was bounded by a fish pond. Of course this was down in the stream valley on the <i>muliwai/kahawai</i> .
3558	Keke	Hanamāʻulu, Puna	Claimed one ' <i>Āina kalo</i> (taro land) parcel by an ' <i>auwai</i> and neighbor's <i>lo</i> ' <i>i</i>
3600	Keolanui	Hanamā'ulu, Puna	Claimed one <i>lo 'i</i> and <i>kula</i> parcel by <i>'auwai</i> , <i>kahawai</i> , and <i>lo 'i</i> of neighbors
3640	Kumakahaohao	Hanamā'ulu, Puna	Claimed one parcel of four <i>lo 'i</i> by an <i>'auwai</i> and a <i>muliwai</i> and neighbors' <i>lo 'i</i>
3644	Kaualupa	Hanamā'ulu, Puna	Claimed two parcels 'Āpana 1 for ' <i>Āina kalo</i> by an ' <i>auwai</i> and a <i>pali</i> and a <i>muliwai</i> and neighbors' <i>lo</i> 'i, and 'Āpana 2 for a <i>pāhale</i> adjacent to a <i>pali</i>
3647	Kapuohi	Hanamā'ulu, Puna; parcels 2 and 3 are in <i>'ili</i> of Moala	Claimed three parcels 'Āpana 1 for a <i>pāhale</i> by a piggery (<i>pā pua'a</i>) and a <i>pali</i> and a copse of <i>hau</i> trees (<i>la'au hau</i>), and the stream; 'Āpana 2 for ' <i>Āina kalo</i> parcel by a <i>pali</i> and an ' <i>auwai</i> , and 'Āpana 3 for another ' <i>Āina kalo</i> parcel by a <i>pali</i>
3648	Kala	Hanamāʻulu, Puna	Claimed one ' <i>Āina kalo</i> (taro land) parcel by a <i>muliwai</i> and neighbors' <i>lo</i> ' <i>i</i>
3649	Kamalo	Hanamāʻulu, Puna	Claimed one ' <i>Āina kalo</i> parcel by an ' <i>auwai</i> and the <i>muliwai o Hanamā</i> ' <i>ulu</i> (lagoonal backwater of Hanamā'ulu), and neighbors' <i>lo</i> ' <i>i</i>

Table 4. Hanamā'ulu Land Commission Awards

LCA #	Claimant	Location	Description
3650	Kaluhiwaha	Hanamā'ulu	Claimed two parcels 'Āpana 1 for two <i>lo</i> ' <i>i</i> next to an ' <i>auwai</i> and a <i>pali</i> and the <i>lo</i> ' <i>i</i> of a neighbor; and 'Āpana 2 for a <i>pāhale</i> next to the <i>kahawai</i> o Hanamā'ulu
3653	Kolii	Hanamāʻulu, Puna	Claimed two parcels 'Āpana 1 for four <i>lo</i> ' <i>i</i> next to an ' <i>auwai</i> and neighbor's <i>lo</i> ' <i>i</i> and 'Āpana 2 for a <i>pāhale</i>
3657	Niho	Hanamāʻulu, Puna	Claimed one parcel of four <i>lo</i> ' <i>i</i> by a <i>pali</i> and ' <i>auwai</i> and Hanamā'ulu lagoonal backwater, and neighbors' <i>lo</i> ' <i>i</i>
5089	Kuhamoana	Hanamāʻulu, Puna	Claimed three parcels ' \bar{A} pana 1 for a $p\bar{a}hale$, ' \bar{A} pana 2 for a single <i>lo</i> ' <i>i</i> near the main road to Wailua (<i>ka alanui o Wailua</i>) and the <i>kula</i> of Pierce, and ' \bar{A} pana 3 for ' \bar{A} ina kalo and kula by a kahawai, kula of Pierce, and a neighbor's <i>lo</i> ' <i>i</i>
7713	Kamāmalu, V.	Hanamāʻulu, Puna (<i>ahupuaʻa</i>)	Notes of Survey of the Ahupua'a of Land called Hanamā'ulu, situated in the District of Puna, Island of Kaua'i. Commencing upon the sea, at the mouth of the small stream called Kawailoa, and upon the southerly bank of said stream, running from thence S 74° W. 90 Chains, to the top of the hill called Kailiiliiliahinale, Bounded by the land called Wailua, belonging to His Majesty the King, from thence, N 82° W. 494 chains, Passing the plains to the top of the Mountain range called Wai'ale'ale, thence, S 16° E. 204 Chains, following along The top of the said Mt range called Wai'ale'ale to a certain peak standing upon the North westerly corner of Land called haiku, from thence, N86° E. 166 chains, to the top of the Hill called Kamoenakukaua of passing down the range of the Hill on the <i>makai</i> side of Kilauhana & through, a small ravine , to a certain <i>Koa</i> tree, a short distance South of the Hanamaulu River, thence S82 E. 186 Chains, crossing the plantation of H.A. Peirce, to a certain <i>Kukui</i> tree standing alone on the plains <i>makai</i> of the above plantation of H.A. Pierce & Co marked K. bounded by the land called Kalapakī, thence N 75° E. 102 chains, passing over the plains to the Point of Rock upon the sea called Opoi, which forms the North easterly corner of land called Kalapakī, from thence following the sea to the point of Commencement, comprising an Area

LCA #	Claimant	Location	Description
			Nine Thousand One Hundred and Seventy Seven Acres

ahupua 'a to the south of the project area, was claimed by Victoria Kamāmalu during the Māhele as a preserve for cattle (Māhele information). Apparently, as the report by Wilkes suggests, the people of Līhu'e had so far been safe from such depredation (ca. 1840s).

4.5 Late 1800s

Following the death of Victoria Kamāmalu in 1866, her lands were inherited by Princess Ruth Ke'elikōlani. In 1870, Ke'elikōlani sold large portions of her Kalapakī and Līhu'e lands to William Hyde Rice of Lihue Plantation. Also in 1870, Paul Isenberg purchased the *ahupua'a* of Hanamā'ulu from J.O. Dominis which includes the present airport area. William Hyde Rice made subsequent land purchases from Princess Ruth in 1879.

William Hyde Rice, who already had his own home on the hill east of the mill, bought a large *makai* (seaward) section of the *ahupua* 'a of Kalapakī from Princess Ruth in 1879 and from there directed the Lihue Ranch. In later years he sold most of this land to the plantation (Damon 1931:747).

In William Hyde Rice's *Hawaiian Legends* (discussed above), Rice's granddaughter Edith Rice Pleus notes that Kalapakī in the 1920s comprised fertile lands. She probably refers to the extensive plains or *kula* lands existing prior to use for commercial sugarcane. The cultivation of sweet potatoes, gourds and *wauke*, and other dryland crops would have dominated land use in these *kula* lands.

An Interior Department document (ca. 1850) mentioned the *konohiki* named Wikiola (*konohiki* for both *ahupua'a*) had proprietary rights to *ana'e* (mullet; *Mugil cephalus*) as the protected fish of Hanamā'ulu, and *uhu* (parrot fish; *Scarus perspicillatus*) for Kalapakī. The protected tree for Hanamā'ulu was *hau* (*Hibiscus tiliaceus*) and the protected tree for Kalapakī was *koa* (*Acacia koa*). The reference to *koa* indicates customary use of that inland wood resource. These protected species are part of the *konohiki* resources, which he or she would use to meet his/her obligations to superior chiefs, governors/ governesses and the King or Queen (Maly and Maly 2003:301). An 1857 listing of the lands of Victoria Kamāmalu (going by the name V.K. Kaahumanu) mentions "*Akule*" (bigeye scad fish, *Selar crumenophthalmus*) as the protected fish of both Kalapakī and Hanamā'ulu (Maly and Maly 2003:298). This may be of note in that *akule* are known to frequent bays, like Kalapakī Bay and Hanamā'ulu Bay, where they were sometimes subject to corporate fishing efforts.

Wikolia is listed as the *konohiki* for Wailua, Hanamā'ulu, Kalapakī, Nāwiliwili, Niumalu, Ha'iku, Kīpū, and a few other places. The proper procedure for fishing in the bays would be when

[...] the proper fishing season arrives all the people may take fish, and when the fish are collected, they shall be divided—one third to the fishermen, and two thirds to the landlord. [...] And the protected fish might all be for the *konohiki*. [Kosaki, 1954:14].

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One of the last vestiges of the pre-cash crop landscape is depicted in the diary entry for the Rice family's arrival on Kaua'i in 1854. During the second half of the nineteenth century, western settlers and entrepreneurs set their sights on southeast Kaua'i. Ethel Damon, in *Koamalu*, her history of the Rice family of Kaua'i, describes the Līhu'e landscape at the time of the family's arrival at Nāwiliwili Bay:

From the deck of their river craft in 1854 Mrs. Rice and the children could plainly see above the rocky shore and ruins of Kuhiau, the old heiau, or temple, and nearby on the bluff the flaming blossoms of a great wili-wili tree among koa trees which often grew almost down to the water's edge. [Damon 1931:17–18]

These early written documents describe a good land with a nice climate and plentiful provisions for the traveler. Residents of the land live very near the ocean and fishing villages are scattered along the shore; and at that time at Kalapakī many trees grew right down to the water's edge (e.g., *koa* and *wiliwili*).

While foreigners may have seen the shoreline as unproductive, Hawaiians would have disagreed. The indigenous settlement pattern indicates the shoreline was the locus for villages like Kalapakī at the mouth of Nāwiliwili River and "Hanawale," perhaps a village near Hanamā'ulu Bay. Shoreline areas were certainly favored for fishing, swimming, surfing, and residence. Depending on the distances, they may have had temporary residences among their agricultural lands and even in the uplands while gathering materials for house or canoe building. Others resided inland near their fields, but would have traveled around to acquire needed or desirable resources.

In the earlier journals, lack of industry is noted and this refers specifically to production of goods beyond the needs of those producing them. Pigs, sweet potatoes, and salt, among other items, were traded to the earliest sailing vessels arriving in Hawai'i (post-1794) and it is likely that in Līhu'e District, as elsewhere, the production of these items increased beyond the needs of the immediate family and their expected contributions to their chiefs during this period of early visiting voyagers.

The new settlers and entrepreneurs brought new activity to southeast Kaua'i. Cotton was among the crops grown in Hanamā'ulu, adjacent to Kalapakī:

Later Mr. August Dreier was engineer in the mill. He had come out about 1869 for Hoffschlaeger and Stapenhorst to install a cotton mill in upper Hanamaulu land. The combination of a cool temperature with rain and red dust proved too much for successful cotton growing, but many wild bushes of it are still found in Kapaia valley. [Damon 1931:586]

Paramount, however, among the new cash crops was sugar. The plantation at Līhu'e was first established in 1849 by Henry A. Pierce; Judge Wm. Little Lee, the chairman of the Land Commission; and Charles Reed Bishop. It became Lihue Plantation in 1850. It was probably the best capitalized and most modern plantation at that time in all Hawai'i. The mill was north and west of the present airport. A steam-powered mill was built in 1853 at Lihue Plantation, the first use of steam power on a Hawaiian sugar plantation. Another important innovation at Līhu'e was created in 1856, when William H. Rice completed the 10-mile-long Hanamā'ulu Ditch, the first large-scale irrigation project for any of the sugar plantations (Moffatt and Fitzpatrick 1995:103).

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Plantation labor was brought in from many countries and these new laborers brought some of their own cash crops.

Rice production was an off-shoot industry of the sugar plantation in the 1870s, since many of the new Chinese plantation workers began to grow rice for themselves and then for trade with California. Japanese immigrants, by the end of the nineteenth century did the same and took over many of the Chinese rice paddies. Growing and milling rice also became a means for immigrants to leave the plantations after their indenture period. An 1881 map of the Kalapakī Beach area 1.5 km southeast of the Wailani project area by Lt. Geo. G.E. Jackson (Figure 8) shows rice fields at the mouth of Nāwiliwili River in the estuary and depicts a few houses left in Kalapakī Village. In general, rice planters used abandoned taro fields, but made the patches larger than the traditional taro *lo'i*. This is probably true of the Kalapakī floodplain. While the immediate vicinity of the Wailani Subdivision project area is not shown, the Jackson map gives a feeling for the "Level grass land with volcanic boulders" regarded as characterizing the project area prior to sugar cultivation.

Jackson's drawing indicates the Kalapakī and Hanamā'ulu land north of Kuki'i Point, where the project area and airport now lie, was a "level grassy land with volcanic boulders," showing no cane cultivation in 1881.

4.6 1900s

The 1900 Monsarrat map (Figure 9) indicates the Wailani Subdivision project area was within a patchwork of large sugarcane fields and sugarcane infrastructure including a plantation railroad crossing much of the west side of the project area and with a large reservoir in the east corner.

The 1906 Donn map (Figure 10) shows a thick red line surrounding the "Approximate Area of Sugar Plantations" including the present Wailani Subdivision project area.

The 1910 USGS map (Figure 11) shows railroad tracks crossing the west portion of the Wailani Subdivision project area and indicates cane cultivation reaching toward the shore into the area of the present airport. The expansion of Lihue Plantation's sugarcane cultivation would accelerate throughout the entire coastal area in the early decades of the twentieth century.

In 1929, the Territorial government began construction of a new harbor facility at Nāwiliwili (*Garden Island* 24 December 1929:1:3).

Sugarcane cultivation transformed the traditional landscape of Kalapakī into a plantation landscape. By 1931, Lihue Plantation had 6,712 acres in cane. The plantation's field map of 1941 (Figure 12) shows sugarcane covering the entire coast and the present project area is shown as including portions of fields 15 and 18 and most of fields 19 and 20. The plantation railroad crosses the northwest corner and lies along the south edge of the Wailani Subdivision project area and the reservoir in the southeast corner is prominent.

Lihue Plantation "developed a water collection system second only to East Maui Irrigation Company [...] Altogether there are 51 miles of ditch and eighteen intakes" (Wilcox 1996:68). Railroads extended across the plantation to and from the shipping facilities and beyond the plantation itself to other plantations.

The plantation landscape in Līhu'e began in the mid-nineteenth century and continued to expand for a century. Maps and aerial photographs from 1900 through 1978 (Figure 9 through Figure 19) indicate the project area in a sea of sugarcane of the Lihue Plantation Company. The

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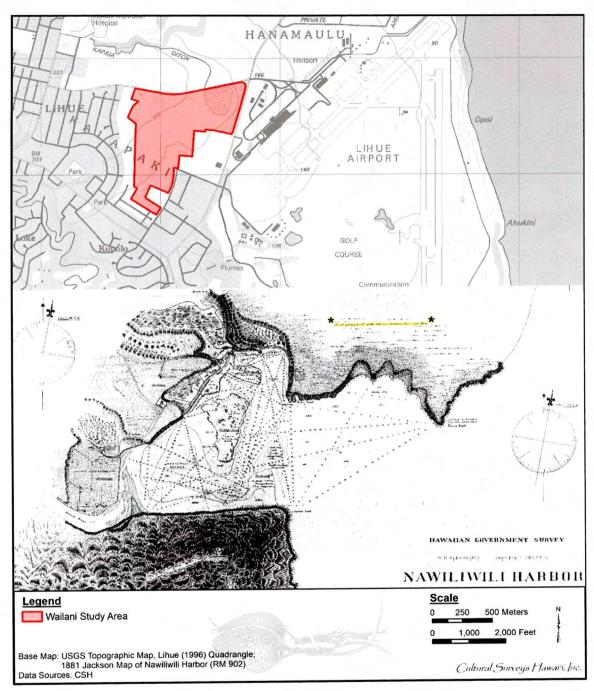
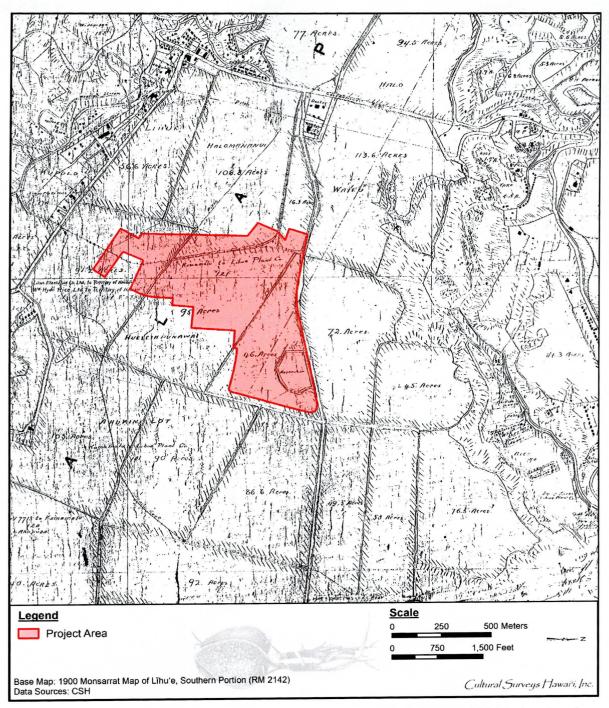
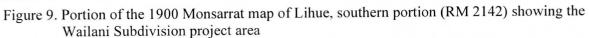


Figure 8. Portion of 1881 map of Nāwiliwili Harbor by Lt. George G. Jackson (RM 902) showing the area of Kuki'i Point to Ninini Point 1.5 km southeast of the Wailani project area; while the immediate vicinity of the project area is not shown, this map gives a feeling for the "Level grass land with volcanic boulders" regarded as characterizing the project area prior to sugar cultivation





Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i

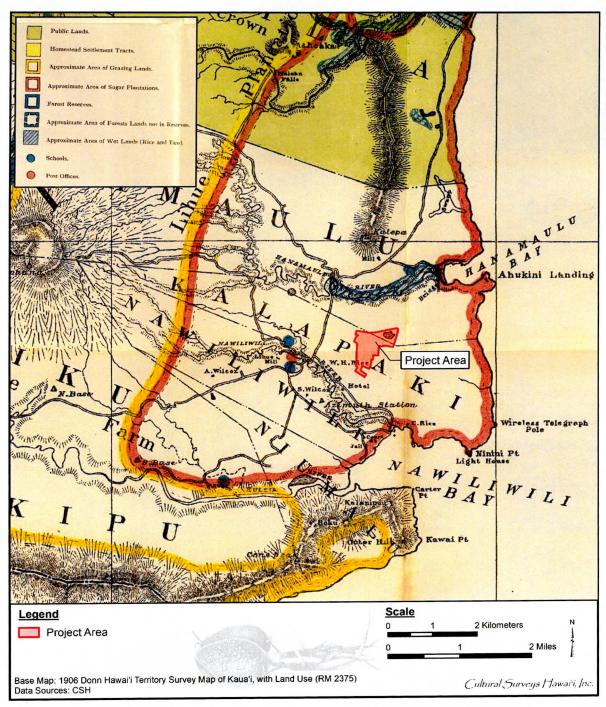


Figure 10. Portion of the 1906 Donn Hawaii Territory Survey map of Kaua'i with land use (RM 2375) showing the Wailani Subdivision project area

Traditional and Historical Background

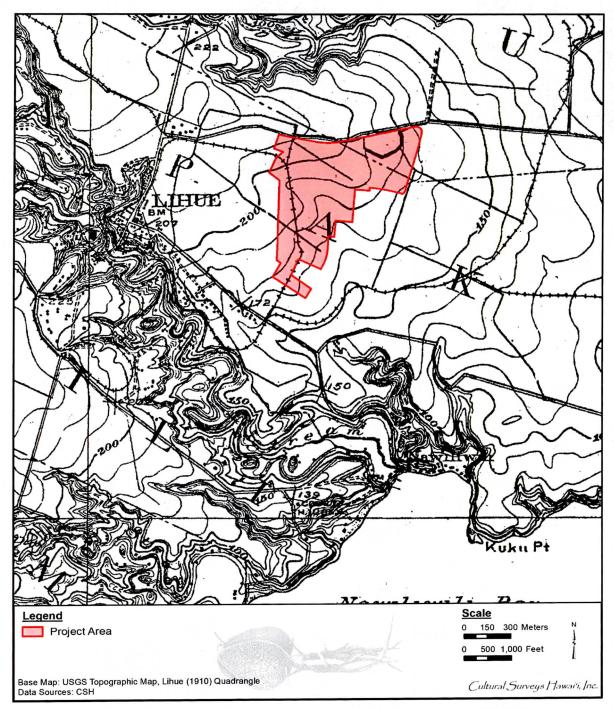


Figure 11. Portion of 1910 Lihue USGS topographic quadrangle showing the Wailani Subdivision project area

Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i

Cultural Surveys Hawai'i Job Code: KALAPAKI 11

Traditional and Historical Background

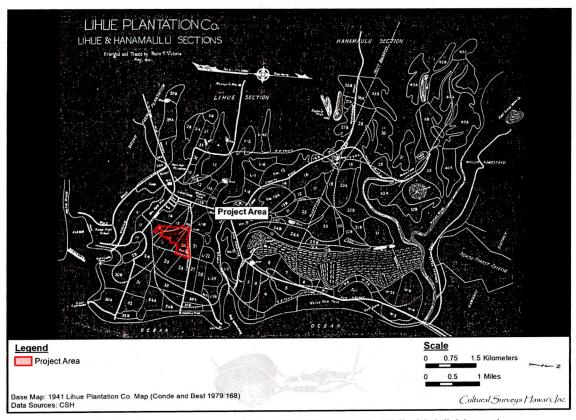


Figure 12. Lihue Plantation field map of 1941 (Condé and Best 1973:168) showing the Wailani Subdivision project area

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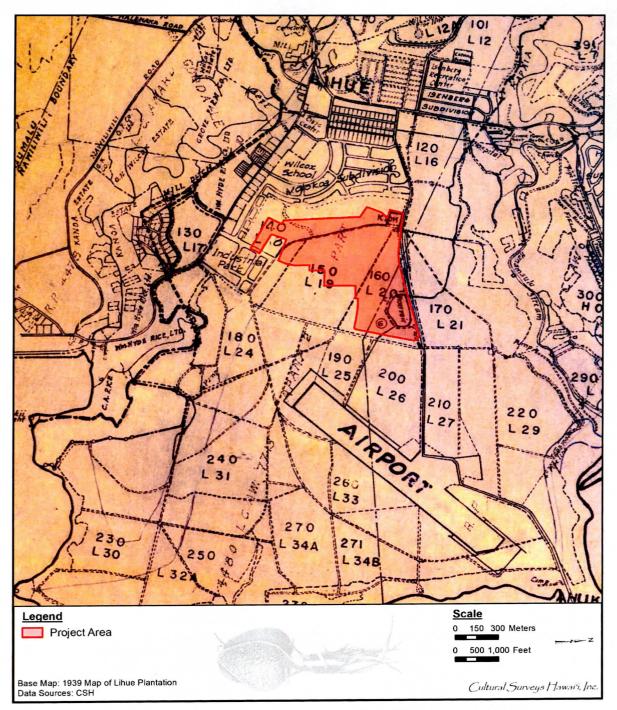


Figure 13. 1939 map of Lihue Plantation showing the Wailani Subdivision project area

Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i TMKs: (4) 3-6-002:001, 017, and 027

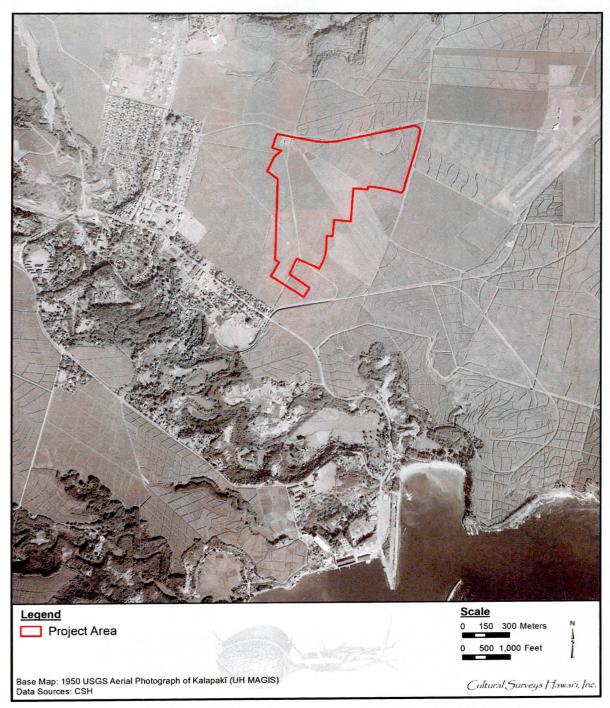


Figure 14. 1950 USGS aerial photograph of Kalapakī showing the Wailani Subdivision project area (UH MAGIS)

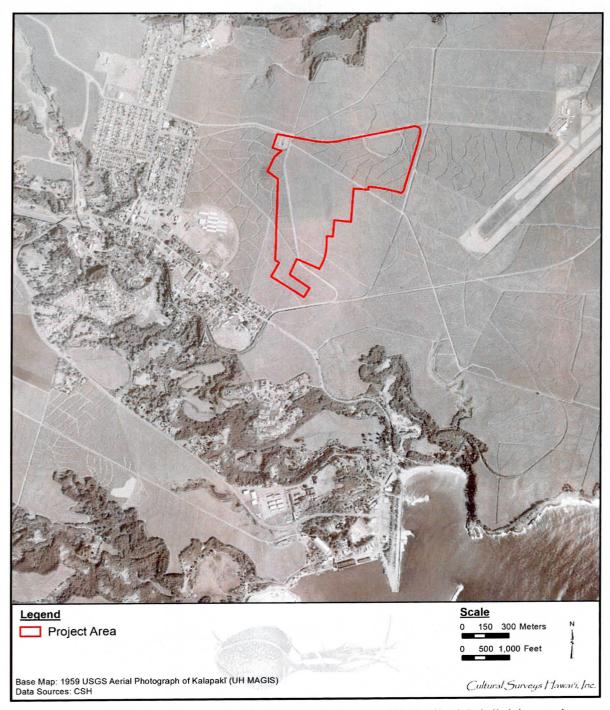


Figure 15. 1959 USGS aerial photograph of Kalapakī showing the Wailani Subdivision project area (UH MAGIS)

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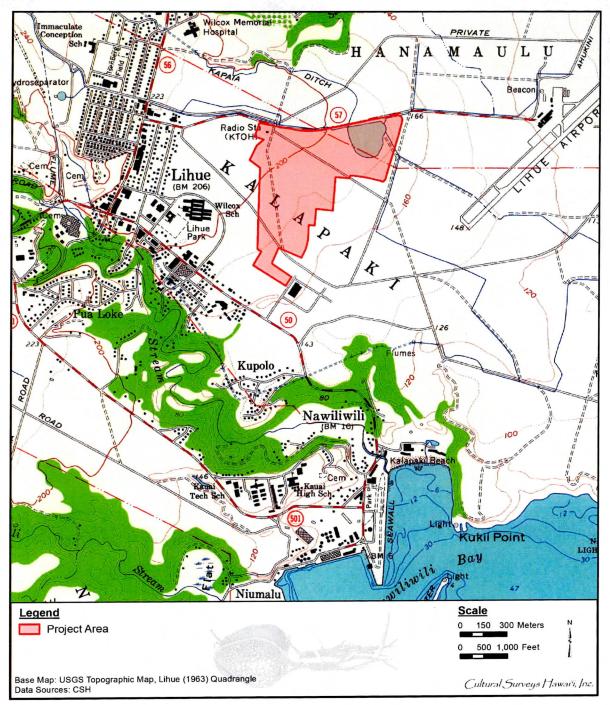


Figure 16. Portion of 1963 Lihue USGS topographic quadrangle showing the Wailani Subdivision project area

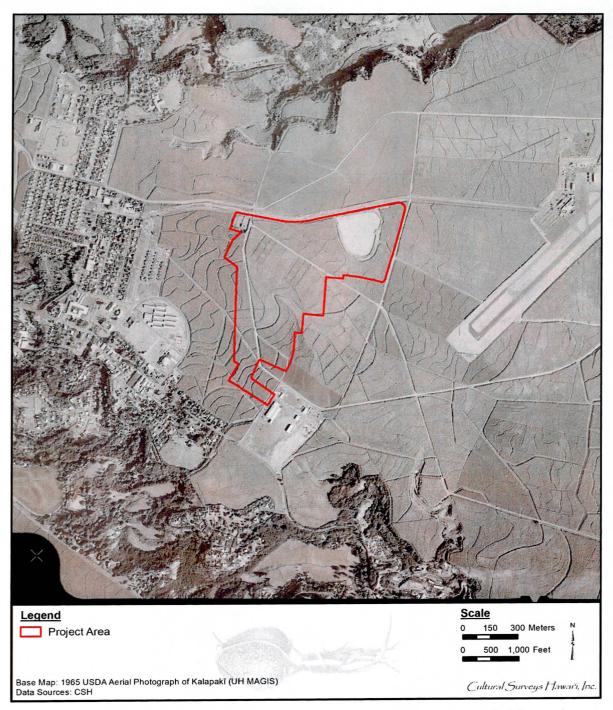


Figure 17. 1965 USDA aerial photograph of Kalapakī showing the Wailani subdivision project area (UH MAGIS)

Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i TMKs: (4) 3-6-002:001, 017, and 027

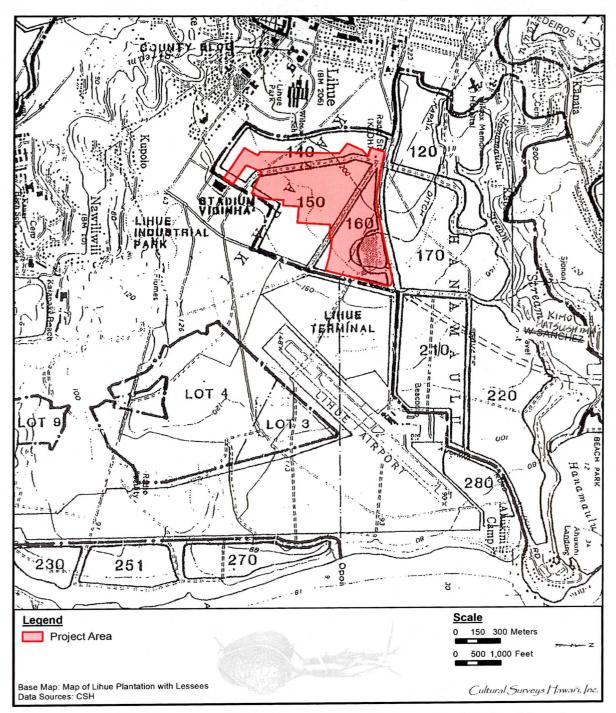
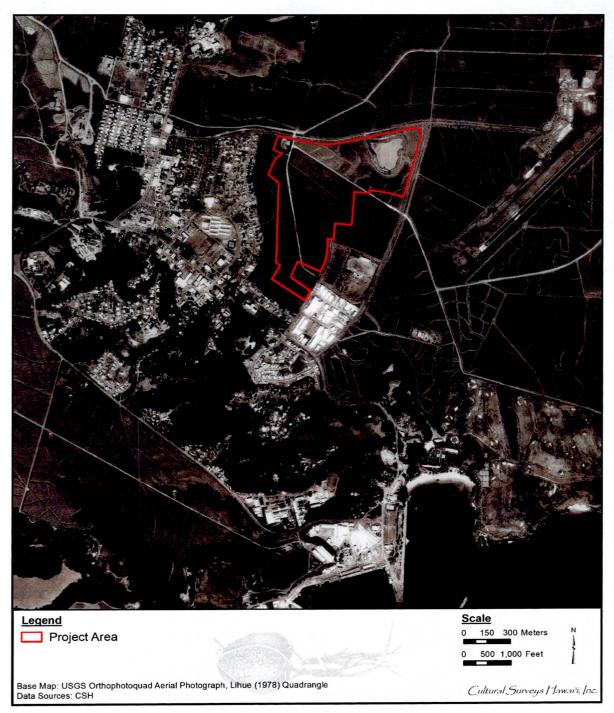
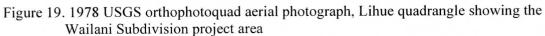


Figure 18. Undated "Map of Lihue Plantation with Lessees" produced by the Lihue Plantation Company showing a lot configuration with the Wailani Subdivision project area (the map references "Stadium Vidinha"; it is understood Lihue Stadium was not so named until after 1976)





KTOH radio station building in the northeast corner of the Wailani Subdivision project area is depicted from the 1939 map (see Figure 13) and it appears the reservoir in the northeast corner was in use as late as 1978 (see Figure 19).

In 1950, about the time of the advent of the new airport (*Garden Island* 10 January 1950:1:3, 11:1) and after Statehood in 1959, Līhu'e's plantation landscape began to give way to the present urban center. The sugar plantation infrastructure included ditch systems, railroads and engine houses, bridges, interisland shipping storage facilities, and housing. Today, the remnants of this commercial sugarcane landscape can still be seen in a large area near the airport.

4.7 Contemporary Land Use

Grove Farm Plantation (begun in 1864) ceased sugar operation in 1974 and leased 2,800 acres (believed to include the Wailani Subdivision project area lands) to Lihue Plantation (Dorrance and Morgan 2000:30). Lihue Plantation Company (which began in 1849) was still operating in 1996 as "Amfac Sugar/East" (Dorrance and Morgan 2000:25). Amfac Sugar Kauai is understood to have shut down in November 2000. The Wailani Subdivision parcel is believed to have been fallow since then.

It is understood that sugarcane cultivation on Kaua'i ended with the final harvest of Gay and Robinson in October 2009 (Hawaii News Now 31 October 2009). Today, Kaua'i is a tourism-centered economy with 1,279,968 people visiting the island in 2017. The Līhu'e Community Plan (LCP 2015) addresses future land use, growth, and development. The anticipated population growth from 2010 through 2035 was 2.39% per year (LCP 2015:83). The population of Līhu'e District was anticipated to grow from 11,169 in 1990 to 23,456 in 2035 (LCP 2015:83). Housing units in Līhu'e District were anticipated to grow from 3,562 in 1990 to 9,900 in 2035 (LCP 2015:83). There would of course be a need for associated supporting infrastructure (roads, schools, transportation, water, etc.) to be developed. "Under its subsidiary, Visionary LLC, Grove Farm has three planned development projects, all with initial approvals under the title of the Līhu'e-Hanamā'ulu Master Plan" (LCP 2015:86).

Understandably for many Kānaka Maoli the rapidity of population growth suggests the lands of Hawai'i moving ever further out of Native Hawaiian control and as constituting a de facto assault on traditional Hawaiian resources and customary practices leading some to categorical opposition to development.

If indeed the anticipated population growth in Līhu'e District (2010-2035 average annual growth rate of 2.39%) is to continue, then the question is how best to manage it and how to mitigate adverse impact on traditional Hawaiian resources and customary practices, or of course ideally to improve traditional Hawaiian resources.

Section 5 Previous Archaeological Research

5.1 Early References to Kalapakī and Hanamā'ulu Archaeology

Previous archaeological studies in the vicinity of the project area (within approximately 1.0 km) are depicted in Figure 20 and summarized in Table 5. Previously identified historic properties in the vicinity of the project area (within approximately 1.0 km) are depicted in Figure 21 and summarized in Table 6.

5.1.1 Thrum 1906

Thomas Thrum, the publisher of an annual Hawaiian almanac, gathered lists of *heiau* on all islands. From the *ahupua* 'a of Kalapakī we begin with his list of three:

1. Ninini, Kalapakī, near site of Nawiliwili light house. All destroyed [Thrum 1906:40]

2. Ahukini, Kalapakī. A heiau of medium size; foundations only now remain [Thrum 1906:40]

3. Pohakoelele, Kalapakī. A medium sized heiau; all destroyed [Thrum 1906]

5.1.2 Bennett 1931

The first comprehensive archaeological survey on the island of Kaua'i was undertaken by Wendell Bennett in 1930 and published in 1931. Bennett used Thrum's list for reference and added additional sites he documented. For Kalapakī he lists only two *heiau* following Thrum:

- Site 100. Ninini heiau, in Kalapaki near the site of the Nawiliwili lighthouse. It is now all destroyed. [Bennett 1931:124]
- Site 101. Ahuhini heiau, in Kalapaki near Ahukini Point on the bluff overlooking the sea. This is now entirely destroyed. Thrum says, 'A heiau of medium size; foundations only now remain.' [Bennett 1931:125]
- Site 102 Kalauokamanu heiau, in Hanamaulu above the present mill. Described by Thrum as 'A large walled heiau that stood above the present mill; destroyed about 1855. Of pookanaka class.' [Bennett 1931:150]

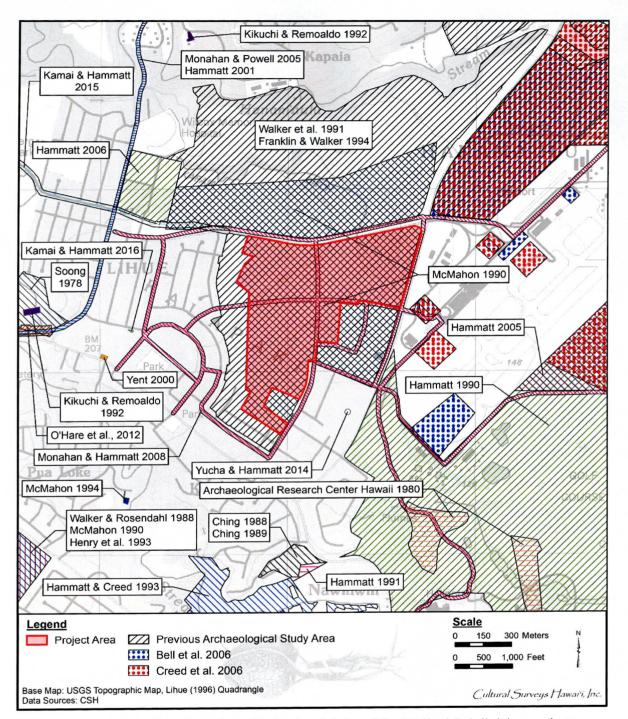
Bennett does not mention the Pohakoelele heiau.

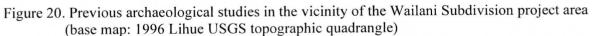
5.1.3 Handy 1940

E.S. Craighill Handy describes traditional Hawaiian cultivation in Puna Kaua'i and although he does not address Kalapakī per se, he provides the following accounts of cultivation at Nāwiliwili and Hanamā'ulu:

Nawiliwili. For 3 miles inland from the sea the Nawiliwili River twists (wiliwili) through a flat valley bottom which was formerly all in terraces. Inland, just above the bay, three Hawaiian taro planters cultivate wet taro in a few small terraces. Most of the land is in pasture. There are one small cotton plantation and several small garden plots. For about a half mile below and a half mile above the mill the valley is mostly filled with plantation camp and other structures, with many small clumps of bananas, some garden plots, and a few old breadfruit trees. The old terrace area extended half a mile up into the small valley that opens out northwest just above the mill. Approximately the last mile of flat valley bottom, before the

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Reference	Type of Study	Location	Results
Thrum 1906	<i>Heiau</i> study	Kaua'i-wide	Listing of three <i>heiau</i> at Kalapakī, Ahukini Heiau: "heiau of medium size; foundations only now remain," Ninini, and Pohakoelele, "all destroyed"
Bennett 1931	Archaeological reconnaissance	Kaua'i-wide	Lists two sites at Kalapakī, Site 100 Ninini Heiau by Nāwiliwili lighthouse well to south (destroyed by 1931) and Site 101 "Ahuhini heiau" "now entirely destroyed [by 1931]"
Handy 1940	Reconnaissance of agricultural lands	Kaua'i-wide	Discusses planting localities along Nāwiliwili River and Hanamāʻulu River, located quite far away
Soong 1978	Archaeological reconnaissance	18-acre parcel, located in Līhu'e Town, Kalapaki	No historic properties identified
ARCH 1980	Archaeological reconnaissance	Two parcels of Kauaʻi Surf Hotel (present- day Hōkūala)	No historic properties identified
Ching 1988	Archaeological reconnaissance	Proposed subdivision in Nāwiliwili	No historic properties identified
Walker and Rosendahl 1988	Archaeological surface and subsurface inventory (Interim Report)	450-acre Grove Farm Lihue/Puhi project area	Two sites identified (a Japanese cemetery, State Inventory of Historic Places [SIHP] # 50-30-11-00503 and a historic residence SIHP # 50-30-11- 09390)
Ching 1989	Archaeological reconnaissance and test excavations	Proposed subdivision in Nāwiliwili	No historic properties identified (documents five test excavations)
Hammatt 1990	Archaeological reconnaissance survey	Kauai Lagoons Resort (present-day Hōkūala) Kalapakī	Identified five archaeological sites along shoreline, including three somewhat close to present project area: Site 1 wall remnant (SIHP # 50- 30-11-00422), Site 2 wall remnant (SIHP # 50-30-11-00423), and Site 3 shell midden scatter (SIHP # 50-30- 11-00421)

Table 5. Previous archaeological studies in the vicinity of the project area

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Reference	Type of Study	Location	Results
McMahon 1990	Archaeological field check	Three locations for new Kaua'i judiciary building, Nāwiliwili, Kalapakī, and Hanamā'ulu; Kalapakī, Hanamā'ulu	Noted three previously identified historic residential sites (SIHP #s 50- 30-11-09390, -09401, -09402), none near present project area
Hammatt 1991	Archaeological reconnaissance survey	44,000-sq-ft parcel on south side of Rice St about 200 ft east of Mokoi St in Nāwiliwili, Līhu'e	Noted parcel previously graded; no historic properties identified
Walker et al. 1991	Archaeological inventory survey	1,550 acres of lands of Hanamā'ulu, Kalapakī, Nāwiliwili, Niumalu, and Wailua; Hanamā'ulu, Kalapakī	Identified ten sites, three pre-Contact, seven historic; none near present project area
Kikuchi and Remoaldo 1992	Cemeteries of Kauaʻi study	Island-wide	Briefly documents 17 cemeteries in Līhu'e District; four cemeteries indicated in Kalapakī including Lihu'e Lutheran Church Cemetery designated 50-30-11-B001
Hammatt and Creed 1993	Archaeological inventory survey	61.6 acres in <i>makai</i> portion of Nāwiliwili Valley	Four archaeological sites recorded: SIHP # 50-30-11-00491 an 'auwai (believed related to LCA 3370), SIHP # 50-30-11-00492 a cluster of three historic-era structures, SIHP # 50-30- 11-00493 consisting of an 'auwai, a soil terrace, and a low soil and rock mound, and SIHP # 50-30-11-00494 a lava rock marker with a posited boundary marker or survey point function
Henry et al. 1993	Archaeological inventory survey	590-acre Grove Farm Lihue/Puhi project area	Final report for (slightly expanded) area in Walker and Rosendahl (1988) and reports results of 13 backhoe assisted test excavations; only same two previously reported sites reported (a Japanese cemetery, SIHP # 50-30- 11-00503 and a historic residence SIHP # 50-30-11-09390)

Reference	Type of Study	Location	Results
Franklin and Walker 1994	Archaeological inventory survey	552.3-acre project area divided into four parcels	Summary of Walker and Rosendahl 1990 and Walker et al. 1991 (same project area); reports only one site SIHP # 50-30-11-1842, a wall at top of Hanamā'ulu Stream valley, well north of present project area
McMahon 1994	SHPD Memo regarding an inadvertent burial discovery	2889 Pua Nani St in south Līhu'e Town	Encountered during excavation for footings of new house under construction; no cultural material found in pit fill; skeletal remains designated SIHP # 50-30-11-00824; remains considered a traditional Hawaiian interment and reburied in immediate vicinity
Yent 2000	Preliminary archaeological investigations undertaken as educational "archaeology week" project; schools invited to participate	Former Sheriffs County Building Complex located on block delineated by Rice St on the south, 'Eiwa St on the west, Hardy St on the north, and Umi St on the east, TMK: (4) 3-6- 005:003	Four 1-sq-m units excavated; testing determined demolition of building, ca. 1950s, destroyed building foundation and disturbed stratigraphy; cultural remains dominated by construction materials associated with former Sheriff's Building and domestic items, such as glass bottles and mammal bone; regarded as part of SIHP # -1997
Hammatt 2001	Archaeological literature review	Approx. 82-km road corridor between Kekaha and Moloa'a including portion of present project area on Kaumuali'i Hwy and Kūhiō Hwy in <i>mauka</i> Līhu'e Town	Concluded likelihood of pre-Contact or early historic (pre-1850) historic properties exceedingly low; noted number of early 20th century properties lie along this section of project area and because of possibility of trash pits or other features relating to late 19th or early 20th century use, potential to encounter historic properties is moderate
Hammatt 2005	Archaeological inventory survey (termed archaeological assessment in the absence of finds)	Approx. 71-acre portion of Kauai Lagoons Resort property, Kalapakī Ahupua'a (incl. entirety of present project area)	No historic properties identified

Reference	Type of Study	Location	Results
Monahan and Powell 2005	Archaeological monitoring	Kaumuali'i Hwy from West Kaua'i into Lĩhu'e Town	Identified ten historic properties, but only identified historic property east of 'Ōma'o Stream Bridge was SIHP # 50-30-11-03883, a buried road base along a portion of Kūhiō Hwy and adjoining Kaumuali'i Hwy in Līhu'e Town
Creed et al. 2006	Archaeological field inspection and literature review	Eleven discrete areas for proposed Līhu'e Airport Expansion, Hanama'ulu and Kalapakī Ahupua'a; TMKs: (4) 3-5 001:005, 006, 008, 009, 109, 111, and 158 and 3-7-002: por. 1	Reports fieldwork conducted in 1998 and 1999; most of present project area addressed as "Area 2"; only historic properties identified (SIHP # 50-30-08-09000) in vicinity of Ahukini Landing (designated "Area 10") well northeast of present project area
Bell et al. 2006	Archaeological inventory survey	Hanamā'ulu and Kalapakī	Identified SIHP # 50-30-08-03958, plantation-era concrete enclosures and foundation remnants that likely functioned as a piggery
Hammatt 2006	Archaeological literature review and field inspection	23.5-acre project area in Kalapakī and Hanamā'ulu Ahupua'a	No surface historic properties or archaeological concerns noted
Monahan and Hammatt 2008	Archaeological literature review and field inspection	Nawiliwili-Ahukini Bike Path project, Nāwiliwili; TMKs: (4) 3-2-004; 3-5-001, 002, and 3-6-002, 019, 020	Summarizes seven previously identified historic properties—all along coast as well as a historic cemetery and two bridges
	Archaeological inventory survey	Nāwiliwili and Kalapakī Ahupua'a	Five historic properties identified: SIHP #s 50-30-11-02174, a plantation-era flume, terrace, and culvert; -02175, a rock and mortar drainage ditch dating to 1930s; -02176, a plantation-era rock wall; -02177, a remnant plantation-era train bridge; and -02178, a plantation-era section of train tracks and sugarcane road, as well as parallel railroad ROW

Reference	Type of Study	Location	Results
Yucha and Hammatt 2014	Archaeological literature review	Vidinha Stadium, Kalapakī Ahupua'a	Study concluded no historic properties identified within 100 m of proposed siren location; no project- related impacts to any known historic properties anticipated
Kamai and Hammatt 2015	Archaeological literature review and field inspection	Approx. 16.8 km in mauka Līhu'e and Hanamā'ulu for new mauka road and future potential mauka road, TMKs: (4) 3-4-005, 3-4-007; 3-8-002; 3-8-003; and 3-8-005	Identified 46 additional features (78 total) for SIHP # -02218, a plantation-era water control/ transportation/ agriculture complex
Kamai and Hammatt 2016	Archaeological monitoring	0.04-acre on south side of Hardy St between 'Ēlua and 'Eīwa streets, in Līhu'e Town, TMKs: (4) 3-6-005:999, 011 por. and 001 por.	No historic properties identified, no additional archaeological work recommended

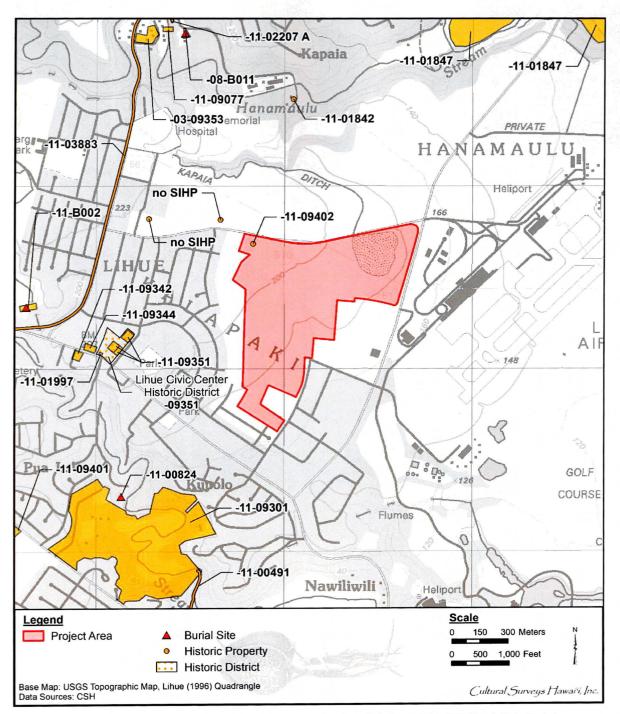


Figure 21. Previously identified historic properties in the vicinity of the Wailani Subdivision project area (base map: 1996 Lihue USGS topographic quadrangle)

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SIHP # 50-30-	Site Type	Reference	Comments
03-09353	Lihue Hongwanji Mission	NRHP Registration Form: Lihue Hongwanji Mission: Miller 1974	Construction of Temple building started in 1901 and completed with arrival of embellishments from Japan in 1903
08-B011	Cemetery	Kikuchi and Remoaldo 1992	Immaculate Conception Church Cemetery
11-00491	'Auwai	Hammatt and Creed 1993	Traceable continuously for 600 m this is thought to be <i>'auwai</i> mentioned in LCA 3566 to Kaopio and is <i>'auwai</i> of Papalinahoa
11-00824	Human burial	McMahon 1994	Inadvertent burial discovery at 2889 Pua Nani St in south Līhu'e Town; remains considered traditional Hawaiian interment
11-01842	Wall	Walker et al. 1991	30.0 m by 1.4 m by 0.8 m; described as a historic agricultural site but seems to have been built to retain a road
11-01847	"River valley:	Walker et al. 1991	Described as 53.0 acres in extent, but no structural remains visible; "the area may have been used prehistorically for agricultural activities"
11-01997	Remnants of former Sheriffs Building County Building Complex	Yent 2000	Cultural remains dominated by construction materials associated with former building and domestic items, such as glass bottles and mammal bone
11-02207 A	Ditch	Kamai et al. 2018	Consists of 59-m northwest/ southeast by 5 m northeast/ southwest remnant ditch used for water control
11-03883	Buried road base	Monahan and Powell 2005	Exposed in three far-scattered excavation pits along Kaumuali'i Hwy and adjoining Kūhiō Hwy (appears to follow present Kaumuali'i and Kūhiō Hwy corridor)
11-09077	Kapaia Swinging Bridge	NRHP Registration Form: Kapaia Swing Bridge Moriguchi 2008	In 1948 a suspension bridge constructed by County of Kaua'i

Table 6. Previously identified historic properties in the vicinity of the project area

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SIHP # 50-30-	Site Type	Reference	Comments
11-09301	Grove Farm	NRHP Registration Form: Grove Farm Homestead: Ricomilu 1971	Includes 78 acres and most of original buildings
11-09342	Līhu'e Post Office	NRHP Registration Form: Lihue Post Office: Kolva and Franks 1988	Placed on National Register of Historic Places (NRHP) on 28 November 1989; still in use
11-09344	fv F F	NRHP Registration Form: Kauaʻi Museum: Nathan Napoka, 1979	Placed on Hawai'i Register (HRHP) on 17 February 1979 and NRHP on 31 May 1979; historically used as a library, currently functions as a museum, the Kaua'i Museum
11-09351	Līhu'e Civic Center Historic District which includes Līhu'e County Courthouse, Līhu'e County Building Annex, and Līhu'e County Building	NRHP Registration Form: Lihue Civic Center Historic District: Nathan Napoka, 1981	Placed on HRHP on 21 September 1981 and NRHP on 17 December 1981; includes current city hall, courthouse, and government office
11-09401	Historic house site	McMahon 1990	A historic plantation house residence
11-09402	Historic Building Remnant	McMahon 1990; Franklin and Walker 1994	Site of Radio Station KIVM
11-B002	Cemetery	Kikuchi and Remoaldo 1992	Japanese Cemetery
No SIHP # assigned CSH 4	Water-control culvert	Kamai and Hammatt 2015	Plantation era
No SIHP # assigned CSH 5	Water-control concrete ditch	Kamai and Hammatt 2015	Plantation era

river bed becomes a narrow gulch, used to be in terraces but is now pasture and ranch land. [Handy 1940:67]

Hanamaulu. Hanamaulu River, rising below Kilohana Crater, winds its zigzag way to the sea through a relatively broad gulch, which had many small terraces commencing at a point about 2.5 miles up from the sea and continuing down to the delta of the river which begins about a mile inland. The small terraces inland from the highway are unused. The delta region is a continuous area of flatland now mostly under sugar cane and house sites. Formerly this must all have been planted in taro. The small valley (Kapaia?), opening out northwest from Hanamaulu about 2 miles inland, has a number of small terrace areas. [Handy 1940:67]

5.1.4 Other Early Sources

Ethel Damon in her book about Kaua'i history (*Koamalu* 1931) mentions "the three small heiaus in the neighboring *ahupua'a* of Kalapakī, those of Ninini, Ahukini and Pohako-eleele, little more than the names survive" (Damon 1931:397–398).

Neither Thrum nor Bennett mention a *heiau* noted by Lt. George E.G. Jackson, Navy cartographer for the Hawaii Government Survey Office in 1881 at Kukii Point (on Nāwiliwili Bay, 1.5 km south of the present project area, see Figure 8). The Kaua'i Community College newsletter, *Archaeology on Kauai*, notes these "remains of ancient heiau" observed by Jackson are "where the cottages of the Kauai Surf now stand" (Kaua'i Community College Volume 2; 4 October 1973: 4).

5.2 Modern Archaeological Studies

5.2.1 Soong 1978

The Archaeological Research Center Hawai'i (ARCH; Soong 1978) carried out a brief archaeological reconnaissance of an 18-acre parcel (TMK: [4] 3-8-004-001) located in Kalapakī Ahupua'a, Līhu'e Town. Substantial ground alteration was noted and it was concluded that "The flat area at the northeast end of the parcel fronting the buildings on Kūhiō Highway, the site of a former plantation camp, has been bulldozed repeatedly over the last 20 years and archaeological sites. if they were present, have been destroyed" (Soong 1978). No historic properties were documented.

5.2.2 ARCH 1980

ARCH 1980 produced a letter report on an archaeological reconnaissance of two discrete areas in the vicinity of the (then) Kaua'i Surf Hotel golf course west of Ninini Point in Kalapakī Ahupua'a. No historic properties were identified.

5.2.3 Walker and Rosendahl 1988

Paul H. Rosendahl Inc. (Walker and Rosendahl 1988) produced an interim report on an archaeological surface and subsurface inventory survey of approximately 450-acres of a Grove Farm Lihue/Puhi project area. Two sites were identified (a Japanese cemetery, SIHP # 50-30-11-00503 and a historic residence, SIHP # 50-30-11-09390). The cemetery was estimated to include approximately 35 headstones as recent as 1961. The historic residence was understood as the residence of Charles H. Wilcox and was built about AD 1913.

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5.2.4 Ching 1988

ARCH (Ching 1988) produced a letter report documenting an archaeological reconnaissance at a proposed subdivision in Nāwiliwili. It was noted that the project area had been bulldozed completely. No historic properties were identified.

5.2.5 Ching 1989

ARCH (Ching 1989) produced a supplemental letter report documenting further archaeological reconnaissance and five test excavations at a proposed subdivision in Nāwiliwili. No historic properties were identified.

5.2.6 Hammatt 1990

CSH (Hammatt 1990) carried out an archaeological reconnaissance survey at three designated geographical phases (Phase III, IV, and V) at the Kaua'i Lagoons Resort (present-day Hōkūala) in Kalapakī identifying five designated archaeological sites along the shoreline (all well to the south of the Wailani Subdivision project), including Site 1 a wall remnant (SIHP # 50-30-11-00422), Site 2 another wall remnant (SIHP # 50-30-11-00423), Site 3 a shell midden scatter (SIHP # 50-30-11-00421), Site 4 Oval Terrace Alignment on Bluff—possible prehistoric habitation structure, and Site 5 a high well-constructed wall possibly related to former Ninini Heiau.

5.2.7 McMahon 1990

Nancy McMahon (1990), then of the DLNR Historic Preservation Program, carried out an archaeological field check of three parcels in the Līhu'e Judiciary District as possible locations for a new Kaua'i judiciary building. Her "Location 2" study area included most of the presently proposed Wailani Subdivision lands but did not include the west and southwest portions of the present project area. Although her three study areas certainly involved many hundreds of acres (no acreage is given), the total fieldwork was accomplished in one day (McMahon 1990:1). Regarding her Location 2, she relates,

Again almost all of this land was under cane cultivaion [sic]. One historic building was identified [*sic*] (Site 9402) TMK: 3-6-02: 4, (Photos Roll #2: 12 -14). The building is in bad repair. It is owned by AMFAC. Apparently the radio station KTOH was using it for some time ago. [McMahon 1990:4]

Regarding the indicated historic building (SIHP # 50-30-11-09402), she evaluated it as significant under (Hawai'i Administrative Rules) Criterion d, "Have yielded, or likely to yield, important information on prehistory or history" (McMahon 1990:9). She recommended that the sites she identified needed "to be plotted on maps during topo survey work" (McMahon 1990:8).

5.2.8 Hammatt 1991

CSH (Hammatt 1991) carried out an archaeological reconnaissance survey at a 44,000-sq-ft parcel on the south side of Rice Street about 200 ft east of Mokoi Street in Nāwiliwili, Līhu'e. It was noted the parcel had been previously graded. No historic properties were identified.

5.2.9 Walker et al. 1991

Of particular relevance to the Wailani Subdivision project is the Archaeological Inventory Survey, Lihue/Puhi/Hanamaulu Master Plan (Walker et al. 1991). There were caveats regarding their level of coverage of their 1,550-acre project area but it appears they felt "inventory-level survey was conducted" in the entirety of the present Wailani Subdivision which appears to be a

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subset of their 190-acre "Section 2" study area (Walker et al. 1991:ii, 2, and 3). Their description of Section No. 2 in 1990 is provided below:

Section No. 2 consists of c. 190 ac and is located in the Lands of Kalalpaki and Hanamaulu. This section is bounded on the west and south by Lihue town, on the east by Vidinha. Memorial Stadium and Kapule Highway, and on the north by Ahukini Road. An abandoned reservoir is located in the northeast comer of the parcel, and a helicopter tour service office site is located in the northwest comer of the parcel. This entire parcel has been modified, and with the exception of the abandoned reservoir and the helicopter tour service office site, vegetation within this parcel consists entirely of sugar cane. The abandoned reservoir and helicopter tour service office site (Walker et al. 1991:2]

Their reference to "this parcel consists entirely of sugar cane" needs to be considered as their stated methodology for fieldwork is as follows:

Because areas altered by sugar cane cultivation are unlikely to contain archaeological features, and because sugar cane cultivation within the present project area does not occur in low swale or alluvial flat areas that may contain buried cultural deposits, areas in sugar cane cultivation were not generally surveyed. Areas in sugar cane were only sampled. This includes areas adjacent to the highway in Sections No. 2 [...] [Walker et al. 1991:2]

They provide further clarification: "Only very limited surface survey was done in sugar cane fields [...] (Walker et al. 1991:18).

There was no subsurface testing in their Section No. 2 (Walker et al. 1991:11). No historic properties, artifacts, midden, or sampling were reported from their Section No. 2 (Walker et al. 1991:13, 16, 17). The account quoted above refers to "an abandoned reservoir" as located within their Section 2 project area and their one map (no date provided) indicates a radio station (designated by McMahon as SIHP # 50-30-11-09402) but these are not addressed as historic properties and there is no further discussion of these.

The study concluded "Inventory-level survey was conducted in project area Sections Nos. 1 through No. 4 [...]" (including their Area No. 2, the present Wailani Subdivision parcel) (Walker et al. 1991:18) and no historic properties were designated in their Project Area 2 (Walker et al. 1991:3).

5.2.10 Kikuchi and Remoaldo 1992

William A. Kikuchi and Susan Remoaldo (1992) produced a two-volume study of Cemeteries of Kaua'i documenting 17 cemeteries in Līhu'e District. Four cemeteries are indicated in Kalapakī including the Lihu'e Lutheran Church Cemetery designated 50-30-11-B001, and cemeteries designated 11-B002, 11-B003, and 11-B004 (that do not appear to be discussed in any detail).

5.2.11 Hammatt and Creed 1993

CSH (Hammatt and Creed 1993) carried out an archaeological inventory survey of 61.6 acres in the *makai* portion of Nāwiliwili Valley. Four archaeological sites were recorded: SIHP # 50-30-11-00491 an '*auwai* (believed related to LCA 3370), SIHP # 50-30-11-00492 a cluster of three historic-era structures (Feature A a U-shaped brick, stone, and mortar structure; Feature B a pile of rotten milled lumber and roofing iron—the remains of a collapsed shed; and Feature C another pile of rotten milled lumber and roofing iron—the remains of another collapsed shed), SIHP # 50-30-11-00493 consisting of an *'auwai*, a soil terrace, and a low soil and rock mound; and SIHP # 50-30-11-00494 a lava rock marker (thought to be a burial marker but testing indicated no burial and a boundary marker or survey point function is suggested).

5.2.12 Henry et al. 1993

Paul H Rosendahl, Inc. (Henry et al. 1993) produced an archaeological inventory survey report for an approximately 590-acre Grove Farm Lihue/Puhi project area. This was the final report for the (slightly expanded) area reported on in Walker and Rosendahl (1988) and it reports the results of 13 backhoe-assisted test excavations. Only the same two previously reported sites are reported (a Japanese cemetery, SIHP # 50-30-11-00503 and a historic residence, SIHP # 50-30-11-09390). The cemetery was estimated to include approximately 35 headstones as recently as 1961. The historic residence was understood as the residence of Charles H. Wilcox and was built about AD 1913.

5.2.13 Franklin and Walker 1994

Franklin and Walker (1994) produced an *Additional Archaeological Inventory Survey, Molokoa Lands Project Area, Lands of Hanamaulu and Kalapaki,* which "updates and synthesizes the relevant historical research data and archaeological findings from two prior PHRI Archaeological Inventory Survey reports" (Franklin and Walker 1994:ii). One of the two reports referenced was the Walker et al. 1991 study discussed above and the other was a Walker and Rosendahl 1990 study that did not cover the area of present concern (Franklin and Walker 1994:1). This Franklin and Walker (1994) study appears to be a repackaging of prior work to address a new project area configuration.

This study appears to have addressed the totality of the present Wailani Subdivision project area which was the majority of a 156.5-acre parcel identified as the "Molokoa Parcel." The description of the Molokoa parcel in Franklin and Walker (1994:5) is very similar to the description quoted above (Walker et al. 1991:2) mentioning the abandoned reservoir, a helicopter tour office site, and that "vegetation within this parcel consists entirely of sugar cane."

This study does note Nancy McMahon's designation of a historic building within their Location 2/Molokoa Parcel. A much more detailed discussion of historical documentary research of their study area by Kepā Maly has also been added.

This (Franklin and Walker 1994) study cites the fieldwork methodology from Walker et al. (1991) but does include a figure (see present Figure 22) showing a narrow strip of "surveyed area" on the Ahukini Road side of their Molokoa parcel. Again, their Molokoa parcel study area seemingly includes the entirety of the present Wailani Subdivision project area and the indicated surveyed area would be the northern 5% or so, of the Wailani project area adjacent to Ahukini Road. It is unclear if this depicts an additional supplemental survey, but it appears more likely this is an attempt to provide clarification of the Walker et al. sample survey area "adjacent to the highway in Sections No. 2 [...]" (Walker et al. 1991:2).

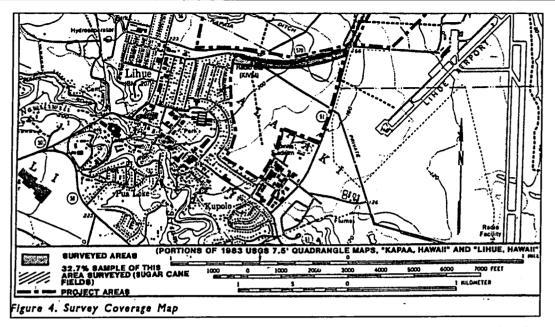
Although this study notes in passing Nancy McMahon's designated historic building (SIHP # 50- 30-11-09402), it was not mentioned again. This was not missed in an SHPD review; SHPD required an "Addendum," introduced somewhat cryptically with "PHRI recently obtained the

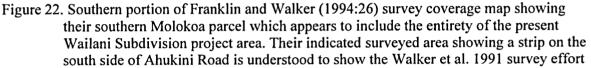
following, more detailed information on the site" (Franklin and Walker 1994:ADD-1). The Addendum describes the site as follows:

Site 9402 is a historic building that is currently uninhabited ([references a 1983 USGS map]; building is in the Molokoa Parcel at the site of Radio Station KIVM). The building is in a generally flat area; vegetation in the immediate vicinity of the building is overgrown and consists of grasses, banana, milo, and. bougainvillea. The building is on an L-shaped concrete-slab foundation 60 feet long by 25.5-45.5 feet wide. The walls of the building are made of wood and hollow concrete tile and are finished with plaster. The roof is shingled with wood and is in the 'cut-up' style. The building is in poor condition. There are large holes in the roof, and large areas of the roof are missing shingles. The exterior paint is faded and peeling, especially on the window sashes. The interior of the building is in extremely poor condition; the walls are heavily marked and rutted, and huge portions of the ceiling have been tom out.

The building was constructed in the late 1930s and was owned by Lihu'e Plantation Company, Ltd. It originally was built to house Kauai's first radio station, KTOH, which began broadcasting on May 8, 1940. The architect of the building was Guy Rothwell, and the interior designer was Sascha Petry of New York. G. Hiranaka was the building contractor. Accompanying the building was a 150-ft radio station tower constructed by Kauai Electric Company; the tower was completed the week of February 19, 1940. The building was used as a radio station though the early 1980s (the last radio station to use it was KIVM). In 1982 the building was damaged by Hurricane 'Iwa. After the hurricane the building was repaired only minimally. From 1983-1992 several small businesses worked out of the building or used it for storage. Most recently, Jack Harder Helicopters worked out of an addition adjoining the original building. In 1992 Hurricane 'Iniki damaged the building further. After 'Iniki, the building was not repaired. [Franklin and Walker 1994:ADD-1]

SIHP # 50-30-11-09402 was recommended for no further work. No (other) archaeological sites were identified in their Molokoa parcel (which includes the present Wailani Subdivision project area). This is the only historic property previously identified in the Wailani Subdivision project area. Whether the fieldwork survey coverage accomplished (depicted in Figure 22) is sufficient in terms of contemporary State Historic Preservation Division requirements is unclear.





5.2.14 McMahon 1994

Nancy McMahon (then) of the SHPD produced a Memo regarding an inadvertent burial discovery at 2889 Pua Nani Street in south Līhu'e Town encountered during excavation for the footings of new house under construction. No cultural material was found in the pit fill. The skeletal remains were designated SIHP # 50-30-11-00824. The remains were considered to be a traditional Hawaiian interment and were reburied in the immediate vicinity.

5.2.15 Yent 2000

Martha Yent (2000) of State Parks documented preliminary archaeological investigations of a former Sheriff's Building County Building Complex located on the block that now houses a complex of government buildings in Līhu'e, including the County Building, the County Annex, the Court Building, and the State Office Building in the area delineated by Rice Street on the south, 'Eiwa Street on the west, Hardy Street on the north, and Umi Street on the east (SIHP # 50-30-11-01997, TMK: [4] 3-6-005:003). This work was undertaken as an educational "archaeology week" project in which schools were invited to participate. Four 1-sq-m units were excavated. The testing determined the demolition of the building, ca. 1950s, destroyed the building foundation as well as the superstructure and disturbed the stratigraphy. The cultural remains were dominated by construction materials associated with the former Sheriff's Building and domestic items, such as glass bottles and mammal bone.

5.2.16 Hammatt 2001

CSH (Hammatt 2001) carried out an archaeological field inspection and literature review for the then proposed Sandwich Isles Communication Fiberoptic Cable project within an

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approximately 82-km (51-mile) road corridor between Kekaha and Moloa'a. The island was analyzed in segments with the stretch of Ka'umuali'i Highway from Līhu'e Town to the Wailua County Golf Course at the south edge of Kokomo Ridge evaluated as of relatively low archaeological potential because of the absence of sandy soils, the absence of native tenant LCAs, and the absence of previously identified historic properties.

5.2.17 Hammatt 2005

CSH (Hammatt 2005) carried out an archaeological inventory survey (termed archaeological assessment in the absence of finds) of an approximately 71-acre portion of Kaua'i Lagoons Resort property in Kalapakī Ahupua'a,. No historic properties were identified.

5.2.18 Monahan and Powell 2005

In 2005, Scientific Consultant Services reported on archaeological monitoring along Kaumuali'i Highway in western Kaua'i between Kekaha and Līhu'e Town (Monahan and Powell 2005). Only one historic property was identified between the 'Oma'o Stream Bridge and Līhu'e town. SIHP # 50-30-11-03883 identifies a historic road base (exposed in three pits) identified just north of Līhu'e Town at the intersection of Ehiku Street and Kūhiō Highway, and the intersection of Nāwiliwili Road and Kaumuali'i Highway. The old road appears to follow the present Kūhiō-Kaumuali'i Highway corridor.

5.2.19 Creed et al. 2006

CSH (Creed et al. 2006, this updated and replaced an earlier Creed et al. 1999 draft) carried out an archaeological literature review and field inspection of 11 discrete areas as part of a project area proposed for the expansion of the Līhu'e Kaua'i Airport. The study asserts "[...] parcels of the project area received 100% surface survey coverage. No evidence of prehistoric or early historic sites were encountered within the project boundaries."

5.2.20 Bell et al. 2006

CSH (Bell et al. 2006) carried out an archaeological inventory survey of the proposed Līhu'e Airport improvements that included nine discrete areas for a total of approximately 175 acres. A single historic property was identified (SIHP # 50-30-08-03958) consisting of plantation-era concrete enclosures and foundation remnants that likely functioned as a piggery, but this was along the coast just south of Ahukini Point well to the northeast of the present study area.

5.2.21 Hammatt 2006

CSH (Hammatt 2006) produced an archaeological literature review and field inspection of a 23.5-acre project area in Kalapakī and Hanamā'ulu Ahupua'a (TMKs: [4] 3-7-001:032 and 036). No surface historic properties or archaeological concerns were noted.

5.2.22 Monahan and Hammatt 2008

CSH (Monahan and Hammatt 2008) produced an archaeological literature review and field inspection report for the Nāwiliwili-Ahukini Bike Path project passing through portions of coastal Nāwiliwili, Kalapakī, and Hanamā'ulu *ahupua'a* and which ran along Ahukini Road across the north edge of the project area, along Kapule Highway on the east edge of the project area, along Kaana Street on the southeast corner of the project area, and (in part) crossed through the center of the Wailani Subdivision project area connecting Ahukini Road and Kaana Street from north to south and east to west. All seven historic properties discussed were immediately on the coast as well as a historic cemetery and two bridges. None of these historic properties was within a kilometer of the Wailani Subdivision project area.

5.2.23 O'Hare et al. 2012

In 2012, CSH completed an archaeological inventory survey for the Ho'omana Road Realignment of the Phase 1 Kaumuali'i Highway project in Nāwiliwili and Kalapakī Ahupua'a (O'Hare et al. 2012). Five historic properties were identified: SIHP # 50-30-11-02174, a plantation-era flume, terrace, and culvert; SIHP #-02175, a rock and mortar drainage ditch dating to the 1930s; SIHP #-02176, a plantation-era rock wall; SIHP #-02177, a remnant plantation-era train bridge; and SIHP #-02178, a plantation-era section of train tracks and a sugarcane road and parallel railroad right-of-way (ROW). An archaeological monitoring program and a preservation plan were recommended.

5.2.24 Yucha and Hammatt 2014

CSH (Yucha and Hammatt 2014) produced an archaeological evaluation (archaeological literature review) for a State Department of Defense Emergency Siren Modernization Program siren at Vidinha Stadium, Kalapakī Ahupua'a. The study concluded no historic properties have been identified within 100 m of the proposed siren location. No project-related impacts to any known historic properties were anticipated.

5.2.25 Kamai and Hammatt 2015

CSH (Kamai and Hammatt 2015) prepared an archaeological literature review and field inspection study for an approximately 16.8-km "Līhu'e Hanamā'ulu New Mauka Road and a Future Potential Mauka Road" project. The study reported five newly identified historic properties related to the plantation era including ditches, culverts, and a cemetery located along both sides of the existing portions of cane haul roads which were regarded as components of previously identified SIHP # 50-30-11-02218.

5.2.26 Kamai and Hammatt 2016

CSH (Kamai and Hammatt 2016) reported on archaeological monitoring for Hardy Street improvements located on a 0.16-hectare (0.04-acre) project area on the south side of Hardy Street between 'Elua and 'Eīwa streets, in Līhu'e Town (TMKs: [4] 3-6-005:999, 011 por., and 001 por.). Ground disturbance activities included grubbing, grading, removal of asphalt, and excavation. No cultural materials and/or deposits were observed during the archaeological monitoring. No additional archaeological work was recommended.

5.3 Summary

We are aware of four archaeological studies within the Wailani Subdivision project area (McMahon 1990, Walker et al. 1991, Franklin and Walker 1994, and Monahan and Hammatt 2008).

The McMahon (1990) study (see Section 5.2.7, above) included within her "Location 2" study area most of the presently proposed Wailani Subdivision lands but did not include the west and southwest portions of the present project area. McMahon noted one historic building designated (SIHP # 50- 30-11-09402).

The Walker et al. (1991) "Archaeological Inventory Survey" study (see Section 5.2.9) maintained that their Area No. 2 (including the present Wailani Subdivision parcel) was subject to archaeological inventory survey study and that no historic properties were identified there.

The Franklin and Walker 1994 "Additional Archaeological Inventory" study (see Section 5.2.13) was largely a repackaging of the Walker et al. (1991) study. This study does note Nancy McMahon's designation of a historic building within their Location 2/Molokoa Parcel (Franklin and Walker 1994:8). A much more detailed discussion of historical documentary research of their study area by Kepā Maly has also been added.

The Monahan and Hammatt 2008 study (see Section 5.2.22) summarized seven previously identified historic properties—all along coast as well as a historic cemetery and two bridges. None of these historic properties was within a kilometer of the Wailani Subdivision project area.

Regarding the one previously identified historic property in the Wailani Subdivision project area, a historic building identified (SIHP # 50-30-11-09402) in the McMahon (1990) study, the Franklin and Walker study provides the following additional information in an addendum:

Site 9402 is a historic building that is currently uninhabited ([references present Figure 23, below]; building is in the Molokoa Parcel at the site of Radio Station KIVM). The building is in a generally flat area; vegetation in the immediate vicinity of the building is overgrown and consists of grasses, banana, *milo*, and. bougainvillea. The building is on an L-shaped concrete-slab foundation 60 feet long by 25.5-45.5 feet wide. The walls of the building are made of wood and hollow concrete tile and are finished with plaster. The roof is shingled with wood and is in the "cut-up" style. The building is in poor condition. There are large holes in the roof, and large areas of the roof are missing shingles. The exterior paint is faded and peeling, especially on the window sashes. The interior of the building is in extremely poor condition; the walls are heavily marked and rutted, and huge portions of the ceiling have been tom out.

The building was constructed in the late 1930s and was owned by Lihu'e Plantation Company, Ltd. It originally was built to house Kauai's first radio station, KTOH, which began broadcasting on May 8, 1940. The architect of the building was Guy Rothwell, and the interior designer was Sascha Petry of New York. G. Hiranaka was the building contractor. Accompanying the building was a 150-ft radio station tower constructed by Kauai Electric Company; the tower was completed the week of February 19, 1940. The building was used as a radio station though the early 1980s (the last radio station to use it was KIVM). In 1982 the building was damaged by Hurricane 'Iwa. After the hurricane the building was repaired only minimally. From 1983-1992 several small businesses worked out of the building or used it for storage. Most recently, Jack Harder Helicopters worked out of an addition adjoining the original building. In 1992 Hurricane 'Iniki damaged the building further. After 'Iniki, the building was not repaired. [Franklin and Walker 1994:ADD-1 to ADD-2]

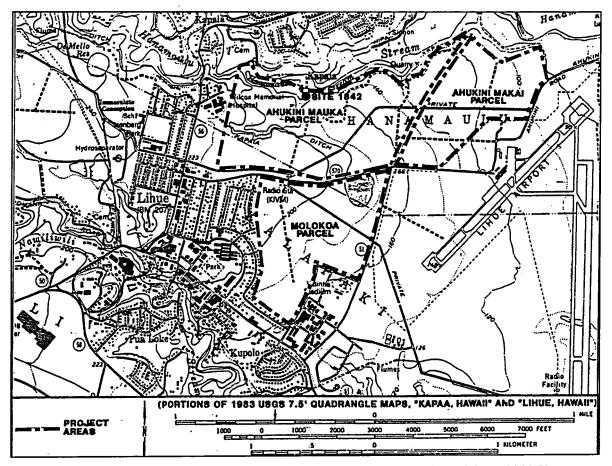


Figure 23. Portion of Figure 1 Franklin and Walker (1994:2) study (adapted from 1983 Kapaa and Lihue USGS topographic quadrangles) showing "Radio 6t8 [?] (KIVM) [?]" in the northwest corner of their "Molokoa Parcel" conforming to the present Wailani Subdivision project area

The study concludes,

Based on the above information, PHRI confirms McMahon's earlier assessment of Site 9402 as significant solely for information content (Criterion d, 36 CFR). Since all necessary information on the site has been recorded (in addition to the above information, PHRI has photographs of the building, a floor plan, and tax records), the site is recommended for no further archaeological work. [Franklin and Walker 1994:ADD-2]

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Section 6 Community Consultation

6.1 Introduction

Throughout the course of this assessment, an effort was made to contact and consult with NHO, agencies, and community members including descendants of the area, in order to identify individuals with cultural expertise and/or knowledge of the *ahupua* 'a of Kalapakī and specifically the Wailani Subdivision project area. CSH initiated its outreach effort in March 2023 through letters and email. CSH completed the community consultation in July 2023.

6.2 Community Contact Letter

Eight-page letters along with a map and an aerial photograph of the project were mailed with the following text:

Aloha mai kākou,

With this letter, Cultural Surveys Hawai'i (CSH) humbly requests your mana'o and 'ike (experience, insights, and perspectives) regarding past and ongoing cultural practices, beliefs, and resources within certain proposed development areas on Haili Moe and Visionary lands within Kalapakī and Hanamā'ulu Ahupua'a (see following figures).

Consultation with kūpuna, kama'āina, and Hawai'i's diverse ethnic communities is an important and deeply valued part of our work and the environmental review process for proposed projects in Hawai'i. Your contributions will revitalize and keep alive knowledge of cultural practices, storied places, and life experiences that will remind Hawai'i's children of their history for generations to come.

Project Description

At the request of Haili Moe, Inc. and Visionary LLC, CSH is preparing a Ka Pa'akai Analysis study for the Wailani Subdivision project in Kalapakī Ahupua'a and also for the Ahukini Makai Subdivision and Ahukini Mauka Subdivision projects in Hanamā'ulu Ahupua'a.

Wailani Subdivision Project

Haili Moe, Inc. is proposing to develop a mixed-use subdivision known as the Wailani Subdivision project in Kalapakī Ahupua'a, Līhu'e District, southeast Kaua'i, TMKs: (4) 3-6-002:001, 017, and 027. The location and boundaries of the proposed Wailani Subdivision study area are delineated on a 1996 Lihue U.S. Geological Survey (USGS) map (Figure 1), a 2013-2019 aerial photograph (Figure 2), and a Tax Map Key (TMK) plat (Figure 3).

Ahukini Makai Subdivision Project

Visionary LLC is proposing to develop an industrial subdivision known as the Ahukini Makai Subdivision project in Hanamā'ulu Ahupua'a, Līhu'e District, southeast Kaua'i, TMK: (4) 3-7-002:001. The location and boundaries of the proposed Ahukini Makai Subdivision study area are delineated on a 1996 Kapaa

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and Lihue USGS map (see Figure 1), a 2013-2019 aerial photograph (see Figure 2), and a TMK plat (Figure 4).

Ahukini Mauka Subdivision Project

Haili Moe, Inc. is proposing to develop a mixed-use subdivision known as the Ahukini Mauka Subdivision project in Hanamā'ulu Ahupua'a, Līhu'e District, southeast Kaua'i, TMKs: (4) 3-7-001:001 por. and 3-7-002:012 por. The location and boundaries of the proposed Ahukini Mauka Subdivision study area are delineated on a 1996 Kapaa and Lihue USGS map (see Figure 1), a 2013-2019 aerial photograph (see Figure 2), and TMK plats (see Figure 4 and Figure 5).

Purpose of this Study

The purpose of this Ka Pa'akai Analysis outreach is to 1) identity and scope valued cultural, historical, or natural resources in the study areas, including the extent to which traditional and customary Native Hawaiian rights are exercised in the study areas; 2) identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action. This is accomplished through consultation and background research using previously written documents, studies, and interviews. This information is used to assess potential impacts by the proposed project to the specific identified resources, practices, and beliefs in the study areas. As a knowledgeable member of the community and a holder of long-term cultural knowledge, your insight, input, and perspective provide a valuable contribution to the assessment of potential effects of this project and an understanding of how to protect these resources and practices.

Insights focused on the following topics in the study areas are especially helpful and appreciated:

- Your knowledge of traditional cultural practices of the past within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Your specific traditional cultural practice and its connection to the proposed study areas of Kalapakī and Hanamā'ulu Ahupua'a
- The different natural resources associated with your cultural practice
- Legends, stories, or chants associated with your cultural practice and its relationship to the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Referrals to other kūpuna, kama'āina, and traditional cultural practitioners knowledgeable about the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Your comments or thoughts on the potential impacts the proposed project may have on your ongoing traditional cultural practice and natural resources within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a

- Your knowledge of cultural sites and wahi pana (storied places) within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Your comments or thoughts on the potential impacts the proposed project may have on cultural sites and wahi pana within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a

Consultation Information

Consultation is an important and deeply valued part of a Ka Pa'akai Analysis study. Your contributions will revitalize and keep alive our combined knowledge of past and ongoing cultural practices, historic places, and experiences, reminding following generations of their history.

With your agreement to participate in this study, your contributions will become part of the comprehensive understanding of traditions of the area and part of the public record.

As a part of this process, your knowledge may be used to inform future heritage studies of cultural practices and resources that need protection from impacts of proposed future projects. If you engage in consultation, and the mana'o and 'ike you provide appears in the study, we would like to recognize your contribution by including your name. If you prefer not to allow your name to be included, your information can be attributed to an anonymous source.

The consultation interview structure and format are flexible. We will accommodate your preference on how to get together: talk story, over the phone, by email correspondence, remotely via Zoom, MS Teams, Google Chat or other remote meeting platforms.

Your knowledge of the resources and potential effects of the project on traditional practices in the study area portions of Kalapakī and Hanamā'ulu Ahupua'a focusing on the topics in the bullet points above can also be submitted in a written statement. CSH will provide return postage for your written statement on request.

CSH is happy to provide a list of topics for discussion, a more structured questionnaire of interview questions, or any other assistance that might be helpful.

If you have questions regarding consultation, or are interested in participating in this study, please contact CSH Cultural Researcher Kellen Tanaka by email at [...] or phone at [...].

Mahalo nui loa for your time and attention to this request for consultation.

Kellen Tanaka

CSH Cultural Researcher

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Cultural Surveys Hawai'i Job Code: KALAPAKI 11

In most cases, two or three attempts were made to contact individuals, organizations, and agencies. Community outreach letters were sent to 37 individuals or groups; ten responded, two provided written testimony, and two of these *kama 'āina* and/or *kūpuna* met with CSH for more in-depth interviews.

6.3 Community Contact Table

Below in Table 7 are names, affiliations, dates of contact, and comments from NHOs, individuals, organizations, and agencies contacted for this project. Results are presented below in alphabetical order.

Name	Affiliation	Comment
Agena, Robert	Kama'āina	Letter and figures sent via USPS 2 March 2023 Letter and figures sent via USPS 18 April 2023
Ahuna, Kanoe	President and Director, EAO Hawaii Inc.	Letter and figures sent via USPS 2 March 2023 Letter and figures sent via email 3 March 2023 Letter and figures sent via email 19 April 2023
Alu Like	Their mission is to $k\bar{o}kua$ Hawaiian Natives who are committed to achieving their potential for themselves, their families, and communities	Letter and figures sent via USPS 2 March 2023 Letter and figures sent via USPS 18 April 2023
Baker, Harry J.	Librarian, Kauaʻi Community College	Letter and figures sent via USPS 2 March 2023 Letter and figures sent via email 3 March 2023 Letter and figures sent via email 19 April 2023
Berg, Carl	Biologist, Chair for Surfrider Foundation, Marine Biologist, Blue Water Task Force Coordinator, watershed management, climate change	Letter and figures sent via email 3 March 2023 Mr. Berg replied via email 8 March 2023 expressing concern regarding the "adequacy of the Lihue aquifer to provide water for these developments and the Lihue WWTP [Waste Water Treatment Plant] to handle the increased amount of sewage" CSH replied via email 8 March 2023 thanking him for his response
Buckley, David	Kaua'i Lead Archaeologist, SHPD	Letter and figures sent via email 3 March 2023 Letter and figures sent via email 19 April 2023
Cockett, Pat	Kalapakī Resident	Letter and figures sent via USPS 2 March 2023 Letter and figures sent via email 19 April 2023

Table 7. Community contact table

Name	Affiliation	Comment
Cummings, Roslyn	Kama'āina	Letter and figures sent via email 19 April 2023 Ms. Cummings replied via email 19 April 2023 CSH replied via email 20 April 2023 Ms. Cummings submitted a written declaration on 15 May 2023 Ms. Cummings' declaration is included in its entirety in Appendix B
Cummings, Sherri-Lee Uʻilani	Lineal descendant of Hanamaulu Ahupua'a	Ms. Cummings reached out to CSH via email 20 May 2023 and expressed interest in submitting testimony regarding the proposed projects CSH replied via email 22 May 2023 and confirmed CSH is still accepting comments Ms. Cummings replied via email 22 May 2023
Fu, Kanani	Cultural consultant	Letter and figures sent via email 6 June 2023; Ms. Fu responded 8 June 2023 via email noting (in addition to herself) four families: Kanani Durant and 'ohana, Butch Durant and 'ohana Shanks 'ohana (Troy), and Pia 'ohana with ties to Hanamā'ulu that may want to be a part of this process CSH responded 9 June via email seeking to meet (remotely, initially) CSH met with Ms. Fu over the phone 20 June 2023 Interview summary sent for review 26 July 2023 Interview summary approved 16 October 2023
Gaines, Erin	Kaua'i Regional Director, Big Brothers Big Sisters Hawai'i	Letter and figures sent via USPS 2 March 2023 Letter and figures sent via email 3 March 2023 Letter and figures sent via email 19 April 2023
Griffin, Pat	Historian, Planner, Preservationist, former chair of the KHPRC, author of <i>Līhu'e</i> — Root and Branch of a Hawai'i Town (and other works)	Letter and figures sent via email 3 March 2023 Letter and figures sent via email 19 April 2023
Heacock, Don	Nawiliwili Bay Watershed Council	Letter and figures sent via email 3 March 2023 Letter and figures sent via email 19 April 2023
Hoomanawanui, Kauanoe	Burial Sites Specialist (Kaua'i and Ni'ihau)	Letter and figures sent via email 3 March 2023 Letter and figures sent via email 19 April 2023

Name	Affiliation	Comment
Hussey, Sylvia	CEO, Office of	Letter and figures sent via USPS 2 March 2023
М.	Hawaiian Affairs	Letter and figures sent via USPS 19 April 2023
Hussey-Albao,	President, Queen	Letter and figures sent via USPS 2 March 2023
Liberta	Deborah Kapule	Letter and figures sent via email 3 March 2023
	Hawaiian Civic Club	Ms. Hussey-Albao replied via email 9 March 2023
		Ms. Hussey-Albao discussed the project with
		their board and assigned Roland Sagum to
		review the letter and figures
		CSH replied via email 9 March 2023 thanking
		her for her response
		CSH followed up with Mr. Sagum via email
		20 April 2023
Ida, Gerald	Member, Kauaʻi	Letter and figures sent via USPS 2 March 2023
	Historic Preservation	Letter and figures sent via email 18 April 2023
	Commission	
Kahalekai, J.	Kauaʻi/Niʻihau Island	Letter and figures sent via USPS 2 March 2023
Kauilani	Burial Council	Letter and figures sent via email 3 March 2023
	(KNIBC) – Līhuʻe	Letter and figures sent via email 19 April 2023
	representative	Ms. Kahalekai responded via email 26 April 2023
		Ms. Kahalekai mentioned there are "burials
		toward Ahukini Mauka area closer to lower
		areas in Kapaia valley and towards Ahukini
		Makai closer towards the valley and lower
		areasThe Durante ohana and Kane ohana
		have kuleana in those areas." She noted, "There
		would be more animal bones in all other areas."
		She also noted, "Closer to Ahukini Makai this
		is more gathering rights area towards ocean
		along shoreline."
		CSH replied via email 26 April 2023 thanking
		her for her response and again on 27 April 2023
		asking for contact information for the Durante
		<i>'ohana</i> and Kane <i>'ohana</i>
Kaiola Canoe	Canoe Club	Letter and figures sent via USPS 2 March 2023
Club	TF (Letter and figures sent via USPS 19 April 2023
Kalauhine	Kama 'āina	Letter and figures sent via USPS 2 March 2023
'Ohana		Letter and figures sent via USPS 19 April 2023
Kaohelauli'i,	President, Kaua'i	Letter and figures sent via USPS 2 March 2023
John	Native Hawaiian	Letter and figures sent via email 3 March 2023
	Chamber of Congress	Letter and figures sent via email 19 April 2023

Name	Affiliation	Comment
Kaua'i	Historical Society	Letter and figures sent via USPS 2 March 2023
Historical		Letter and figures sent via email 3 March 2023
Society		Kaua'i Historical Society replied via email
		3 March 2023
		CSH followed up via email 20 April 2023
		Kauai Historical Society's archivist replied via
		email 21 April 2023 recommending resources
		with information about Kalapakī and
		Hanamaulu Ahupua'a
		CSH replied via email 21 April 2023 thanking
		them for sharing their recommendations
Kauka, Sabra	Hawaiian Studies	Letter and figures sent via USPS 2 March 2023
	Kumu, Island School	Letter and figures sent via email 3 March 2023
		Letter and figures sent via email 19 April 2023
Kekua,	Kaua'i Heritage Center	Letter and figures sent via USPS 2 March 2023
Kehaulani		Letter and figures sent via email 3 March 2023
		Letter and figures sent via email 19 April 2023
Lovell, Carol	Kaua'i Island Burial	Letter and figures sent via email 3 March 2023
-	Council – Kawaihau	Letter and figures sent via email 19 April 2023
Madayag,	Curator, Grove Farm	Letter and figures sent via USPS 2 March 2023
Moises	Homestead Museum	Letter and figures sent via email 3 March 2023
		Letter and figures sent via email 19 April 2023
Matsushima,	<i>Kama 'āina</i> of	Mr. Matsushima provided written testimony via
Kaniela	Hanamaulu	email 23 May 2023
Kaleikaumaka		CSH replied via email 24 May 23 thanking him
		for his response
		Mr. Matsushima's testimony is included in its
		entirety in Appendix C
Matsushima,	<i>Kamaʻāina</i> of	Letter and figures sent via email 9 June 2023
Kimo	Hanamā'ulu	CSH met with Mr. Matsushima over the phone
		21 June 2023
		Interview summary sent for review 26 July
		2023
		Interview summary approved 16 October 2023
Matsushima,	<i>Kama 'āina</i> of	Letter and figures sent via USPS 6 June 2023
Lester	Hanamāʻulu	
Oi, Thomas	Former land surveyor,	Letter and figures sent via USPS 2 March 2023
<u> </u>	DLNR	Letter and figures sent via USPS 18 April 2023
Peters, Sarah	Pelekikena, Kaumuali'i	Letter and figures sent via USPS 2 March 2023
	Hawaiian Civic Club	Letter and figures sent via email 3 March 2023
		Letter and figures sent via email 19 April 2023

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Name	Affiliation	Comment
Rogers,	Cultural Education	Letter and figures sent via USPS 2 March 2023
Alohilani	Specialist, Kawaikini	Letter and figures sent via email 3 March 2023
	New Century Public	Letter and figures sent via email 19 April 2023
	Charter School	Ms. Rogers replied via email 19 April 2023
		Ms. Rogers forwarded letter and figures to "a
		friend whose family has lived in the area for generations."
		CSH replied via email 20 April 2023 thanking
		them for their response
Rogers, Nani	Hui Hoʻokipa o Kauaʻi	Letter and figures sent via USPS 2 March 2023
	-	Letter and figures sent via USPS 18 April 2023
Santos, Donna	Nā Kuleana o Kānaka	Letter and figures sent via USPS 2 March 2023
Kaliko	'Ōiwi /Aha Moku	Letter and figures sent via email 3 March 2023
	Council – Puna	Letter and figures sent via email 19 April 2023
	OHA, Community	
	Relations Specialist	
TenBruggencate,	President, Mālama	Letter and figures sent via USPS 2 March 2023
Jan	Hule'ia	Letter and figures sent via email 3 March 2023
		Letter and figures sent via email 19 April 2023
Trugillo,	Ka Leo o Kaua'i	Letter and figures sent via USPS 2 March 2023
William		Mail returned
Wichman,	Former President of	Letter and figures sent via email 3 March 2023
Randy	Kauaʻi Historical Society	Letter and figures sent via email 19 April 2023

6.4 Summary of Responses

The substantive responses are summarized here in alphabetical order.

Carl Berg

Carl Berg replied via email 8 March 2023 expressing concern regarding the "adequacy of the Lihue aquifer to provide water for these developments and the Lihue WWTP [Waste Water Treatment Plant] to handle the increased amount of sewage." Thus he expressed concern for both the adequacy of available water to support the development as well as the adequacy of waste water treatment infrastructure to address the proposed development. While the adequacy of water (and water supply infrastructure) and wastewater infrastructure to support the development may be perceived as development questions independent of any specific ethnic community and traditional and customary Hawaiian resources and practices, we need to note that for many in the Native Hawaiian community issues of water extraction and wastewater disposal are understood as cultural issues. However legitimate these concerns may be, it is not clear they are necessarily specific to the Wailani Subdivision lands per se.

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Roslyn Cummings

Ms. Roslyn Cummings was kind enough to provide a detailed response which is provided verbatim in present Appendix B; the reader is referred directly to that testimony and is invited to draw their own conclusions.

Ms. Cummings relates that she was born in Waimea, Kaua'i and relates much of her *mo'o* $k\bar{u}$ 'auhau or genealogy which she traces back to (amongst others) Kaikio'ewa, understood as a cousin of Kamehameha I and the first governor of Kaua'i (understood as born in Waimea, Kaua'i). This *mo'o* $k\bar{u}$ 'auhau is offered "In protection of Kauai Mokupuni, Puna Moku, Ahupua'a O Hanamaulu, Kalapaki, Wailua (Ko Hawaii Pal Aina) a pau." It is not clear whether there is any direct genealogical connection to Puna District and the *ahupua'a* of Kalapakī and Hanamā'ulu.

She asserts, "Our practices as Kanaka Maoli is within our inherent birthright. It does not need to be publicized to be legitimate. It does not have to be defined for every individual to know and comprehend."

She expresses opposition to development of the '*āina* (land, earth) in general and the view that "Development is detrimental to the Ola [life, health, well-being]" with a particular focus on how "When development occurs, the water becomes- polluted, diverted, depleted [...]" A related foci is "the significant impacts of Waste management that gets pumped into our oceans and rivers (Kai/Wai) through lack of management, infrastructure [...]" A concern for loss of access and gathering rights is expressed.

While it is understood that these points relate to the proposed Wailani Subdivision project, these points appear to be made with pertinence to the island of Kaua'i in general (with no points explicitly made specifically to the Wailani Subdivision project, Kalapakī Ahupua'a or Puna District).

J. Kauilani Kahalekai,

Ms. J. Kauilani Kahalekai was kind enough to respond via email 26 April 2023:

I'm responding to your Ka Pa'akai Analysis study of Wailani Subdivision project in Kalapaki Ahupua'a and the Ahukini Mauka & Makai Subdivision project in Hanamaulu Ahupua'a...

There is burials toward Ahukini Mauka area closer to lower areas in Kapaia valley and towards Ahukini Makai closer towards the valley and lower areas...The Durante ohana and Kane ohana have kuleana in those areas.

There would be more animal bones in all other areas. Closer to Ahukini Makai this is more gathering rights area... towards ocean along shoreline..

I'm sure this will aide in your projects that are planned.. if you have more questions please don't hesitate to contact.

With much regards,

J Kauilani Kahalekai

Kauai Island Burial Council

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CSH replied via email 26 April 2023:

Mahalo for your response and for all the information you shared. We really appreciate it. With your permission, we would like to include your comments in our report. I attached a pdf of CSH's authorization and release form which grants us permission to include the information you provided in our report. Could you please sign the form and send us a scan or photo of the signed form for our records? Feel free to contact me if you have any questions.

CSH replied via email 27 April 2023:

CSH would like to reach out to the Durante 'Ohana and Kane 'Ohana regarding the Ka Pa'akai Analysis study for the Wailani Subdivision project in Kalapakī Ahupua'a and the Ahukini Makai Subdivision and Ahukini Mauka Subdivision projects in Hanamā'ulu Ahupua'a. Would you be able to provide us with their contact information so we may send them the outreach letter or could you forward them the letter (attached) with our contact info and ask them to contact us if they would like to participate?

CSH received no response to the request for contact information.

Our understanding is that her references to burials in proximity to the Ahukini Mauka and Ahukini Makai project areas means the burials are closer (or in) the valleys. It is our reading that if bones are found in the project areas, they may well turn out to be animal bones.

Kaua'i Historical Society

The Kaua'i Historical Society (Ramona "Mona" Kincaid) was kind enough to respond on 21 April 2023 by email to our outreach:

I looked up a few things but I'm sure your company's report Hanamaulu 10 [a reference to Archaeological Literature Review and Field Inspection for the Approximately 16.8 kilometers Līhu'e Hanamā'ulu New Mauka Road and the Future Potential Mauka Road, Līhu'e District, Kaua'i Island (TMK: [4] 3-4-05; 3-8-02; 3-4-07; 3-8-03; and 3-8-05) (Kamai and Hammatt 2015)] will have many of the usual cultural resources. I am not a cultural practitioner but I did give our resources a look and have attached some random notes that I found.

Aloha,

Mona

The kindly provided notes are given below:

Documentation of Fisheries and Fishing Rights Recorded in the Māhele 'Aina

A careful review of thousands of claims recorded during the Māhele 'Aina for all islands-with the exception of Kaho'olawe for which no claims were locatedrevealed that at least 1.233 claims for fishery resources were recorded in the Register and Testimony Volumes of the Land Commission 13.

These claims include those of the hoa'āina [tenant] and the ali'i awardees. The break-down of fishery related claims by island includes:

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76 claims on Hawai'i

83 claims on Kaua'i;

72 claims on Lāna'i;

202 claims....

[LCA] 3426 Pelekane at Hanamaulu, Kauai. A lot bounded on side by a fish pond.

[LCA] 238 P Kinipeki at Kalapaki, Kauai. One parcel bounded on Koolau side by fish pond.

[LCA] 3280 Wawae at Kalapaki, Kauai. Three fish ponds at Kalapaki.

[LCA] 3425 Paiki at Kalapaki, Kauai. A lot bounded on side by Kauhailawa's fish pond.

[LCA] 3642 Kuolohu at Kalapaki, Kauai. A lot bounded on side by the pond called Koenaawanui.

[LCA] 3645 Kauleoki at Kalapaki, Kauai. A lot bounded on side by the pond called Koenaawanui.

[LCA] 3907 Nakala at Kalapaki, Kauai. Two fish ponds.

Document by Kumu Pono Associates HiPe74-080103 by Kepa Maly [references Maly, Kepa and Onaona Maly 2003 Ka Hana Lawai'a a me Na Ko'a O Na Kai 'Ewalu. A History of Fishing Practices and Marine Fisheries of the Hawaiian Islands. Compiled from: Native Hawaiian Traditions, Historical Accounts, Government Communications, Kamaaina Testimony and Ethnography Volume 1. Kumu Pono Associates.]

Garden Island newspaper in Chronicling America: 2/23/1915 2:3-4 History of Lihue by Mrs. William H. Rice mentions Hanamaulu. This is probably on microfilm in Lihue Library:

[Garden Island newspaper an article] 9/17/1940 Fishing rights in Hanamaulu.

Handy and Handy for native plants.

I noted in the 1910 and 1912 USGS Topo maps of Kauai there seems to be an old road/path along the southern bank of Hanamaulu Stream on the north side of Ahukini Mauka. It does not appear to go to the ocean but maybe down the bank to the stream? There are a number of old time residents along the northern bank of the stream who could be queried for your project.

Regarding the supplied data on fishponds (drawn from native tenant LCA accounts), we see reference to one fishpond bounding LCA 3426 to Pelekane at Hanamā'ulu, Kaua'i and references to fishponds bounding six native tenant LCAs (LCAs 238 P Kinipeki, LCA 3280 to Wawae, LCA 3425 Paiki, LCA 3642 to Kuolohu, LCA 3645 to Kauleoki, and LCA 3907 to Nakala) at Kalapakī.

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The Maly and Maly (2003) study was consulted. While it certainly contains a wealth of information including testimonies for the island of Kaua'i and regarding the fisheries of Kaua'i, the only data specific to Kalapakī Kaua'i identified were the following:

- The LCA 238P, LCA 3280, LCA 3425, LCA 3642, LCA 3645, and LCA 3907 to Nakala cited above,
- A reference to a 3 June 1857 article in the Hawaiian language newspaper Ka Hae Hawaii that the "I'a Ho'omalu" (seafood under the protection of ...") declared by V.K. Kaahumanu (Victoria Kamāmalu) of Kapaki (understood as Kalapakī) was the akule (cited in Maly and Maly 2003:298),
- A reference to an Interior Department Document No. 11 (n.d. ca. 1850) that the Konohiki of Kalapaki was Wikolia and that under them the "*I'a Ho'omalu*" was the *uhu* (parrot fish) and the La'au Ho'omalu ("plant under the protection of ...") was the *koa* (cited in Maly and Maly 2003:303),
- A reference to an Interior Department Document No. 11 (n.d.) that among "the prohibited fish of the lands of V. Kamamalu, and Ruta Keelikolani, on the Island of Kauai" at Kalapakī was the *akule* (cited in Maly and Maly 2003:303).

The only data specific to Hanamā'ulu Kaua'i identified were the following:

- The LCA 3426 reference cited above (presumably also the source for reference to a "nameless fishpond. In Hanamaulu, area small") (cited in Maly and Maly 2003:445),
- A reference to a 3 June 1857 article in the Hawaiian language newspaper Ka Hae Hawaii that the "I'a Ho'omalu" ("seafood under the protection of ...") declared by V.K. Kaahumanu (Victoria Kamāmalu) of Hanaulu (understood as Hanamā'ulu) was the akule (cited in Maly and Maly 2003:298),
- A reference to an Interior Department Document No. 11 (n.d. ca. 1850) that the Konohiki of Hanamā'ulu was Wikolia and that under them the "*I'a Ho 'omalu*" was the *'anae* (mullet) and the La'au Ho'omalu ("plant under the protection of ...") was the *hau* (cited in Maly and Maly 2003:303),
- A reference to an Interior Department Document No. 11 (n.d.) that among "the prohibited fish of the lands of V. Kamamalu, and Ruta Keelikolani, on the Island of Kauai" at Hanamā'ulu was the *akule* (cited in Maly and Maly 2003:303).

The reference to the *Garden Island* 2/23/1915 2:3-4 article on the History of Līhu'e by Mrs. William H. Rice and the *Garden Island* 9/17/1940 article on fishing rights in Hanamā'ulu were sought but not found.

Kaniela Kaleikaumaka Matsushima

Kaniela Kaleikaumaka Matsushima was kind enough to provide a detailed response which is provided verbatim in the present Appendix C; the reader is referred directly to that testimony. Kaniela emphasizes he is from Hanamā'ulu Valley, that his father was born and raised in the valley, and that he is in fact the sixth generation to have been born, or to have lived in the valley. He emphasized that he:

[...] have spent my entire life in this valley with my kūpuna. Life for our 'ohana is mahi'ai (cultivating) lo'i kalo, mai'a, 'ulu, 'uala, and niu, lawai'a (fishing) in the

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stream, the bay, and the ocean in both directions all the way to Wailua and Kalāpakī. Subsistence fishing and gathering of 'opihi and limu for our 'ohana.

He emphasized that his family were traditionally the *konohiki* of Hanamā'ulu going back to the time of Kaikio'ewa (understood as governor of Kaua'i from 1825-1839).

A general decline in fish populations is noted and is attributed to "the continued pollution from the developments near and above the valley of Hanamā'ulu and stretches all the way to Kalāpakī." It is asserted that as a result of pollution it is not possible to swim in Hanamā'ulu stream and bay. We note this is supported, at least in part, by the following:

On June 9, 1972, the beach at Hanamā'ulu was closed for public use due to the high bacterial pollution levels in the nearshore waters and in the adjoining stream. The pollution came from fecal matter from pasture animals in the upper valley and from the piggeries in upper Kapaia. It was spread by runoff into the stream from plantation irrigation water. The beach was reopened for public swimming in June two years later when the pollution problems were corrected. [Clark 1990:6]

Kaniela Kaleikaumaka Matsushima is on record in opposition to the Wailani (and Ahukini Makai and Ahukini Mauka) project(s) in order to "To protect this 'āina, wai and kai from further detrimental impacts to Kanaka Maoli traditional customary rights." He asserts, "I know for certain that any more development anywhere near this valley would be a huge burden to not only the valley itself, also the stream, the ocean, and the plants and animals, and us Kanaka Maoli."

A foci of the concern is the adverse impacts of drainage "Mounds and mounds of trash and contaminants come down daily and are an even heavier burden when we have large rains" and the related "Sewage spills from the pump house in Kapaia servicing the old Hanamā'ulu neighborhoods."

This mismanagement has led to thousands of gallons of raw sewage flooding the valley and the river causing a lot of harm to not only humans, but also to our livestock, our crops, and the wildlife that call the valley home. Many maoli holoholona, some endangered, live in the valley like the pua'a, 'alae 'ula, ae'o, koloa maoli, auku'u, nēnē, koa'e kea, pīnao, 'o'opu and many more. They all drink from this water and deserve clean water just as us humans do.

An additional aspect of the pervasive pollution of Hanamā'ulu Bay is the adverse impact to traditional 'aumākua species such as turtles (honu) and eagle rays (hīhīmanu).

I oppose any further developments for those reasons. Development greatly affects Kanaka Maoli ability to practice our traditional customary rights and our way of life. From our lo'i kalo, mālā [garden], our gathering of limu, opihi, and i'a [fīsh] from the stream and ocean. All of it. Development near Hanamā'ulu and Kalāpakī ahupua'a will cause irreversible damages. Changing our access and destroying what's left of the resources of the Hanamā'ulu and Kalāpakī ahupua'a.

There is no way for me to justify further development in these areas when the past and present concerns I spoke about above have yet to be remedied. Development will only compound this burden.

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Kimo Matsushima

On 21 June 2023, Cultural Surveys Hawai'i, Inc. (CSH) spoke with Kimo Matsushima, *kama 'āina* (native born) of Hanamā'ulu, over the telephone to discuss the Ka Pa'akai Analysis for the Wailani Subdivision project in Kalapakī Ahupua'a and the Ahukini Makai Subdivision and Ahukini Mauka Subdivision projects in Hanamā'ulu Ahupua'a.

Mr. Matsushima was born in Līhu'e, Kaua'i. He was raised in Hanamā'ulu and has lived there his entire life. He has recently retired after working at Līhu'e Airport for 33 years.

Mr. Matsushima is a farmer. Since 1992, he has been leasing land in Hanamā'ulu Valley from Grove Farm where he raised cattle and goats for the last 25 years. For the past five years, he has also been growing bananas. Mr. Matsushima noted that 15 to 20 acres of his farm are located within the project area for the Ahukini Mauka Subdivision. He also mentioned there are other farmers with leases from Grove Farm in the Ahukini Mauka project area. He noted his neighbors are farmers from Thailand who grow fruits and vegetables.

Mr. Matsushima is also a fisherman. He recalled catching fish and crabs in Hanamā'ulu Bay. He also recalled setting up prawn traps in Hanamā'ulu Stream. Over the years, he has observed how the conditions of Hanamā'ulu Stream and Hanamā'ulu Bay have changed. He noted that when he was growing up, the pollution from runoff was not as bad and the water in Hanamā'ulu Bay was clean. From the 1990s to the present, the pollution from runoff has caused the water in the bay to become murky, and sometimes even looking like chocolate.

He stated that he is still able to catch crabs in Hanamā'ulu Bay, however, he noted he must filter out the pollution before it is safe to eat. He also mentioned there are still prawns in Hanamā'ulu Stream, but not as much as in the "good old days."

Mr. Matsushima's main concern is increased runoff polluting the waters of Hanamā'ulu Stream and Hanamā'ulu Bay. He stated that runoff from the existing Hanamā'ulu Subdivision has negatively impacted the quality of water in the stream and bay. He noted his farm is located on both sides of Hanamā'ulu Stream and he has observed, over time, the impacts of runoff to the health of the stream as well as fish and other animals who use the stream. He also noted that following heavy rainfall, the water in Hanamā'ulu Stream and Hanamā'ulu Bay is very dirty. He has observed prawns and mud turtles resting on the banks of the stream to avoid the polluted water following heavy rain. He pointed out that Hanamā'ulu Stream is located in the flood zone and following heavy rains, runoff drains into the stream and right into the pasture where his cattle and goats feed. This runoff carries debris he and his 'ohana (family) must clean.

Mr. Matsushima also discussed potential impacts which may result from the increase in population in the area. He questioned if the current waste water treatment facilities in Kapaia and Līhu'e have the capacity to handle the increase in population. He pointed out that sewage spills at the Kapaia Sewage Pump Station occur often causing sewage to enter into Hanamā'ulu Stream that eventually flows into Hanamā'ulu Bay. He expressed concern that the increase in population will also have negative impacts for traffic on the roads. He expressed concern about increasing numbers of people trespassing on his farm and stealing his animals and equipment.

Mr. Matsushima discussed *iwi kūpuna* (ancestral remains) within the project areas and Hanamā'ulu Ahupua'a. He stated that he is not aware of *iwi kūpuna* within the Ahukini Mauka project area, however, he mentioned there are *iwi kūpuna* in the slope going to the beach in the

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Ahukini Makai project area. He also mentioned there are *iwi kūpuna* in Hanamā'ulu Valley whose locations are marked by rocks.

Kanani Fu

On 20 June 2023, CSH spoke with Kanani Kagawa Fu, *kama 'āina* of the *ahupua 'a* of Hanamā'ulu, over the telephone to discuss the Ka Pa'akai Analysis for the Wailani Subdivision project in Kalapakī Ahupua'a and the Ahukini Makai Subdivision and Ahukini Mauka Subdivision projects in Hanamā'ulu Ahupua'a. Ms. Fu shared her concerns regarding the quality of *wai* in Hanamā'ulu Ahupua'a. She also discussed the past and current uses of Hanamā'ulu Stream and Hanamā'ulu Bay.

Ms. Fu was born in 1981 in Līhu'e, Kaua'i. She was raised in Anahola. As a child during the 1980s, Ms. Fu visited Hanamā'ulu with her father. She recalled going to Kapaia Valley in Hanamā'ulu with her father, where there were terraces of *lo'i kalo* (irrigated taro patches), and watching him and his friends restore the *lo'i*. Her *hānai* uncle also taught her how to tend to the *lo'i*. Their main tasks were restoring *wai* to the *lo'i*.

Ms. Fu described the abundance of resources available in Hanamā'ulu Stream when she was a child. She recalled gathering 'o 'opu (goby fish, families include *Eleotridae*, *Gobiidae*, and *Blennidae*) and prawns from the stream in the area from Kapaia Bridge to Hanamā'ulu Bay. She also gathered Job's Tears (*Coix lacryma-jobi*) which she used to make *lei* along the stream.

She also described the marine resources available in Hanamā'ulu Bay. She mentioned fishing was a common practice and noted that *akule* (Big-eyed or goggle-eyed scad fish; *Trachurops crumenophthalmus*) were abundant in the bay. She recalled learning how to fish from her uncle and participating in *hukilau* (a method of fishing, in which a large number of persons drive the fish into a net) with her 'ohana. She also recalled gathering *limu* including *limu kohu* (Asparagopsis taxiformis), *limu wāwae* 'iole (Lycopodium cernuum), 'opihi (Limpets; Cellana talcosa, C. sandwicensis, C. exarata), and shellfish such as Samoan crabs from the bay.

Ms. Fu also mentioned that on the cliffside of Ahukini Landing in Hanamā'ulu Bay there is a lookout spot where they would go to check the tides and the clarity of the water to see if the conditions were ideal for gathering *limu kohu*. She noted the path to the lookout has not been maintained and is currently unsafe due to the presence of homeless people and feral cats. She pointed out the area is zoned for Conservation and it is the landowner's responsibility to maintain the area.

Around 1990, Ms. Fu went off to boarding school. When she returned to Kaua'i around the year 2000, she observed drastic changes to the water quality of Hanamā'ulu Stream and Hanamā'ulu Bay. Before she left for boarding school, the water was clear and when she returned, she noticed a distinct difference in color due to pollution. She also observed changes in the quality and quantity of fish in the bay.

In 2010, she moved to Hanamā'ulu to raise her family in her home where the property abuts Hanamā'ulu Stream; she believes it is their *kuleana* (responsibility) to observe and tend to the health of the stream.

The negative impacts of pollution on Hanamā'ulu Stream and Hanamā'ulu Bay have persisted til this day. She noted it takes longer to gather the amount of sustenance to feed her family. To

gather fish for her family, they often have to leave Hanamā'ulu and travel to other *ahupua'a* such as Nāwiliwili. She also is no longer able to gather enough Job's Tears along Hanamā'ulu Stream to make a *lei*. Now, she gathers Job's Tears from Wailua Stream.

Ms. Fu believes she is fortunate to have experienced what Hanamā'ulu used to be. She stated that her children do not recognize the Hanamā'ulu she describes to them and they are surprised at the things she used to do in the stream and bay such as swimming and surfing.

She would like to see a balance between progress and honoring what Kaua'i is. She emphasized that Hanamā'ulu is one of those things that should be honored. She would like the quality and abundance of the *wai* restored in perpetuity so resources that were once abundant within Hanamā'ulu Stream and Hanamā'ulu Bay can be replenished.

Ms. Fu is optimistic damage to the quality of *wai* can be reversed. She believes cultural resources associated with the Hanamā'ulu Stream and Hanamā'ulu Bay still exist and can be restored with proper management. She noted that as part of the entitlement process, it is the landowner's obligation to mitigate potential negative impacts to Hanamā'ulu Stream and Hanamā'ulu Bay. She pointed out that Grove Farm has developed a management plan that calls for a biological monitoring program of the water quality within Hanamā'ulu Stream and Hanamā'ulu Bay which just needs to be implemented.

Section 7 Traditional Cultural Practices

Timothy R. Pauketat succinctly describes the importance of traditions, especially regarding the active manifestation of one's culture or aspects thereof. According to Pauketat,

People have always had traditions, practiced traditions, resisted traditions, or created traditions [...] Power, plurality, and human agency are all a part of how traditions come about. Traditions do not simply exist without people and their struggles involved every step of the way. [Pauketat 2001:1]

It is understood that traditional practices are developed within the group, in this case, within the Hawaiian culture. These traditions are meant to mark or represent aspects of Hawaiian culture that have been practiced since ancient times. As with most human constructs, traditions are evolving and prone to change resulting from multiple influences, including modernization as well as other cultures. It is well known that within Hawai'i, a "broader "local" multicultural perspective exists" (Kawelu 2015:3). While this "local" multicultural culture is deservedly celebrated, it must be noted that it has often come into contact with "traditional Hawaiian culture." This contact between cultures and traditions has undoubtedly resulted in numerous cultural entanglements. These cultural entanglements have prompted questions regarding the legitimacy of newly evolved traditional practices. The influences of "local" culture are well noted throughout this section, and understood to represent survivance or "the active sense of presence, the continuance of native stories, not a mere reaction, or a survivable name. Native survivance stories are renunciations of dominance, tragedy and victimry" (Vizenor 1999:vii). Acknowledgement of these "local" influences help to inform nuanced understandings of entanglement and of a "living [Hawaiian] contemporary culture" (Kawelu 2015:3). This section strives to articulate traditional Hawaiian cultural practices as were practiced within the *ahupua* 'a in ancient times, and the aspects of these traditional practices that continue to be practiced today; however, this section also challenges "tropes of authenticity" (Cipolla 2013) and acknowledges the multicultural influences and entanglements that may "change" or "create" a tradition.

This section integrates information from Sections 3-6 in examining cultural resources and practices identified within or in proximity of the project area in the broader context of the encompassing Kalapakī and Hanamā'ulu landscape. Excerpts from interviews are incorporated throughout this section where applicable.

7.1 Habitation and Subsistence

In pre-Contact and early historic times, the *ahupua* 'a of Kalapakī and Hanamā'ulu were permanently inhabited and intensively used. Traditional fishing hamlets were once located in particular near the seashore at Kalapakī, east and north (around and up the coast) of Kalapakī Beach and in Hanamā'aulu stream valley. *Loko* and small drainages were inland of these settlement areas. Concentrations of permanent house sites and temporary shelters, *heiau*, *ko* 'a ,and $k\bar{u}$ 'ula, and numerous trails were also located in these coastal areas.

Land Commission documents indicate a land use pattern that may be unique to this part of the island, or to Kaua'i in general, in which *lo'i* and *kula* lands are described in the same ' $\bar{a}pana$ (lot or parcel), with house lots in a separate portion. In most places, *kula* lands are defined as drier landscapes, and they do not typically occur next to, and among, wetter *lo'i* lands. The *kula* area

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contained native forests often cultivated with crops of *wauke*, *'uala*, and *ipu*. We know that *'o 'opu* were a valued resource in the uplands of Hanamā'ulu (Wichman 1998:60, citing "Kelsey, Notes n.d.")

Hammatt and Creed (1993:23) also note, "there are several [LCA] references to other *lo'i* next to the beach which indicate wetland cultivation extending right to the shoreline." This is another type of land use that seems to be fairly unique to Kaua'i.

Historical accounts also describe Kalapakī and Līhu'e's natural resources. Edith Rice Pleus, granddaughter William Hyde Rice, noted Kalapakī in the 1920s comprised fertile lands. She probably referred to the extensive plains or *kula* lands existing prior to use for commercial sugarcane. The cultivation of sweet potatoes, gourds and *wauke*, and other dryland crops would have dominated land use in these *kula* lands.

At the time of the Māhele, Victoria Kamāmalu was awarded both the *ahupua* 'a of Hanamā'ulu and Kalapakī under LCA 7713:2 which includes all the land within the present project area. The locations of *kuleana* land claims in Kalapakī Ahupua'a are clumped in two areas, along the floodplain of the north side of Nāwiliwili Stream (just back from the coast, south of Rice Street) and on the shore, back from Kalapakī Beach of Nāwiliwili Bay.

There were 13 claims in Kalapakī, of which 12 were awarded. The cultivation of taro, the major staple, was along the Nāwiliwili Stream flood plains and along the smaller brooks of Kalapakī and Koenaawa where there were springs. The only crop other than *kalo* mentioned specifically in Kalapakī is *wauke*.

Most Kalapakī claimants lived, however, at the shore in the "kulana kauhale" or village of Kalapakī, located behind Kalapakī Beach on Nāwiliwili Bay. The house lots in Kalapakī were at the shore and more than one claim in Kalapakī mentions the fishponds of Koenaawa. Two streams—Koenaawa nui and Koenaawa iki—are identified in the claims but neither is named on current maps.

In Hanamā'ulu the pattern was similar, with habitation and taro growing adjacent to Hanamā'ulu Stream, and circumscribed by the steep walls of the stream valley, but the greater scale of the stream valley allowed for the population to be more spread out.

The large tracts of inland areas (*kula*), not in the river valleys or at the shore, are not described in the claims but were probably in use. Traditional *kula* resources for all claimants would have been medicines, herbs, construction materials such as *pili* grass and trees (*koa* was a restricted tree of Kalapakī) for building houses, canoes, and perhaps lithic materials for tools. Sweet potatoes and other dryland crops, such as *wauke*, probably were cultivated in patches throughout the area at one time or another.

Kanani Fu recalled going to Kapaia Valley in Hanamā'ulu with her father, where there were terraces of *lo 'i kalo*, and watching him and his friends restore the *lo 'i*. Her *hānai* uncle also taught her how to tend to the *lo 'i*. Their main tasks were restoring *wai* to the *lo 'i*.

Kimo Matsushima has been leasing land in Hanamā'ulu Valley from Grove Farm since 1992. He noted 15 to 20 acres of the land he leases in the valley are located within the project area for the Ahukini Mauka Subdivision. On this land, he has raised cattle and goats for the last 25 years. For the past five years, he has also been growing bananas. He also mentioned there are other

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farmers with leases from Grove Farm in the Ahukini Mauka project area. He noted his neighbors are farmers from Thailand who grow fruits and vegetables.

Kaniela Matsushima emphasizes the unbroken tradition of his family in subsistence farming in Hanamā'ulu Valley: "Life for our 'ohana is mahi'ai (cultivating) lo'i kalo, mai'a, 'ulu, 'uala, and niu" (see Kaniela Matsushima testimony in Appendix C). The traditional pattern at the Kalapakī kuleana was probably quite similar.

Kimo Matsushima also discussed potential impacts which may result from the increase in population in the area. He questioned if the current waste water treatment facilities in Kapaia and Līhu'e have the capacity to handle the increase in population. He pointed out that sewage spills at the Kapaia Sewage Pump Station occur often causing sewage to enter into Hanamā'ulu Stream which eventually flows into Hanamā'ulu Bay. He expressed concern that the increase in population will also have negative impacts for traffic on the roads. He expressed concern about increasing numbers of people trespassing on his farm and stealing his animals and equipment.

7.2 Marine Resources

The Līhu'e District is well-watered and is fed by six main water sources (following the DLNR Stream Summary 1993:23, from south to north), the Hulē'ia Stream, the Pū'ali Stream, the Nāwiliwili Stream, the Hanamā'ulu Stream, the small Kawailoa watercourse, and the Wailua River (with its many tributaries). Two smaller streams, Koena'awa nui and Koena'awa iki, are identified in Land Commission documents, although neither of these is named on any extant maps. Given the gently sloping character of the natural lay of the land from Līhu'e to the coast, it is possible there were once a few other smaller drainages traversing what is now the airport, resort and golf course area, and that Native Hawaiian planters made use of this water.

We learn from an Interior Department Document No. 11 (n.d. ca. 1850) that the "*I'a Ho 'omalu*" ("seafood under the protection of …") of Hanamā'ulu was the *'anae* (mullet) and we learn from an 1857 article in the Hawaiian language newspaper *Ka Hae Hawaii* that the "*I'a Ho 'omalu*" declared by V.K. Kaahumanu (Victoria Kamāmalu) of Hanaulu (understood as Hanamā'ulu) was the *akule*. It seems probable that *'anae* were attracted to the freshwater outfall of the Hanamā'ulu Stream and the brackish water of Hanamā'ulu Bay. The *akule* may also have been attracted to the well-defined Hanamā'ulu Bay with the possibility that at times they may have been taken in great numbers by hook or net. The proper procedure for fishing in the bay would be when "the proper fishing season arrives all the people may take fish, and when the fish are collected, they shall be divided—one third to the fishermen, and two thirds to the landlord. […] And the protected fish might all be for the konohiki" (Kosaki, 1954:14). Clark supports this concept of a rich *akule* fishery at Hanamā'ulu Bay noting that into modern times "Commercial net fishermen surround akule and other migratory schooling fish that appear seasonally. Mullet and sharks, particularly juvenile hammerheads, are also found in the bay" (Clark 1990:6).

Kimo Matsushima recalled catching fish and crabs in Hanamā'ulu Bay. He also recalled setting up prawn traps in Hanamā'ulu Stream. Over the years, he has observed how the conditions of Hanamā'ulu Stream and Hanamā'ulu Bay have changed. He noted that when he was growing up, the pollution from runoff was not as bad and the water in Hanamā'ulu Bay was clean. From the 1990s to the present, the pollution from runoff has caused the water in the bay to become murky, sometimes even looking like chocolate.

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He stated he is still able to catch crabs in Hanamā'ulu Bay, however, he noted he must filter out the pollution before it is safe to eat. He also mentioned there are still prawns in Hanamā'ulu Stream, but not as much as in the "good old days."

Kimo Matsushima also expressed concern regarding increased runoff polluting the waters of Hanamā'ulu Stream and Hanamā'ulu Bay. He stated that runoff from the existing Hanamā'ulu Subdivision has negatively impacted the quality of water in the stream and bay. He noted his farm is located on both sides of Hanamā'ulu Stream and he has observed, over time, the impacts of runoff on the health of the stream as well as fish and other animals who use the stream. He also noted that following heavy rainfall, the water in Hanamā'ulu Stream and Hanamā'ulu Bay is very dirty. He has observed prawns and mud turtles resting on the banks of the stream to avoid the polluted water following heavy rains, runoff drains into the stream and right into the pasture where his cattle and goats feed. This runoff carries debris he and his 'ohana must clean.

Kaniela Matsushima emphasizes the unbroken tradition of his family in subsistence *lawai'a* (fishing) in the stream, the bay, and the ocean in both directions all the way to Wailua and Kalāpakī, subsistence fishing and gathering of *'opihi* and *limu* for our *'ohana* (see Kaniela Matsushima testimony in Appendix C).

Ms. Fu described the abundance of resources available in Hanamā'ulu Stream when she was a child. She recalled gathering 'o 'opu (goby fish, families include *Eleotridae*, *Gobiidae*, and *Blennidae*) and prawns from the stream in the area from Kapaia Bridge to Hanamā'ulu Bay.

She also described the marine resources available in Hanamā'ulu Bay. She mentioned fishing was a common practice and noted that *akule* (Big-eyed or goggle-eyed scad fish; *Trachurops crumenophthalmus*) were abundant in the bay. She recalled learning how to fish from her uncle and participating in *hukilau* with her 'ohana.

Ms. Fu discussed the negative impacts of pollution in Hanamā'ulu Stream and Hanamā'ulu Bay. She noted it takes longer to gather the amount of sustenance to feed her family. To gather fish for her family, they often have to leave Hanamā'ulu and travel to other *ahupua'a* such as Nāwiliwili.

Ms. Fu also recalled gathering *limu* including *limu kohu* (Asparagopsis taxiformis), *limu wāwae'iole* (Lycopodium cernuum), 'opihi (Limpets; Cellana talcosa, C. sandwicensis, C. exarata), and shellfish such as Samoan crabs from the bay. She also mentioned that on the cliffside of Ahukini Landing in Hanamā'ulu Bay there is a lookout spot where they would go to check the tides and the clarity of the water to see if the conditions were ideal for gathering *limu kohu*. She noted the path to the lookout has not been maintained and is currently unsafe due to the presence of homeless people and feral cats. She pointed out the area is zoned for Conservation and it is the landowner's responsibility to maintain the area.

Ms. Fu recalled gathering Job's Tears (*Coix lacryma-jobi*) which she used to make *lei* along Hanamā'ulu Stream. She noted she is no longer able to gather enough Job's Tears along Hanamā'ulu Stream to make a *lei*. Now, she gathers Job's Tears from Wailua Stream.

Ms. Fu also recalled swimming and surfing in Hanamā'ulu Stream and Hanamā'ulu Bay.

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Section 8 Summary and Recommendations

CSH undertook this cultural study in support of a Ka Pa'akai Anaysis at the request of Haili Moe, Inc. and Grove Farm Company, Inc. The research broadly covered the entire *ahupua'a* of Kalapakī and Hanamā'ulu, but is focused on the Wailani Subdivision project area.

8.1 Results of Background Research

Background research for this study yielded the following results, presented in approximate chronological order:

- 1. The original *moku* for the study area covered in this report is Puna, which means "spring of water." Līhu'e (literally translated as "cold chill"; Pukui et al. 1974:132) became the modern political name for the traditional *moku* of Puna. According to Ethel Damon (1931:402), the name Līhu'e was first applied to this area by Kaikio'ewa, Governor of Kaua'i in the 1830s, perhaps after Kaikio'ewa's upcountry residence on the island. This late derivation of the name has been recently disputed (Griffin 2012:46).
- 2. The Wailani Subdivision project area lies in two *ahupua'a*; it is mostly in Kalapakī Ahupua'a to the south but the northeast corner extends into Hanamā'ulu Ahupua'a. Kalapakī is described as a land division and a beach in Pukui et al. (1974:75), but no meaning is presented. Pukui and Elbert (1984:113) define the word *kalapakī* (with a small "k") as "double-yolked egg, Kaua'i." Kalapakī was also the name of a village located along the coast. The "Hanamā'ulu" *ahupua'a* name means "tired (as from walking) bay" (Pukui et al. 1974:41). Wichman (1998:61) relates that Hanamā'ulu Bay was given this name because it was "off the main around-the-island trail and a traveler had to walk extra miles to get there."
- 3. According to Hammatt and Creed (1993:22), Land Commission documents demonstrate the "village of Kalapakī" was synonymous with the "*'ili* of Kuuhai." According to a collection of Kaua'i place names by Kelsey (n.d.), Kalapakī was also known in traditional times as "Ahukini." Traditional habitation in both Kalapakī and Hanamā'ulu *ahupua'a* is understood to have been very strongly focused in the floor of the respective stream valleys.
- 4. The traditional ka 'ao mention several place names associated with the Kalapakī and Hanamā 'ulu area. The place name Līhu 'e is mentioned in the "Legend of Uweuwelekehau" (Fornander 1918-1919:5:196–197). In the mo 'olelo, "The Goddess Pele," two place names in the vicinity of the present project area are mentioned, Ninini and Ahukini (Rice 1977:14). In "The Menehunes," Ninini is also mentioned as a favorite place for the sport of jumping off cliffs into the sea (Rice 1977:44).
- 5. In pre-Contact and early historic times, the *ahupua* 'a of Kalapakī and Hanamā'ulu were permanently inhabited and intensively used. At the coastal areas were concentrations of permanent house sites and temporary shelters, *heiau*, *ko* 'a and *kū* 'ula, and numerous trails. The *kula* of Kalapakī, Hanamā'ulu, and neighboring *ahupua* 'a contained native forests and were cultivated with crops of *wauke*, 'uala, and ipu.
- 6. There were four *heiau* in Kalapakī, and Hanamā'ulu, Ahukini (sometimes written Ahuhini) near Ahukini Point, Ninini Heiau near Ninini Point, an unnamed *heiau* near Kūki'i Point, and Kalauokamanu Heiau near the south end of Kālepa Ridge in Hanamā'ulu. Ninini Heiau (Bennett site # 100), Ahukini Heiau (Bennett site # 101), and Kalauokamanu Heiau

(Bennett site # 102), were described by Bennett as destroyed (by 1931). Damon (1931:398) lists four *heiau* in Kalapakī, Kalapakī, Ahukini, Ninini, and Pohako'ele'ele, so it is possible the unnamed *heiau* was called Pohako'ele'ele.

- 7. Traditional fishing villages were once located near the seashore at Kalapakī, east and north (around and up the coast) of Kalapakī Beach and along Hanamā'ulu Stream in Hanamā'ulu valley. *Loko* and small drainages were inland of these settlement areas.
- 8. Land Commission Award (LCA) documents indicate a land use pattern that may be unique to this part of the island, or to Kaua'i in general, in which *lo 'i* and *kula* lands are described in the same 'āpana, with house lots in a separate portion. In most places, *kula* lands are defined as drier landscapes, and they do not typically occur next to, and among, wetter *lo 'i* lands. Also, there are several LCA references to other *lo 'i* next to the beach which indicate wetland cultivation extending right to the shoreline." This is another type of land use that seems to be fairly unique to Kaua'i.
- 9. Victoria Kamāmalu was awarded the *ahupua'a* of Hanamā'ulu and Kalapakī under LCA 7713:2. The Victoria Kamāmalu award (LCA 7713:2 part 7) includes all the land within the present project area. There were no native tenant awards in Kalapakī or Hanamā'ulu within approximately 700 m of the Wailani Subdivision project area. The locations of *kuleana* or native tenant LCA claims (1848–1853) in Kalapakī Ahupua'a are clumped in two areas, along the floodplain of the north side of Nāwiliwili Stream (just back from the coast, south of Rice Street) and on the shore, back from Kalapakī Beach of Nāwiliwili Bay. The native tenant LCAs of Hanamā'ulu were all within the Hanamā'ulu Stream valley.
- 10. There were 13 native tenant LCA claims in Kalapakī, of which nine were awarded. The cultivation of taro, the major staple, was along the Nāwiliwili Stream flood plains and along the smaller brooks of Kalapakī and Koenaawa where there were springs. The house lots in Kalapakī were at the shore. The only crop other than *kalo* mentioned specifically in Kalapakī is *wauke*. Additionally, more than one claim in Kalapakī mentions the fishponds of Koenaawa. Two streams—Koenaawa nui and Koenaawa iki—are identified in the claims but neither is named on current maps. Most Kalapakī, located behind Kalapakī Beach on Nāwiliwili Bay. Several of the claimants describe their village house lots in relation to the fishponds of Koenaawa (Koenaawainui and Koenaawaiki). There is also a description of the *muliwai* or estuary of Koenaawanui. Fifteen native tenant claims in Hanamā'ulu (all in the stream valley) reference house lots and taro lands.
- 11. Following the death of Victoria Kamāmalu in 1866, her lands were inherited by Princess Ruth Ke'elikolani. In 1870, Ke'elikolani sold large portions of her Kalapakī and Līhu'e lands to William Hyde Rice of Lihue Plantation. William Hyde Rice made subsequent land purchases from Princess Ruth in 1879 including a large *makai* section of the *ahupua'a* of Kalapakī and from there directed the Lihue Ranch. In later years he sold most of this land to the plantation (Damon 1931:747).
- 12. An Interior Department document (ca. 1850) mentioned the *konohiki* named Wikiola (*konohiki* for both *ahupua'a*) had proprietary rights to *ana'e* as the protected fish of Hanamā'ulu, and *uhu* for Kalapakī. The protected tree for Hanamā'ulu was *hau* and the protected tree for Kalapakī was *koa*. The reference to *koa* indicates customary use of that inland wood resource. These protected species are part of the *konohiki* resources, which he or she would use to meet his/her obligations to superior chiefs, governors/ governesses and

the King or Queen (Maly and Maly 2003:301). An 1857 listing of the lands of Victoria Kamāmalu (going by the name V.K. Kaahumanu) mentions "*Akule*" as the protected fish of both Kalapakī and Hanamā'ulu (Maly and Maly 2003:298). This may be of note in that *akule* are known to frequent bays, like Kalapakī Bay and Hanamāulu Bay, where they were sometimes subject to corporate fishing efforts.

- 13. Pigs, sweet potatoes, and salt, among other items, were traded to the earliest sailing vessels arriving in Hawai'i (post-1794) and it is likely that in Līhu'e District, as elsewhere, the production of these items increased beyond the needs of the immediate family and their expected contributions to their chiefs during this period of early visiting voyagers.
- 14. The plantation at Līhu'e was first established in 1849 by Henry A. Pierce; Judge Wm. Little Lee, the chairman of the Land Commission; and Charles Reed Bishop. It became Lihue Plantation in 1850. A steam-powered mill was built in 1853 at Lihue Plantation, the first use of steam power on a Hawaiian sugar plantation. Another important innovation at Līhu'e was created in 1856, when William H. Rice completed the 10-mile-long Hanamā'ulu Ditch, the first large-scale irrigation project for any of the sugar plantations (Moffatt and Fitzpatrick 1995:103).
- 15. Plantation labor was brought in from many countries and these new laborers brought some of their own cash crops. Rice production was an off-shoot industry of the sugar plantation in the 1870s, since many of the new Chinese plantation workers began to grow rice for themselves and then for trade with California. Japanese immigrants, by the end of the nineteenth century did the same and took over many of the Chinese rice paddies. In general, rice planters used abandoned taro fields, but made the patches larger than the traditional taro *lo 'i*. This is probably true of the Kalapakī floodplain.
- 16. From our earliest detailed maps (Donn 1906; Monsarrat 1900) right up through the 1978 USGS aerial photograph, the project area is indicated as part of a sea of commercial sugarcane cultivation.

8.2 Results of Community Consultations

CSH attempted to contact Hawaiian organizations, agencies, and community members as well as cultural and lineal descendants in order to identify individuals with cultural expertise and/or knowledge of the project area and vicinity. Community outreach letters were sent to 37 individuals or groups; ten responded, two provided written testimony, and two of these *kama'āina* and/or *kūpuna* met with CSH for more in-depth interviews.

8.3 Impacts and Recommendations

Based on information gathered from the community consultation, participants voiced and framed their concerns in a cultural context. Our main take-away is the long-standing adverse impact of present land management in the vicinity on traditional Hawaiian cultural practices. While we think of the purpose of Ka Pa'akai Analysis studies as safe-guarding the status quo of traditional Hawaiian rights and practices into the future, the picture eloquently painted by Kaniela Kaleikaumaka Matsushima, in particular, is that the impact of the status quo land-management on traditional Hawaiian practices is horrendous and unacceptable. Thus perhaps it should be no surprise that he concludes further development will only make matters worse, and thus he is pretty categorically against further development.

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As noted above, many of his critiques quickly find independent support. We understand that on 9 June 1972, the beach at Hanamā'ulu was closed for public use for two years due to the high bacterial pollution levels in the nearshore waters and in the adjoining stream (Clark 1990:6). Of course this was more than 50 years ago and had nothing to do with the proposed Wailani Subdivision project. While many sources of pollution are indicated, it would be hoped that Kaua'i County Planning would see their role as not only to keep matters from getting worse (by requiring best management practices) but to insure that any future development within this watershed be associated with improvement of water quality (as the ongoing status quo adverse impact to traditional Hawaiian cultural practices is very real).

Kanani Fu would like the quality and abundance of the *wai* restored in perpetuity so cultural resources that were once abundant within Hanamā'ulu Stream and Hanamā'ulu Bay can be replenished. She believes cultural resources associated with the Hanamā'ulu Stream and Hanamā'ulu Bay still exist and can be restored with proper management. She noted that as part of the entitlement process, it is the landowner's obligation to mitigate potential negative impacts to Hanamā'ulu Stream and Hanamā'ulu Bay. She pointed out Grove Farm has developed a management plan that calls for a biological monitoring program of the water quality within Hanamā'ulu Stream and Hanamā'ulu Bay which just needs to be implemented.

8.4 Ka Pa'akai Analysis

In Ka Pa'akai vs Land Use Commission, 94 Hawai'i (2000) the Court held the following analysis must also be conducted:

- 1. The identity and scope of valued cultural, historical, or natural resources in the project area, including the extent to which traditional and customary native Hawaiian rights are exercised in the project area;
- 2. The extent to which those resources—including traditional and customary native Hawaiian rights—will be affected or impaired by the proposed action; and
- 3. The feasible action, if any, to be taken by the LUC to reasonably protect native Hawaiian Rights if they are found to exist.

Based on information gathered from the cultural and historical background, and community consultation for this project, no culturally significant resources were identified within the project area per se. At present, there is no documentation or testimony indicating traditional or customary Native Hawaiian rights are currently being exercised "for subsistence, cultural and religious purposes and possessed by *ahupua'a* tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778" (Hawai'i State Constitution, Article XII, Section 7) within the specific project area. While no cultural resources, practices, or beliefs were identified as currently existing within the project area, Kalapakī and particularly Hanamā'ulu Ahupua'a maintain a rich cultural history in the exercise of traditional or customary Native Hawaiian rights within the project *ahupua'a*. Concerns have been expressed that "Development near Hanamā'ulu and Kalāpakī *ahupua'a* will cause irreversible damages." The focus of concern is largely adverse impact to the quality of the fresh water in Hanamā'ulu Stream and to the quality of coastal waters but there appears to be a concern for an increase in rubbish in Hanamā'ulu Valley (see in particular the Declaration of Kaniela Matsushima in Appendix C). The County of Kaua'i has a drainage policy that applies to development projects and will be followed for this project.

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8.4.1 The Wailani Subdivision Project Area Vicinity

The coastal plains, back from the coast and away from potable water, like the present project area, were typically less intensively utilized in traditional Hawaiian times. Utilization likely focused on dryland cultigens—such as sweet potatoes, dryland taro, *wauke*, ti leaf, and possibly banana, particularly in more *mauka* areas. Timber and medicinal plants may also have been available for gathering. Annual rainfall at the neighboring Līhu'e Airport station is 997 mm (39.25 inches) (Giambelluca et al. 2013), suggested to be marginal for non-irrigated agriculture. The rainfall gradient is substantial with Kilohana (the Kukaua Station, Giambelluca et al. 2013) receiving annual rainfall of 2,490 mm. Thus dryland planting areas further *mauka* were almost certainly more attractive. We have little detail on the environment before Lihue Plantation activities, but the Lt. George G. Jackson (RM 902) description of the vicinity as "Level grass land with volcanic boulders" seems likely. The inland coastal plains may have been savannah lands where grasses like *pili* were harvested for construction purposes.

There are no records of major trails running through the project area. Such trails within Kalapakī would likely have been located more *mauka* or *makai* quite close to the shoreline.

8.4.2 Archaeological Resources

We are aware of four archaeological studies within the Wailani Subdivision project area (McMahon 1990, Walker et al. 1991, Franklin and Walker 1994, and Monahan and Hammatt 2008).

The McMahon (1990) study (see Section 5.2.7, above) included within her "Location 2" study area most of the presently proposed Wailani Subdivision lands but did not include the west and southwest portions of the present project area. She noted one historic building designated (SIHP # 50- 30-11-09402)

The Walker et al. (1991) study (see Section 5.2.9) maintained that their Area No. 2 (including the present Wailani Subdivision parcel) was subject to archaeological inventory survey study and that no historic properties were identified there.

The Franklin and Walker 1994 study (see Section 5.2.13, above) was largely a repackaging of the Walker et al. (1991) study. This study does note Nancy McMahon's designation of a historic building within their Location 2/Molokoa Parcel (Franklin and Walker 1994:8). A much more detailed discussion of historical documentary research of their study area by Kepā Maly has also been added.

The Monahan and Hammatt 2008 study (see Section 5.2.22, above) summarized seven previously identified historic properties—all along coast as well as a historic cemetery and two bridges. None of these historic properties is within 1.0 km of the Wailani Subdivision project area.

Regarding the one previously identified historic property in the Wailani Subdivision project area, a historic building identified (SIHP # 50-30-11-09402) in the McMahon (1990) study, the Franklin and Walker study concludes:

Based on the above information, PHRI confirms McMahon's earlier assessment of Site 9402 as significant solely for information content (Criterion d, 36 CFR). Since all necessary information on the site has been recorded (in addition to the above information, PHRI has photographs of the building, a floor plan, and tax records),

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the site is recommended for no further archaeological work. [Franklin and Walker 1994:ADD-2]

The vicinity of the Wailani Subdivision project area is relatively well studied (see Figure 20). Most of the identified historic properties in the vicinity are older historic buildings of Līhu'e or relate to plantation infrastructure. The one major traditional Hawaiian site (SIHP # 50-30-11-01847), described as 53.0 acres in extent, but with no structural remains noted, although "the area may have been used prehistorically for agricultural activities" (Walker et al. 1991:A-6) is 1.0 km to the northeast and in a very different environmental zone down on the Hanamā'ulu Stream flood plain.

8.4.3 Burials

While there are a couple of historic cemeteries (Japanese Cemetery, Immaculate Conception Church Cemetery) in the greater vicinity (see Figure 21), these are more than 1.0 km away. The closest traditional burial (SIHP # 50-30-11-00824) reported (McMahon 1994) is about 800 m to the southwest. At least some burials would be expected at Kalapakī (given the indicated traditional resident community) but these would be expected to be almost exclusively in the Jaucus sands immediately adjacent to the coast. Wendell C. Bennett briefly references burials in his "Site 103. Dune burials. In the sand dunes that run along the shore halfway between Hanamaulu and Wailua River are many burials" (Bennett 1931:125). This may have been a traditional burial area for the people of Hanamā'ulu. This locus of burials is well to the north. Both the distance from the coast and the Lihue silty clay (LhB) and Lihue gravelly silt clay (LIB) soils of the project area (see Figure 5) would not have encouraged burial there.

Mr. Kimo Matsushima did not indicate any knowledge of human burials in the Wailani Subdivision project area. He mentioned there are *iwi kūpuna* in the slope going to the beach in the Ahukini Makai project area. He also mentioned there are *iwi kūpuna* in Hanamā'ulu Valley whose locations are marked by rocks.

Mr. Kaniela Kaleikaumaka Matsushima (see Appendix C) references how run-off and drainage related to land development with attendant erosional deposition of trash and contaminants adversely impact "*ohana* burials" understood as in Hanamā'ulu Stream valley.

8.4.4 Faunal Resources

Activities associated with faunal resources have and continue focus on marine resources. In prior consultation in Kalapakī, Ms. Cheryl Lovell-Obatake expressed her concern for marine resources and Ms. Sabra Kauka for fisherman using the coast (Mitchell et al. 2005:24–25). Ms. Kauka also expressed her concern for Shearwater birds:

Fourthly, I go to *mālama* the rare Shearwater birds that lay their eggs in the rock walls, boulders and bushes along the coast. I have been taking my 3rd and 4th grade students from Island School to count, capture, weigh, measure, and return the chicks to their nesting sites for the past two years. We have a special permit from the Department of Land & Natural Resources, State Forestry Division, to do this work. Last year we counted 38 chicks there. This year, unfortunately, a predator has eliminated them. We don't know what predator it is but we couldn't find any chicks. This bird is very important to me and my students because it teaches them the connection between the kai and the 'aina. It teaches them that what humans do

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at sea and on the land affect other life on earth. If the birds have nowhere to nest, their species will die. If they have not fish and squid to eat, if man overharvests the ocean, the birds will have nothing to eat. They are an indicator that there is still fish in the sea for them and for us. There is still land for them and for us. [Mitchell et al. 2005:24]

The Shearwater nesting is understood as immediately coastal. No evidence of sea bird nesting has been reported for the present project area. No accounts of hunting have been identified in association with this project area.

Mr. Kaniela Kaleikaumaka Matsushima discusses (see Appendix C) the adverse impact of ongoing pollution on native and Polynesian-introduced animals.

Many maoli holoholona, [native and Polynesian introduced animals] some endangered, live in the valley like the *pua* 'a [pigs], 'alae 'ula [Hawaiian gallinule], *ae* 'o [Hawaiian stilts], *koloa maoli* [native ducks], *auku'u* [black crowned night herons] *nēnē* [Hawaiian goose], *koa'e kea* [white tailed tropic birds], *pinao* [native dragon flies], 'o 'opu [native gobies] and many more. They all drink from this water and deserve clean water just as us humans do.

He concludes, "There is no way for me to justify further development in these areas when the past and present concerns I spoke about above have yet to be remedied."

Kimo Matsushima has been leasing land in Hanamā'ulu Valley from Grove Farm since 1992. He has raised cattle and goats on this land for the last 25 years. He noted 15 to 20 acres of the land he leases in the valley are located within the project area for the Ahukini Mauka Subdivision.

Mr. Kaniela Kaleikaumaka Matsushima also discusses (see Appendix C) his family's traditions of "[...] *lawai'a* (fishing) in the stream, the bay, and the ocean in both directions all the way to Wailua and Kalāpakī" including "subsistence fishing and gathering of *'opihi* and *limu* for our *'ohana*." He notes,

Today, we find the fish population, 'opihi, limu and the health of our reefs are all on the decline. Drastic difference from even when I was a keiki. A big part of that decline is due to the continued pollution from the developments near and above the valley of Hanamā'ulu and stretches all the way to Kalāpakī. As a keiki I was able to swim in the stream and the bay and now I can't because of the pollution.

Again this leads to his summary conclusion: "There is no way for me to justify further development in these areas when the past and present concerns I spoke about above have yet to be remedied."

A related, but separate, issue is the adverse impact of prior development-related pollution to 'aumākua species such as honu and hīhīmanu. While the decline in marine species referenced appears to have been of some duration (pollution in Hanamā'ulu Bay was so severe it led to a closure for swimming more than 50 years ago), the concern that further development will make matters worse is understandable.

Kimo Matsushima also expressed concern regarding increased runoff polluting the waters of Hanamā'ulu Stream and Hanamā'ulu Bay. He discussed how the conditions of Hanamā'ulu Stream and Hanamā'ulu Bay have changed over the years. When he was growing up, the pollution from

runoff was not as bad and the water in Hanamā'ulu Bay was clean. He noted that from the 1990s to the present, pollution from runoff has caused the water in the bay to become murky, sometimes even looking like chocolate.

He recalled catching fish and crabs in Hanamā'ulu Bay and setting up prawn traps in Hanamā'ulu Stream. He stated he is still able to catch crabs in Hanamā'ulu Bay, however, he noted he must filter out the pollution before it is safe to eat. He also mentioned there are still prawns in Hanamā'ulu Stream, but not as much as in the "good old days."

Kimo Matsushima stated that runoff from the existing Hanamā'ulu Subdivision has negatively impacted the quality of water in the stream and bay. From his farm, which is located on both sides of Hanamā'ulu Stream, he has observed the impacts of runoff to the health of the stream as well as fish and other animals who use the stream. He noted that following heavy rainfall, the water in Hanamā'ulu Stream and Hanamā'ulu Bay is very dirty. He has observed prawns and mud turtles resting on the banks of the stream to avoid the polluted water following heavy rain. He also pointed out that Hanamā'ulu Stream is located in the flood zone and following heavy rain, runoff drains into the stream and right into the pasture where his cattle and goats feed. This runoff carries debris he and his 'ohana must clean. He also mentioned sewage spills at the Kapaia Sewage Pump Station occur often causing sewage to enter into Hanamā'ulu Stream which eventually flows into Hanamā'ulu Bay.

Ms. Fu described the abundance of resources available in Hanamā'ulu Stream when she was a child. She recalled gathering 'o 'opu (goby fish, families include *Eleotridae*, *Gobiidae*, and *Blennidae*) and prawns from the stream in the area from Kapaia Bridge to Hanamā'ulu Bay.

She also described the marine resources available in Hanamā'ulu Bay. She mentioned fishing was a common practice and noted that *akule* (Big-eyed or goggle-eyed scad fish; *Trachurops crumenophthalmus*) were abundant in the bay. She recalled learning how to fish from her uncle and participating in *hukilau* with her 'ohana.

Ms. Fu discussed the negative impacts of pollution in Hanamā'ulu Stream and Hanamā'ulu Bay. She noted it takes longer to gather the amount of sustenance to feed her family. To gather fish for her family, they often have to leave Hanamā'ulu and travel to other *ahupua'a* such as Nāwiliwili.

Ms. Fu also recalled gathering *limu* including *limu kohu* (Asparagopsis taxiformis), *limu wāwae* 'iole (Lycopodium cernuum), 'opihi (Limpets; Cellana talcosa, C. sandwicensis, C. exarata), and shellfish such as Samoan crabs from the bay.

She also mentioned that on the cliffside of Ahukini Landing in Hanamā'ulu Bay there is a lookout spot where they would go to check the tides and the clarity of the water to see if the conditions were ideal for gathering *limu kohu*. She noted the path to the lookout has not been maintained and is currently unsafe due to the presence of homeless people and feral cats. She pointed out the area is zoned for Conservation and it is the landowner's responsibility to maintain the area.

Ms. Fu shared her concerns regarding the quality of *wai* in Hanamā'ulu Ahupua'a. She described the drastic changes to the water quality of Hanamā'ulu Stream and Hanamā'ulu Bay that she has observed over the years. Before she left for boarding school around 1990, the water was

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clear and when she returned to Kaua'i around the year 2000, she noticed a distinct difference in color due to pollution. She also observed changes in the quality and quantity of fish in the bay.

Ms. Fu would like to see a balance between progress and honoring what Kaua'i is. She emphasized that Hanamā'ulu is one of those things that should be honored. She would like the quality and abundance of the *wai* restored in perpetuity so resources that were once abundant within Hanamā'ulu Stream and Hanamā'ulu Bay can be replenished.

Ms. Fu is optimistic damage to the quality of *wai* can be reversed. She believes cultural resources associated with the Hanamā'ulu Stream and Hanamā'ulu Bay still exist and can be restored with proper management. She noted that as part of the entitlement process, it is the landowner's obligation to mitigate potential negative impacts to Hanamā'ulu Stream and Hanamā'ulu Bay. She pointed out that Grove Farm has developed a management plan that calls for a biological monitoring program of the water quality within Hanamā'ulu Stream and Hanamā'ulu Bay which just needs to be implemented.

8.4.5 Earth Resources

No traditional use of the stones (or soft sediments) within the project area has been documented. Mr. Kaniela Matsushima has expressed concerns over the long-standing adverse impacts of erosion in which "Mounds and mounds of trash and contaminants come down daily and are an even heavier burden when we have large rains" (see his declaration in Appendix C).

8.4.6 Plant Resources

The project area is generally quite overgrown with a variety of exotic weedy species such as octopus trees (*Schefflera actinophylla*), castor bean (*Ricinus communis*), haole koa (Leucaena glauca), be-still (*Thevetia peruviana*), lantana (Lantana species), java plum (*Syzygium cumini*) and particularly exotic grasses. The only native species observed are 'ilima (Sida fallax) and 'uhaloa (Waltherica indica). The dominant grass, that forms a monotypic stand over most of the project area, is believed to be guinea grass (Megathyrsus maximus). This grass grows quite thickly, crowding out most other species.

'Ilima and 'uhaloa are significant plant resources for Native Hawaiians.

Abbott mentions '*ilima* first in her discussion of traditional materials for *lei pua* (flower garlands) for adornment and notes they remain "a prominent and cherished choice for lei, despite the fact that hundreds of its golden, paper-thin flowers must be gathered to make a single neck lei" (Abbott 1992:127). Ms. Lovell-Obatake mentions using '*ilima* from the general vicinity of the project area for medicine (Mitchell 2005:24).

Abbott (1992:101) writes of '*uhaloa* that the "Stems, leaves, and the bark of the roots were pounded, strained, and used as a gargle for sore throat. Today, many Hawaiians who use none of the other traditional medicinal plants still turn to this one."

While the importance of *'ilima* and *'uhaloa* in Hawaiian culture is unquestionable, it is equally unquestionable that these species are ubiquitous and adapt readily to disturbed land. Sometimes practitioners associate particular qualities to plants from particular locations but there is nothing indicating associations with the present project area.

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Castor bean (as food) and *haole koa* (for adornment), although exotic, have been plant resources for Native Hawaiians, but again these plants are ubiquitous.

Kimo Matsushima has been leasing land in Hanamā'ulu Valley from Grove Farm since 1992. He has been growing bananas on this land for the past five years. He noted 15 to 20 acres of the land he leases in the valley are located within the project area for the Ahukini Mauka Subdivision. He also mentioned there are other farmers with leases from Grove Farm in the Ahukini Mauka project area. He noted his neighbors are farmers from Thailand who grow fruits and vegetables.

Mr. Kaniela Kaleikaumaka Matsushima also discusses (see Appendix C) how prior and continuing run-off and drainage related to land development with attendant erosional deposition of trash and contaminants interferes with his family's traditional farming (*mahi'ai*) practices.

Ms. Fu recalled going to Kapaia Valley in Hanamā'ulu with her father, where there were terraces of *lo 'i kalo*, and watching him and his friends restore the *lo 'i*. Her *hānai* uncle also taught her how to tend to the *lo 'i*. Their main tasks were restoring *wai* to the *lo 'i*.

Ms. Fu recalled gathering Job's Tears (*Coix lacryma-jobi*) which she used to make *lei* along Hanamā'ulu Stream. She noted she is no longer able to gather enough Job's Tears along Hanamā'ulu Stream to make a *lei*. Now, she gathers Job's Tears from Wailua Stream.

8.4.7 Trails

In traditional times, trails were well used for travel within the *ahupua'a* between *mauka* and *makai* and laterally between *ahupua'a*. A historical trail system existed on Kaua'i which often ran well inland (approximating modern Kaumuali'i Highway and Kūhiō Highway) effectively acting as a short cut for travel between *ahupua'a*. A coastal trail would have been used for access to marine resources and recreation, but this would have been quite close to the coast.

In prior consultation in Kalapakī Cheryl Lovell-Obatake spoke of "sacred trails that run from Nāwiliwili side coming from Kalapakī Point along the coast" but these were understood to be quite close to the coast (Mitchell et al. 2005:23).

Doubtlessly there were major *mauka / makai* trails but these would have been anticipated to be focused on connecting centers of habitation, like inland of Kalapakī Beach and from Hanamā'ulu valley to the uplands.

There are no records of trails running through the project area.

8.4.8 Nã Wahi Pana

Storied places in the vicinity would have included the four Kalapakī *heiau*: Ninini, Ahukini, Pohakoelele, and one at Kūki'i Point and Ka-lau-o-ka-manu Heiau in Hanamā'ulu with the associated stones believed to have formerly been men, as well as the cove of Kalapakī Beach and Nāwiliwili Stream, Ahukini, and Hanamā'ulu bay and valley. Further inland, Kilohana was a storied landform. The vicinity of the present project area was relatively featureless and no *wahi pana* in the immediate vicinity are known. Mr. Kaniela Kaleikaumaka Matsushima pointed out that as Hanamā'ulu bay and valley may be considered as *wahi pana*, and as these have been seriously degraded by land development, these *wahi pana* have been seriously impacted by land development is likely to make this degradation worse.

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8.4.9 Valued Cultural, Historical, or Natural Resources in the Project Area

The project area was a sea of Lihue Plantation sugarcane for nearly a century. Since the end of sugarcane cultivation, the land has pretty much been left fallow and unused and is presently virtually a thick mat of exotic weeds and grasses. The only valued cultural, historical, or natural resources thought likely in the project area are *'ilima* and *'uhaloa*. While the importance of *'ilima* and *'uhaloa* in Hawaiian culture is unquestionable, it is equally unquestionable that these species are ubiquitous and adapt readily to disturbed land. Sometimes practitioners associate particular qualities to plants from particular locations but there is nothing indicating area-specific associations with the present project area.

The potential secondary, or cumulative, impacts of development outside the project area (to Hanamā'ulu bay, stream and valley, and coastal seas) are clearly a concern for some.

8.4.10 The Extent to which Traditional and Customary Native Hawaiian Resources will be Affected by the Proposed Action

Given the location well back from the coast with no notable landforms in the vicinity, the relatively low rainfall, the absence of potable water, the prior land history of intensive sugarcane cultivation with frequent plowing of the entire project area, and the prevailing vegetation regime dominated by a mat of exotic grasses and weedy shrubs, it is concluded that no traditional and customary Native Hawaiian resources will be directly affected by the proposed action. The growth of *'ilima* and *'uhaloa* might reasonably be expected to increase as a result of exotic grass clearing.

The issue to be considered is potential secondary, or cumulative, impacts of development outside the project area (to Hanamā'ulu bay, stream and valley, and coastal seas).

8.4.11 Feasible Action, if any, to be Taken to Reasonably Protect Native Hawaiian Rights

If indeed the anticipated population growth in Līhu'e District (2010-2035 average annual growth rate of 2.39%, LCP 2015:83) is to continue, then the question is how best to manage it and how to mitigate adverse impact on traditional Hawaiian resources and customary practices, or of course ideally to improve traditional Hawaiian resources.

This is a somewhat unusual case in that testimony clearly identifies existing adverse impacts to traditional cultural practices of long duration (going back more than 50 years). There is independent support for this in particular in that "the beach at Hanamā'ulu was closed for public use due to the high bacterial pollution levels in the nearshore waters and in the adjoining stream" from 1972 to 1974 (Clark 1990:6).

For starters, mitigation would ensure that any development projects do not make matters worse, minimally by ensuring best management practices.

It is suggested that appropriate mitigation should aim not for just maintaining the status quo of traditional and customary practices, but for net improvement. Given that the county and state are likely to experience financial gain from taxes from any development projects, it seems germane to suggest the county's duty in "fulfilling their constitutional obligation to preserve and protect traditional and customary practices" (Kaua'i Planning Department Worksheet for Ka Pa'akai Assessment) includes addressing what would appear to be an unacceptable history of adverse impact to traditional and customary practices that has existed for at least 50 years.

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The identification of the sources of the existing adverse impact to traditional and customary practices is beyond the scope of this study (although identification of the nature and extent of existing pollution sources might be a first step of mitigation). Sources of existing pollution to be addressed and mitigated may include surface run-off into Hanamā'ulu valley, trash disposal management, the existing sewerage system in the Hanamā'ulu watershed, existing septic tanks, and "fecal matter from pasture animals in the upper valley and from the piggeries in upper Kapaia" (Clark 1990:6).

It is understandable that many Native Hawaiians of Kaua'i feel development will only compound the existing burden to the '*āina*, wai, and kai. It is to be hoped that proper county management and mitigation associated with development projects could result in a net improvement to the '*āina*, wai, and kai and traditional and customary practices and result in a win-win situation.

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Appendix A Community Contact Letter

Landing and the second s			Ph: (3		
Aloha mai kākou,					
(experience, insight	ts, and perspe ertain propose	ctives) regardin ed development	g past and areas on	l ongoing cultu Haili Moe an	ests your <i>mana</i> 'o and 'ike aral practices, beliefs, and d Visionary lands within
important and deep projects in Hawai	ly valued par i. Your cont laces, and life	t of our work an ributions will r	d the env evitalize	ironmental rev and keep aliv	ethnic communities is an view process for proposed we knowledge of cultura s children of their history
Project Description					
	he Wailani S	ubdivision proje	ct in Kala	pakī Ahupua'a	s preparing a Ka Pa'aka a and also for the Ahukin 'ulu Ahupua'a.
Wailani Subdivisio	n Project				
Subdivision project 002:001, 017, and	t in Kalapakī 027. The loca on a 1996 Lih	Ahupua'a, Līh ation and bound aue U.S. Geolog	u'e Distr aries of tl ical Surve	ict, southeast ne proposed W ey (USGS) maj	on known as the Wailan Kaua'i, TMKs: (4) 3-6 /ailani Subdivision study p (Figure 1), a 2013-2019
Ahukini Makai Sul	division Proj	ect			
aerial photograph (<u>Ahukini Makai Sub</u> Visionary I Makai Subdivision 3-7-002:001. The I	Figure 2), and division Proje LC is propos project in Ha ocation and bo a 1996 Kapa	l a Tax Map Key ect sing to develop namāʿulu Ahup pundaries of the na and Lihue U	/ (TMK) j an indust ia'a, Līhu proposed JSGS ma	plat (Figure 3) rial subdivisio t'e District, sou Ahukini Maka	

Ahukini Mauka Subdivision Project

Haili Moe, Inc. is proposing to develop a mixed-use subdivision known as the Ahukini Mauka Subdivision project in Hanamā'ulu Ahupua'a, Līhu'e District, southeast Kaua'i, TMKs: (4) 3-7-001:001 por. and 3-7-002:012 por. The location and boundaries of the proposed Ahukini Mauka Subdivision study area are delineated on a 1996 Kapaa and Lihue USGS map (see Figure 1), a 2013-2019 aerial photograph (see Figure 2), and TMK plats (see Figure 4 and Figure 5).

Figure 24. Community contact letter page one

Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i

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Page 2

Ka Pa'akai Analysis for the Wailani Subdivision Project in KalapakI Ahupua'a, the Ahukini Makai Subdivision, and Ahukini Mauka Subdivision Projects in Hanamā'ulu Ahupua'a

Purpose of this Study

The purpose of this Ka Pa'akai Analysis outreach is to 1) identity and scope valued cultural, historical, or natural resources in the study areas, including the extent to which traditional and customary Native Hawaiian rights are exercised in the study areas; 2) identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action. This is accomplished through consultation and background research using previously written documents, studies, and interviews. This information is used to assess potential impacts by the proposed project to the specific identified resources, practices, and beliefs in the study areas. As a knowledgeable member of the community and a holder of long-term cultural knowledge, your insight, input, and perspective provide a valuable contribution to the assessment of potential effects of this project and an understanding of how to protect these resources and practices.

Insights focused on the following topics in the study areas are especially helpful and appreciated:

- Your knowledge of traditional cultural practices of the past within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Your specific traditional cultural practice and its connection to the proposed study areas of Kalapakī and Hanamā'ulu Ahupua'a
- The different natural resources associated with your cultural practice
- Legends, stories, or chants associated with your cultural practice and its relationship to the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Referrals to other *kūpuna*, *kama 'āina*, and traditional cultural practitioners knowledgeable about the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Your comments or thoughts on the potential impacts the proposed project may have on your ongoing traditional cultural practice and natural resources within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Your knowledge of cultural sites and *wahi pana* (storied places) within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a
- Your comments or thoughts on the potential impacts the proposed project may have on cultural sites and *wahi pana* within the proposed study area portions of Kalapakī and Hanamā'ulu Ahupua'a

Figure 25. Community contact letter page two

Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i

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Ka Pa'akai Analysis for the Wailani Subdivision Project in Kalapaki Ahupua'a, the Ahukini Makai Subdivision, and Ahukini Mauka Subdivision Projects in Hanamā'ulu Ahupua'a

Page 3

Consultation Information

Consultation is an important and deeply valued part of a Ka Pa'akai Analysis study. Your contributions will revitalize and keep alive our combined knowledge of past and ongoing cultural practices, historic places, and experiences, reminding following generations of their history.

With your agreement to participate in this study, your contributions will become part of the comprehensive understanding of traditions of the area and part of the public record.

As a part of this process, your knowledge may be used to inform future heritage studies of cultural practices and resources that need protection from impacts of proposed future projects. If you engage in consultation, and the *mana* o and '*ike* you provide appears in the study, we would like to recognize your contribution by including your name. If you prefer not to allow your name to be included, your information can be attributed to an anonymous source.

The consultation interview structure and format are flexible. We will accommodate your preference on how to get together: talk story, over the phone, by email correspondence, remotely via Zoom, MS Teams, Google Chat or other remote meeting platforms.

Your knowledge of the resources and potential effects of the project on traditional practices in the study area portions of Kalapakī and Hanamā'ulu Ahupua'a focusing on the topics in the bullet points above can also be submitted in a written statement. CSH will provide return postage for your written statement on request.

CSH is happy to provide a list of topics for discussion, a more structured questionnaire of interview questions, or any other assistance that might be helpful.

If you have questions regarding consultation, or are interested in participating in this study, plcase contact CSH Cultural Researcher Kellen Tanaka by email at ktanaka@culturalsurveys.com or phone at (808) 262-9972.

Mahalo nui loa for your time and attention to this request for consultation.

Kellen Tanaka CSH Cultural Researcher

Figure 26. Community contact letter page three

Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i

TMKs: (4) 3-6-002:001, 017, and 027

Appendix A

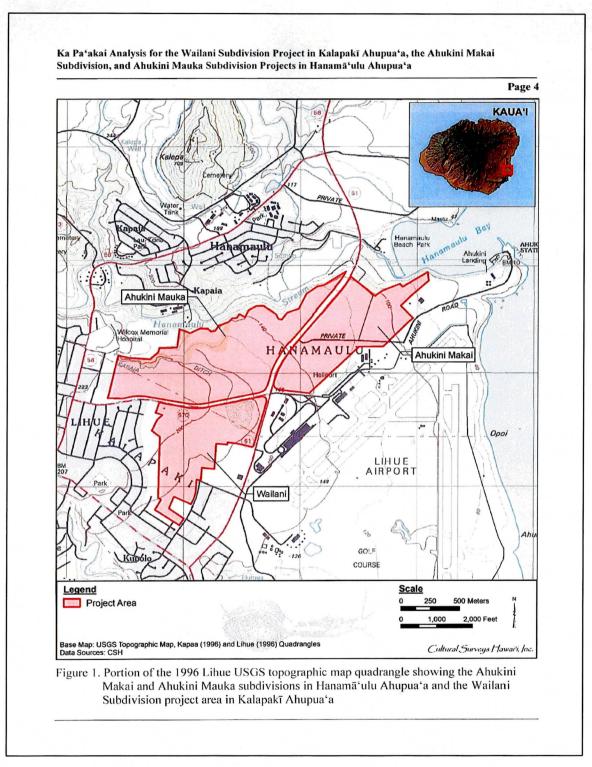
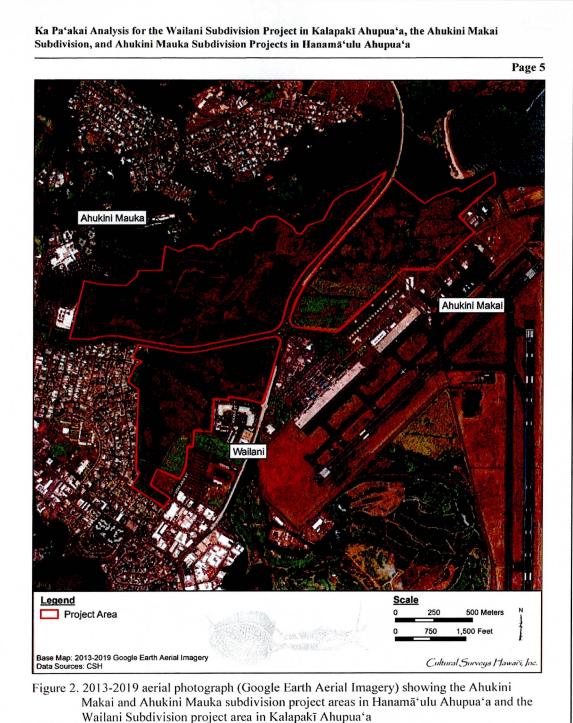
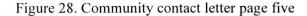


Figure 27. Community contact letter page four



wallalli Subdivision project area ili Kalapaki Anupua



Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i TMKs: (4) 3-6-002:001, 017, and 027

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Cultural Surveys Hawai'i Job Code: KALAPAKI 11



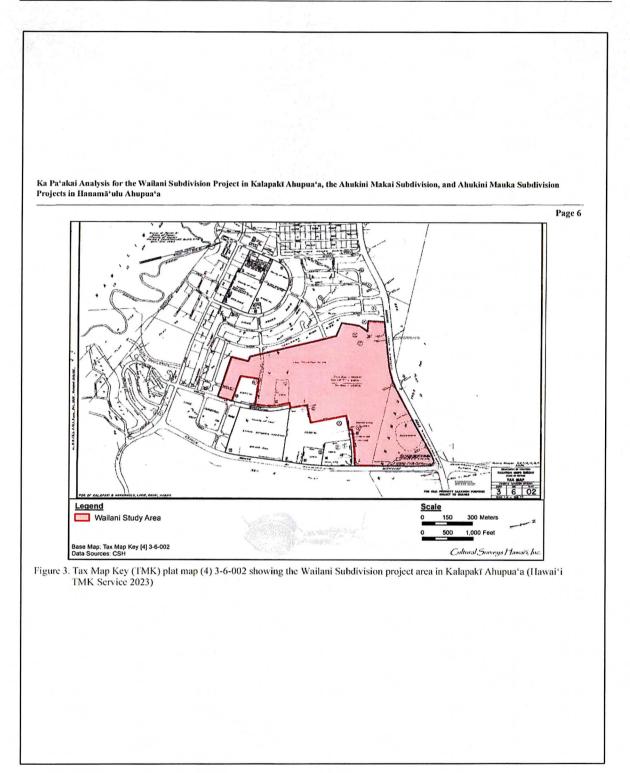


Figure 29. Community contact letter page six

Cultural Surveys Hawai'i Job Code: KALAPAKI 11

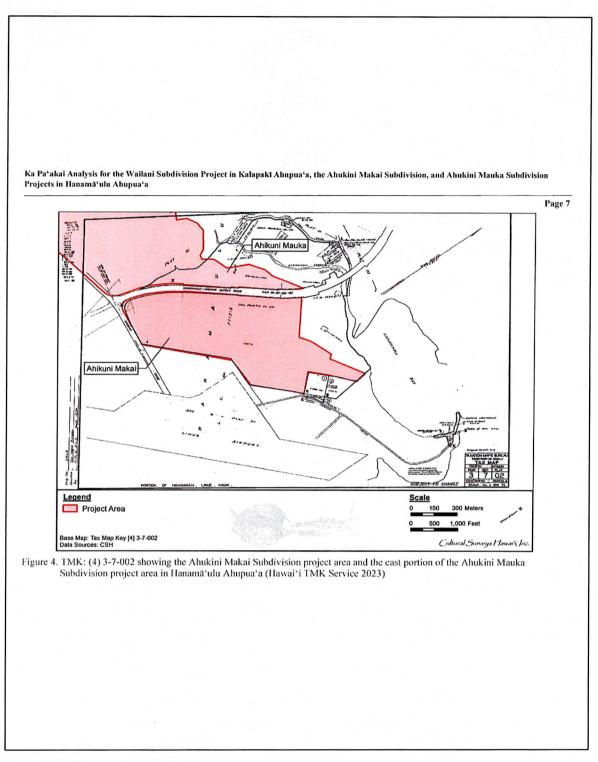


Figure 30. Community contact letter page seven

Appendix A

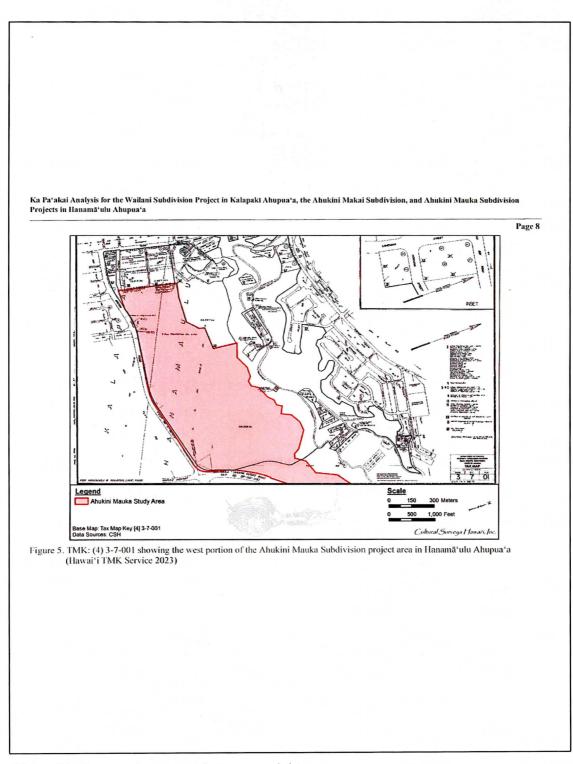
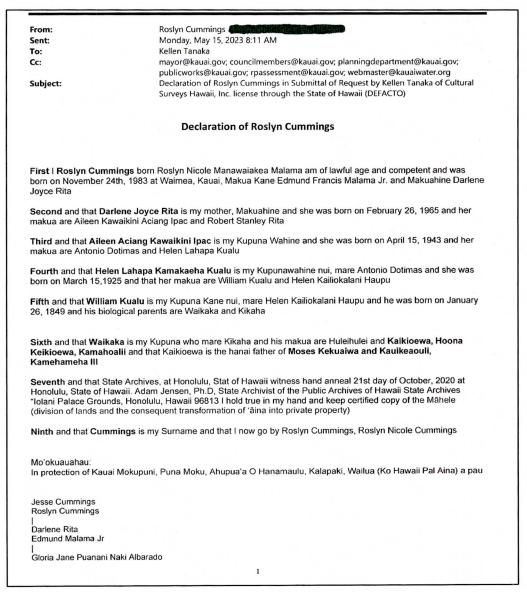


Figure 31. Community contact letter page eight

Appendix B Declaration: Roslyn Cummings

The following is an e-mail from Ms. Roslyn Cummings dated 15 May 2023 providing a declaration in response to a request for consultation pertaining to the Ka Pa'akai Analysis for the Wailani Subdivision project (and the Ahukini Makai and Ahukini Mauka Subdivision projects). We are providing her testimony in full here without comment redacting only her personal contact information.



Lucille Luukia Kaaloa Ahana Joseph Ku Keoua Malama

Ku Nahinu Malama he kane Hana Keoua Puahi Pauahi

Lono, Haalou Hana Moses Keoua Puahi

Kalani he wahine Kaukapawa ke Kane

Kamaholelani

Kiha (K) Kahalemanuolono (W)

Kaumeheiwa (K) Kaapuwai (W)

Lonoikahaupu (K) Kaumumuokalani (W)

Kauakahilau (K) Kuluina (W)

Kane Kahaka (K) Kealohipeekoa (W)

Kauiahiwa (K) Kuuwelokawai (W)

İlimealani (K) Kamili (W) Brother of **Kahakumakaliua|Kahakumakalina (K) Kahakumai'a (W)

. Kalanikukuma (K) Kapoleikauila (W)

. Kahakumakapaweo (K) Kahakukukanea (W)

Kuwalupaukamoku (K) Hameawahaula (W)

Kahakuakane (K) Manukaikoo (W)

Kaumakaamano (K) Kapoinukai (W)

Manokalanipo (K) Naekapulani (W)

Kukona (K) Laupuapuamaa (W)

Luanuu (K) Kalanimoeikawaikai (W) At

Kamahano (K) Kaaueanuiokalani (W)

Ahukinialaa (K) **Ha'iakamaio (W)

Laamaikahiki (K) **Waolena (W)

Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i TMKs: (4) 3-6-002:001, 017, and 027

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Haulanuiaiakea

Moikeha (K) Kapo (W)

Maweke (K) Naiolaukea (W) Kekupahaikala (K) Maihikea (W)

Palekana- to be safe and protected

Our waiwai is not money, our waiwai wealth is our natural god given resources as I submit this declaration as testimony and evidence that can and will be used against transgressor(s) What is a transgressor biblically? LAWEHALA someone who transgresses; someone who violates a law or command.

I Roslyn Cummings a Mother (Makuahine), a woman (Wahine Maoli), a living soul, created by God ('I-Supreme, 'O-Universe, Earth ever revolving, Ke Akua (The Great I am), Iesu Kristo, Iohova

You cannot make private of what is already PRIVATE.

Alo- Presence, is a cultural practice. To be present one must be within that time and space to command what god has given, to make pa'a (solidify), and ma'a (accustomed) this is how one builds a relationship (pilina)

Ha- Essence, as equals.

We are now in the time of ao, in the time of 'I'O knowing what is right by doing what is right.

Our practices as Kanaka Maoli is within our inherent birthright. It does not need to be publicized to be legitimate. It does not have to be defined for every individual to know and comprehend. He Aina Hawaii I am of Hawaii! Aina is our Kupuna, as kanaka Aina needs to be respected, understood. In balance. Development is detrimental to the Ola: vitality of the people na kanaka especially for those who do not understand the need of punawai, way puna (fresh water) high quality with minerals. All life that is dependent on it. When development occurs, the water becomes- polluted, diverted, depleted, and effect mauna to makai.

A'ole No, as a Mo'opuna O Wakea (Sky Father) O Popanuihanaumoku Haumea(Earth Mother) I speak in support of the restoration of the Ahupua'a systems and the return of the navigators in protection of Ko Hawaii Pae Aina (all Hawaii) Honua (World) development that does not consider the importance and significance of kanaka maoli has no room in our Ku'u Home. It'll only lead to more pilikia!

The County of Kauai along with the State of Hawaii and its agencies should know and understand the significant impacts of Waste management that gets pumped into our oceans and rivers (Kai/Wai) through lack of management, infrastructure. The need for a new landfill at the cost of Aina. Growth in population of foreign mindsets who do not know and understand our culture. To have resect and be responsible. The further divide amongst kanaka, people. Losing access and gathering rights. The right to pray, the right to Kuleana gather.

3

Under whose authority? What Superiority?

GROVE FARM 1100 Alakea St., Honolulu, HI 96813-2833 808-241-4900 DNB#601965119

COUNTY OF KAUA! MAYORS OFFICE 4444 Rice St. Ste. 235, Lihue, HI 96766-1340 DNB#005422576

COUNTY OF KAUAI

Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i

TMKs: (4) 3-6-002:001, 017, and 027

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KAUAI FIRE DEPARTMENT 4444 Rice St. Ste. 315, Lihue, HI 96766-1340 DNB#

County of Kauai Kauai Police Department 3990 Kanna St., Suite 200 Lihue, Hawaii 96766–1268 808-241-1711 DNB#929385867

City of Lihue Kauai Emergency Management Agency 3990 Kaana St., Suite 100 Lihue, Hawaii 96766–1268 808-241-1711 DNB#

COUNTY OF KAUAI the Prosecuting Attorney 3990 Kaana St., Ste 210 Lihue, Hawaii 96766-1268 808-241-1888 DNB#007119125

Executive office of the president The White House office, Office is the vice president, Office of management and budget, National security council 725 17th St. NW., Washington,, DC 20503–0004 202-456-1414 DNB#031648897

Executive office of the United States government White House 1600 Pennsylvania Ave. NW. Washington DC 20500–0005 202-456-1414 Subsidiary DNB#161906078

Government of the United States, White House 1600 Pennsylvania Ave. NW. Washington DC 20500–0005 202-456-1414 Headquarters DNB#161906193

Executive office of the State of Hawaii Office of the governor, executive chamber state capital 415 South Beretania St. FI 5 Honolulu HI 96813–2407 808-586-0034 Subsidiary DNB#809930217

The attorney general who is Department of Department of the Attorney General 425 Queen St., Honolulu, HI 96813–2903

Ka Pa'akai Analysis for the Wailani Subdivision Project, Kalapakī and Hanamā'ulu, Līhu'e, Kaua'i

4

TMKs: (4) 3-6-002:001, 017, and 027

808-586-1282 Subsidiary DNB#809935323

The attorney general Hawaii Department Of the Department of the Attorney General, Criminal Justice Division 425 Queen St. floor 3 Honolulu HI 96813–2903 808-586-1160 Branch DNB#031704393

Claim of Damages/Transgression fee schedule

I, Roslyn: Cummings, a living flesh and blood woman, charge these fees for violations of my God-given rights, this is a copy of my true bill.

I swear under penalty of perjury these fees will be billed to any transgressor of my rights and I demand restitution to be paid to me in legal tender .999 one ounce silver coin no later than 14 days upon receipt of my true bill.

~By Respondent(s)' silence, they have agreed to the following PROOF OF CLAIM(S), for determining/calculating actual/compensatory damages to the Claimant:

PROOF OF CLAIM, "actual" or "compensatory damages" in actions/claims for false arrest/false imprisonment have not been established at 25,000 dollars per twenty-three (23) minutes, 1,600,000 million dollars per day; and, punitive damages may not be set by the injured party; and specifically, the Undersigned as the injured party within the above referenced alleged Criminal Case/Cause. [See: *Trezevant v. City of Tampa, 741 F.2d 336 (1984)*, wherein damages were set as 25,000 dollars per twenty-three 23 minutes in a false imprisonment case.]

PROOF OF CLAIM, the above cited case; i.e., Trezevant v. City of Tampa, can be utilized by the Undersigned in determining actual/compensatory damages should Respondent(s) agree the Undersigned has been falsely imprisoned; and, Respondent(s) can provide any valid, lawful, and reasonable objection as to why it should not, or cannot, be so utilized and applied in this matter.

Furthermore;

~The AUTHORITY FOR FINES (DAMAGES) CAUSED BY CRIMES BY GOVERNMENT OFFICERS: PERPETRATORS INCLUDING AUTHORIZING BODIES, CAPTAINS, CHIEFS, SUPERVISORS, EMPLOYERS, AGENTS, CLERKS, ADMINISTRATORS, JUDGES is my power as unlimited as cited in the 9• and 10• Amendment.

~These Damages to my rights, in part, were determined by GOVERNMENT itself for the violation listed:

~Emoluments Violations - 18 U.S.C. §§ 241, 242, 643, / 28 U.S.C. § 1927, / 29 U.S.C. § 1109

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and cat out their substance.

5

~EXECUTIVE ORDER 13818 ON HUMAN TRAFFICKING, (Public Law 114-328) section 212(f),

TMKs: (4) 3-6-002:001, 017, and 027

Breach	Penalty	Author	rity
o attend meetings, hearings under duress, against my cor	nsent	\$1,000.00 pe	r minute
-VIOLATION OF OATH OF OFFICE:	\$	250,000.00	18 USC 3571, 28 USC 3002 (15)
B-ARMED ABUSE OF OFFICE:	5	\$200,000.00	
-ARMED ABUSE OF AUTHORITY:	5	\$200,000.00	
D-ARMED USE OF EMERGENCY LIGHTING			
N A NON-EMERGENCY:	\$	200,000.00	
-ARMED USE OF EMERGENCY SIREN			
N A NON-EMERGENCY:	5	\$200,000.00	
-ARMED ASSAULT AND BATTERY:	5	\$200,000.00	
-ARMED THREAT OF VIOLENCE:	9	\$200,000.00	
I-ARMED COERCION:	\$	200,000.00	
DENIED PROPER WARRANT(S):	5	\$250,000.00	18 USC 3571
-DENIED RIGHT OF REASONABLE			
DEFENSE ARGUMENTS:	\$	250,000.00	18 USC 3571
-DEFENSE EVIDENCE (RECORDS):	1	\$250,000.00	18 USC 3571
-DENIED RIGHT TO TRUTH IN EVIDENCE:	1	\$250,000.00	18 USC 3571
1-ARMED VIOLATION OF DUE PROCESS:	\$	5200,000.00	
I-SLAVERY (Forced Compliance to contracts not held):	\$	5250,000.00	18 USC 3571
D-DENIED PROVISIONS IN THE CONSTITUTION:	\$	250,000.00	18 USC 3571
-ARMED TREASON, WAR AGAINST AMERICANS:	5	5250,000.00	18 USC 3571
-GENOCIDE AGAINST HUMANITY:	5	51,000,000.00	18 USC 1091
-APARTHEID:	:	\$1,000,000.00	
-ARMED DEPRIVATION OF RIGHTS		\$2000,000.00	
INDER COLOR OF LAW:	:	\$200,000.00	18 USC 242
-EMOTIONAL DISTRESS:	:	\$200,000.00	32 CFR 536.77(a)(3)(vii)
-MENTAL ANGUISH ABUSE:	\$	5200,000.00	42 CFR 488.301
'-PEONAGE (Felony):	\$	200,000.00	18 USC 1581, 42 USC 1994
V-UNLAWFUL INCARCERATION:	5	5200,000.00	
-MALICIOUS PROSECUTION:	\$	5200,000.00	
-DEFAMATION OF CHARACTER:	5	5200,000.00	
-SLANDER:	\$	200,000.00	
A-LIBEL:	\$	200,000.00	

BB-ARMED TRESPASS:	\$200,000.00	
CC-NEGLECT/FAILURE TO PROTECT/ACT:	\$200,000.00	18 USC 1621, 42 USC 1986
DD-ARMED GANG PRESSING:	\$200,000.00	
EE-ARMED LAND PIRACY/PLUNDER:	\$200,000.00	
FF-UNAUTHORIZED BOND PRODUCTION:	\$200,000.00	
GG-ARMED FORGERY:	\$200,000.00	
HH-ARMED EMBEZZLEMENT:	\$200,000.00	
II-GENOCIDE:	\$1,000,000.00	
IJ-ARMED STALKING:	\$200,000.00	
KK-ARMED IMPERSONATING A PUBLIC OFFICIAL:	\$200,000.00	
L-ACTING AS AGENTS OF FOREIGN PRINCIPLES:	\$200,000.00	18 USC 219
MM-ARMED TORTURE:	\$200,000.00	
NN-ARMED OPERATING STATUTES WITHOUT BOND:	\$200,000.00	
DO-EXPLOITATION OF A LEGAL JUSTICE MINORITY O	GROUP \$500,000	0.00
BY BAR CLOSED UNION COURTS- CIVIL RIGHTS:	\$1,000,000.00	
PP-BAR VIOLATION OF ANTI-TRUST LAWS:	\$200,000.00	
QQ-ICTITIOUS CONVEYANCE OF LANGUAGE:	\$200,000.00	Chap. 2b 78FF
RR-MISAPPROPRIATION OF TAXPAYER FUNDS:	\$200,000.00	18 USC 641-664
VIOLATIONS OF THE UNIVERSAL DECLARATION OF I	HUMAN RIGHT	S
SS-ARMED BREACH OF TRUST:	\$200,000.00	
FT-ARMED DISTURBING THE PEACE:	\$200,000.00	
UU-ARMED KIDNAPPING:	\$200,000.00	18 USC 1201
VV-ARMED MALFEASANCE/MALPRACTICE:	\$200,000.00	22 CFR 13.3
WW-ARMED MISREPRESENTATION/PERSONAGE:	\$200,000.00	
XX-MIS-PRISON OF FELONY:	\$500.00	18 USC 4
YY-ARMED CONSPIRACY AGAINST RIGHTS OF PEOPL	LE: \$200,000.00	18 USC 241
ARMED CRIMINAL EXTORTION/		
ZZ-ECONOMIC OPPRESSION:	\$200,000.00	18 USC 141, 872, 25 CFR 11.417
AB-ARMED EXTORTION OF RIGHTS:	\$200,000.00	Title 15
AC-ARMED ROBBERY:	\$200,000.00	
AD-ARMED THEFT BY FORCED REGISTRATION:	\$200,000.00	
AE-MAIL THREATS:	\$5,000.00	18 USC 876
AF-MAIL FRAUD:	\$10,000.00	18 USC 1341
AG-ARMED FRAUD:	\$10,000.00	18 USC 1001

AH-ARMED VIOLATION OF LIEBER CODE		
AGAINST NON-COMBATANTS:	\$200,000.00	
AI-ARMED WRONGFUL ASSUMPTION		
OF STATUS/STANDING:	\$200,000.00	
AJ-ARMED FALSIFICATION OF DOCUMENTS/RECORD:	\$10,000.00	18 USC 1001, 26 USC 7701(a)(1)
AK-ARMED FICTITIOUS OBLIGATIONS:	\$200,000.00	18 USC 514
AL-ARMED PERJURY:	\$2,000.00	18 USC 1621
AM-ARMED SUBORDINATION OF PERJURY:	\$2,000.00	18 USC 1622
AN-To determine multiply no. of counts by damage		
AO-ARMED RACKETEERING (Criminal, Felony):	\$200,000.00	18 USC 1961-1968
AP-ARMED RACKETEERING (Civil):	\$200,000.00	
AQ-Wages Taken \$x3=	18 US	SC 1964 (c)
(Sustained Damages [total] x3)		

The lien debtors will be responsible for any IRS obligations resulting from the discharge or cancellation of any debts, as well as earned income resulting from accepted settlements.

~Dealing with claims of "Immunity"~Any claim of "Immunity" is a fraud because, if valid, it would prevent removal from office for crimes against the people, which removal is authorized or mandated under U.S. Constitution Article 2, Section IV; as well as 18 USC 241, 42 USC 1983, 1985, 1986, and other state Constitutions.~Precedents of Law established by Court cases which are in violation of law render violations of law legally unassailable. Such a situation violates several specifically stated intents and purposes of the Constitution set forth in the Preamble; to establish justice, insure domestic tranquility, and secure the blessings of liberty.

All These factual fees for transgressions of my God-given rights are true and correct to the best of my memory and all statements are made in good faith and sworn to under penalty of perjury in common law. All my God given rights are reserved.

Roslyn Cummings

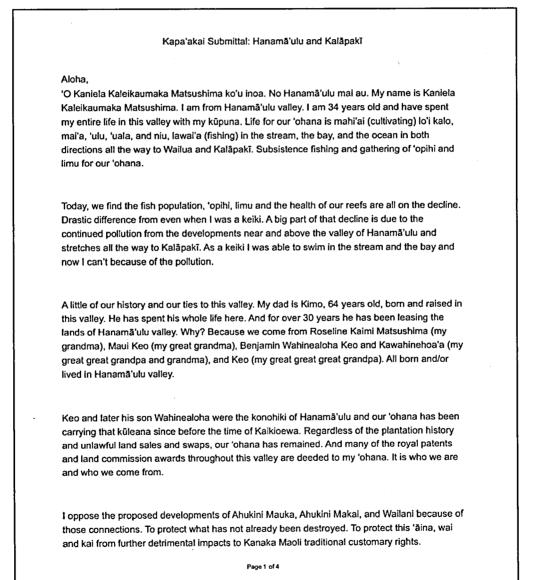
Notice to agent(s) is notice to principal, Notice to principal is notice to agent(s).

This is <u>The End</u> of this Declaration Only Future Amendment(s) and or Affidavit(s) of Acceptance of Trustee(s) documents shall be attached.

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Appendix C Declaration of Kaniela Kaleikaumaka Matsushima

The following is an e-mail from Kaniela Kaleikaumaka Matsushima of 23 May 2023 providing a declaration in response to a request for consultation pertaining to the Ka Pa'akai Analysis for the Wailani Subdivision (and the Ahukini Makai and Ahukini Mauka Subdivision projects). We are providing their testimony in full here without comment redacting only their personal contact information.



While most of our 'ohana were forced off their lands, I live in gratitude today to say that we, the descendants of the Keo lineage are still here living our culture and native rights. The only way my dad saw he was able to keep our family, his keiki and mo'opuna in this valley to maintain kuleana and be with their ancestors was through a lease. Over the years due to the changes of our lands from ag to development, to the desecration of our sacred places, heiau, and family burials. I started to learn about development and what is involved in the process. Start to finish. The analysis, pulling permits, groundwork, etc. From what I've seen and learned, I know for certain that any more development anywhere near this valley would be a huge burden to not only the valley itself, also the stream, the ocean, and the plants and animals, and us Kanaka Maoli, It would have substantial negative impacts on our ability to sustain ourselves and exercise our traditional customary practices. I am very familiar with the topography of the valley and plains above so I know where the drainage points would be if this development were to go through. These developments would funnel their run off and drainage directly into our lo'i kalo and mala having huge impacts on our ability to mahi'ai. Over the years our 'ohana was forced to abandon their lo'i kalo and mālā on the Wailua side of Hanamā'ulu valley due to the locations of the old upside and downside Hanamā'ulu development's three drainage systems. They not only empty in what was once our 'ohana lo'i but also our 'ohana burials. Mounds and mounds of trash and contaminants come down daily and are an even heavier burden when we have large rains. I remember since a kid having to haul out trash from our pasture after heavy rain. It got to the point where we were spending more time dealing with trash than being able to mahi'ai and lawai'a. Sewage spills from the pump house in Kapaia servicing the old Hanamā'ulu neighborhoods have occurred as far back as I can remember and sadly became "normal" for us and something we "just had to deal with" because the agencies that are supposed to help us haven't. My 'ohana has notified multiple agencies over the years of the health and sanitation concerns we have to protect the health and safety of our people and to try and remedy the situation with little to no avail. They seem to just put up signage and notify people to stay out of the water until the bacteria "flushes out" yet they fail to address the root cause of why this happens in the first place. It is the duty of those in public office to protect the health and safety

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of the people and instead we see the continued permitting of more projects that add to the

burden. We also see a failure to address that on any given day the bacterial levels in the stream and ocean remain above healthy and safe levels even when not storming.

With the addition of the Ho'oluana development in 2018, the already overwhelmed sewage pipes were put under greater usage and pressure. Our 'ohana warned that the infrastructure needed to be updated. Just as we warned, things have gotten so much worse since that development and spills occur more often now because the infrastructure was not updated to be able handle the new demand. This mismanagement has led to thousands of gallons of raw sewage flooding the valley and the river causing a lot of harm to not only humans, but also to our livestock, our crops, and the wildlife that call the valley home. Many maoli holoholona, some endangered, live in the valley like the pua'a, 'alae 'ula, ae'o, koloa maoli, auku'u, nēnē, koa'e kea, pīnao, 'o'opu and many more. They all drink from this water and deserve clean water just as us humans do.

As a kanaka maoli and a keiki of this valley I share the 'ike of what my kupuna taught me. The 'õlepe (clams) you see scattered on the shores of the bay are an indication that the water quality is poor. The department of health and the surf rider foundation later confirmed this with their water testing throughout the years. In fact, they found that Hanamā'ulu has the highest levels of water pollution on this island. As kanaka maoli when we kilo we know the water quality is extremely poor at Hanamā'ulu bay because we know the fundamental kuleana of 'õlepe are to filter dirty and contaminated water. If you kilo long enough, you'll see our 'aumakua, the hīhīmanu (rays) swimming along the shorelines feeding on the 'õlepe. Honu, also an 'aumakua of many 'ohana, find refuge and safety in the bay. But they always choose to stay out near the pier because the water near shore is too dirty for them. Sadly this doesn't allow them to come to shore to rest anymore.

Hanamā'ulu has served as a pu'uhonua for Kanaka Maoli, many of my 'ohana that have been displaced and are now houseless. This is why Hanamā'ulu must see the respect and care it deserves from the people of Kaua'i. When you displace Kanaka Maoli the 'āina suffers.

I was told these three proposed developments would utilize the Līhu'e sewage plant at the Kaua'i lagoons which empties into Kalāpakī stream and a place many know as "running waters". This is another area as a lawai'a I visit often. So not only will Hanamā'ulu be

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negatively affected by these developments, so will all of Kalāpakī. Same as the Kapaia pump, the sewage treatment plant in Līhu'e is also overburdened. The waste then gets released near shore and has negative effects on all of the same things we talked about with Hanamā'ulu.

I oppose any further developments for those reasons. Development greatly affects Kanaka Maoli ability to practice our traditional customary rights and our way of life. From our lo'i kalo, mālā, our gathering of limu, opihi, and i'a from the stream and ocean. All of it. Development near Hanamā'ulu and Kalāpakī ahupua'a will cause irreversible damages. Changing our access and destroying what's left of the resources of the Hanamā'ulu and Kalāpakī ahupua'a. There is no way for me to justify further development in these areas when the past and present concerns I spoke about above have yet to be remedied. Development will only compound this burden.

'A'ole a'e kau i ka pālima Ma luna o ka pepa o ka 'ēnemi Ho'ohui 'āina kū'ai hewa I ka pono sivila a'o ke kanaka

'A'ole mākou a'e minamina I ka pu'u kālā o ke aupuni Ua lawa mākou i ka põhaku I ka 'ai kamaha'o o ka āina

Ellen Wright Prendergast

Kaniela Kaleikaumaka Matsushima



Notice to agent(s) is notice to principal, notice to principal is notice to agent(s).

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23, Mei, 2023



DEREK S.K. KAWAKAMI, MAYOR REIKO MATSUYAMA, MANAGING DIRECTOR

SUBDIVISION REPORT

I. SUMMARY

Action Required by Planning Commission:	Consideration of Subdivision Application No. S-2024-4 involving a two (2) lot consolidation and re-subdivision into four (4) lots.
Subdivision Permit No.	Application No. S-2024-4
Name of Applicant(s)	GEORGE AND PATRICIA SOUZA TRUST KEVIN AND MONIQUE SOUZA LIVING TRUST

II. PROJECT INFORMATION

Map Title	Consolidation of Lots 1-A and 2-A Being Grant S-14,448 Wailua Homesteads, First Series and Resubdivision of Said Consolidation into Lots 1 to 4, Inclusive at Wailua, Kawaihau, Kaua'i, Hawai'i.								
Tax Map Key(s):	4-2-010: 012, 05	9		Area: 8.58 A			cres		
Zoning:	Residential Distr	ict (R-2	2)/0	pen Distri	ct (C))			
State Land Use District(s):	Rural		General Plan Residential Communit Designation:			nmunity			
		AGEN		OMMENTS	S				
COK Public Works	11.15.202	3		State DOT	-Hig	hways:			
COK Water:	12.15.202	3	\boxtimes	State Heal	lth:			pendin	3
COK Housing:	COK Housing: 11.02.2023			DLNR-SHPD: pending					
	EXISTI	NG RO	AD R	IGHT-OF-	WAY	(S)			
Road Name		Existi Width	-	Require Width	d	Paveme YE		NO	Reserve
ʻŌpaeka'a Road		40 fe	eet	56 fee	et				8 ft.
Kalili Place		30 fe	eet	40 fee	et				5 ft.
APPLICABLE FEES									
Environmental Ir	\$750.00								
Park Dedication				1 \$600.00					
Ар	N/A								

G.1.b.1. Jan. 9, 2024

III. EVALUATION

The proposal involves a two (2) lot consolidation and re-subdivision into four (4) lots within the County Residential District (R-2) and Open District (O), and within the State Land Use Rural District. The surrounding parcels to the north are within the County Agriculture (Ag) zoning district, while the surrounding parcels to the south, east, and west are within the County Residential (R-2) zoning district and Open District (O). The surrounding parcels are developed with single-family residences.

The subject property is located in Wailua Homesteads and abuts 'Ōpaeka'a Road on its northern boundary and Kalili Place on its southern boundary. It should be noted that there is one (1) existing dwelling on the northwestern side of the property that currently obtains vehicular access from 'Ōpaeka'a Road and two (2) existing dwellings on the southern side of the property that currently obtain vehicular access from Kalili Place. In reviewing the proposal, Lots 1 and 2 will continue to utilize vehicular access from Kalili Place and Lots 2 and 3 will continue to utilize vehicular access from 'Ōpaeka'a Road.

'Ōpaeka'a Road has a present right-of-way width of forty (40) feet and Kalili Place has a present right-of-way width of thirty (30) feet which are not up to the current County standards of fifty-six (56) feet for a Collector Street classification and forty (40) feet for a deadend street classification, respectively. As such, a future road widening reserve shall be established along the frontages of the proposed lots.

The subject property was previously reviewed through two prior subdivision applications. Namely, Subdivision Application No. S-2000-3 that received final subdivision approval by the Planning Commission on April 27, 2000, that involved a two-lot subdivision, and Subdivision Application No. S-2011-12 that received final subdivision approval by the Planning Commission on January 25, 2012, and involved a two-lot boundary adjustment. In reviewing Subdivision Application No. S-2000-3, the EIA and Park Dedication Fees were deferred until such time the subject property is further developed. As such, the assessment of an EIA Fee and Park Dedication Fee will be a requirement of this subdivision application and shall be paid prior to final subdivision approval.

Native Hawaiian Traditional and Cultural Rights

Attached as Exhibit 'A' is a letter from the applicant pertaining to the requirement of a Ka Pa'akai O Ka'aina Analysis for the subject property.

IV. RECOMMENDATION

TENTATIVE APPROVAL	FINAL APPROVAL
☑Approval □ Denied	Approval Denied
🗖 Denied	🗆 Denied

S-2024-4; Subdivision Report George & Patricia Souza Trust Et. Al. 01.09.2024

noted on the follow pages:	All conditions have been complied with
Jodi Higuchi Digitally signed by Jodi Higuchi Date: 2023.12.26 11:33:31 -10'00'	
Director of Planning Date	Director of Planning Date

V. AGENCY REQUIREMENTS

- 1. Requirements of the Planning Department:
 - a. An updated preliminary title report for the existing lot shall be submitted to the Planning Department for review.
 - b. All existing and proposed easements, if any, shall be identified in the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
 - c. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua'i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.
 - d. An Environmental Impact Assessment Fee of Seven Hundred Fifty Dollars (\$750.00) shall be paid to the County of Kaua'i.
 - e. An Park Dedication Fee of Six Hundred Dollars (\$600.00) shall be paid to the County of Kaua'i.
 - f. The Applicant shall identify on the final subdivision map an eight (8) foot wide future widening reserve along the frontages of 'Ôpaeka'a Road and a five (5) foot wide future widening reserve along the frontages of Kalili Place as shown on the final subdivision map for Subdivision Application No. S-2011-12. There shall be no new structures permitted within the reserves, and any new structures should be setback from the reserves. The reserves, along with the restrictions, shall be incorporated into the deed descriptions of the affected lots, of which draft copies shall be submitted to the Planning Department for review and approval.
 - g. The subdivider is made aware that a portion of the subject property is zoned Open District (O), while the remainder is within the Residential District (R-2). The final subdivision map shall identify the zoning boundaries and the land within the respective zoning districts.
 - h. 'Ōpaeka'a Stream traverses through Lot 1 of the proposal. As such, the subdivider shall identify on the final subdivision map the Drainage and Building Setback Line as

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shown on the final subdivision map of Subdivision Application No. S-2011-12. Additionally, the Building Setback Line shall be incorporated into the deed descriptions of the affected lot, draft copies of which shall be submitted to the Planning Department for review and approval.

- i. The Applicant is made aware that further subdivision of these lots shall comply with the development standards contained in Hawaii Revised Statutes (HRS) Chapter 205, Section 205-2(c).
- 2. Requirements of the Department of Public Works (DPW):
 - a. Driveway approaches shall normally be limited to one (1) per residential lot and shall conform to County of Kaua'i design standards.
 - b. The applicant shall comply with all provisions of the County's Sediment and Erosion Control Ordinance (Kaua'i County Code Chapter 22, Article 7) to safeguard the public health, safety, and welfare, to protect property, and to control soil erosion and sedimentation. This shall include, but not be limited to, a grading and/or grubbing permit in compliance with the Ordinance, which is required if any of the following conditions apply:
 - The work area exceeds one (1) acre.
 - Grading involving excavation or embankment, or combination thereof exceeds 100 cubic yards.
 - Grading exceeds five (5) feet in vertical height or depth at its deepest point.
 - The work area unreasonably alters the general drainage pattern to the detriment of abutting properties.
- 3. Requirements of the Department of Water (DOW):
 - a. Pay the Department of Water the following charges in effect at the time of receipt. At the present time, these charges include:
 - 1) A Facilities Reserve Charge (FRC): One (1) 5/8-inch (Lot 3) = \$14,115
 - 2) Payment to install one service connection at the fixed cost of \$2,850.

The applicant shall be responsible for locating any necessary boundary pins prior to the actual meter installation.

If it is determined by the Department that the meter cannot be installed in a suitable location due to field conditions, the applicant may be required to complete a Survey Stakeout Method per the Department of Water (DOW) S.O.P. No. 46 or prepare construction drawings of the proposed water service connection and complete the necessary construction work. If the

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applicant completes the necessary construction, the DOW water meter installation charge would not apply.

If the subdivider causes a delay in the service connection installation after one year since final map approval, the subdivider shall be charged the increase in the fixed cost, if any.

- b. Prepare and receive DOW's approval of construction drawings for the necessary water system facilities and either construct said facilities or post a performance bond for construction. These facilities shall also include:
 - 1) The distribution facilities, if applicable.
 - 2) The fire service connection, if applicable.
 - The interior plumbing with an appropriate backflow prevention device, if applicable.
- c. At the present time, the existing storage facilities for this area are operating at capacity. The Department is limiting water service approvals to five 5/8-inch water meters or five single-family dwellings per existing lot of record.

The applicant must enter into an agreement with the DOW restricting a total of ten (10) existing and proposed water meters or dwellings to all four (4) newly created lots. (Assign the number of water meters/dwellings per newly created lot)

d. Be made aware that domestic and fire flow water demands as recommended by the DOW's Water System Standards (WSS) may be inadequate for the proposed development. WSS Table 100-19A identifies fire flow requirements for R-2 Zoning District designation as 500 gpm.

The applicant is required to submit fire flow test data or calculations prepared and signed by your Engineer. DOW's comments may change depending on the additional information provided.

- e. Locate and show existing water meter/s (with appropriate meter number) on the subdivision map for the DOW's review and approval. Also, identify the proposed subdivision lot the existing water meters will be assigned to. DOW's comments may change depending on the approved subdivision map.
- 4. Requirements of the County Housing Agency:
 - a. Based upon the Housing Agency's preliminary assessment, the applicant's proposed consolidation and subdivision constitutes "a subdivision or consolidation of land...for residential development in any zoning district in which

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S-2024-4; Subdivision Report George & Patricia Souza Trust Et. Al. 01.09.2024 the overall density would allow more than 10 residential dwelling units," triggering a workforce housing requirement under Kauai County Code (KCC) § 7A-1.4.1(c).

Per KCC § 7A-1.5(a) the applicant must resolve the project's workforce housing assessment for the project with the Housing Agency "prior to final subdivision approval or zoning permit approval, whichever occurs first...".

- 5. Requirements of the Department of Health (DOH):
 - a. The subdivider shall comply with the requirements of the Department of Health, if any, prior to final subdivision approval.
- 6. Requirements of the State Historic Preservation Department (SHPD):
 - a. The subdivider shall comply with the requirements of the State Historic Preservation Department, if any, prior to final subdivision approval.
- 7. The Applicant is advised that should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division to determine mitigation measures.
- 8. The Applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).

The Planning Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process scheduled for JANUARY 9, 2024, whereby the entire record should be considered prior to decision-making. The entire record should include but not be limited to:

- a. Pending government agency comments;
- b. Testimony from the general public and interested others; and
- c. The Applicant's response to staff's report and recommendation as provided herein.

Planner

Exhibit 'A'

(Letter from Applicant Pertaining to Ka Pa'akai O Ka'aina Analysis)

Patricia J. Souza 99-1440 Aiea Heights Dr. #9 Aiea, HI 96701

Ka'aina S. Hull Planning Director County of Kaua'i 4444 Rice St. Lihue, HI 96766

Dear Mr. Hull,

First and foremost mahalo for all you do for our community. We write to formally declare our Native Hawaiian heritage and to share our family's profound commitment to preserving our ancestral connection to the land on Kauai. It is our fervent desire to sustain our family's rich history on this island while also addressing the unique needs of each sibling's ohana and ensuring a legacy for generations to come.

Our family's connection to Kauai runs deep, tracing back through the generations to our great-grandfather. As an employee of the County of Kauai, he was entrusted with the sacred responsibility of caring for the various Heiau in Wailua, such as Hikinaakala, Holoholoku, Malae, and Poliahu, a tradition that underscores our enduring commitment to preserving and safeguarding the cultural and spiritual heritage of this land.

Our grandparents were very blessed to obtain this land that has been in our family for generations. We grew up as kids visiting our grandparents throughout our childhood for holidays and family events. There are countless memories. Our grandparents, born and raised on Kauai, both attended Olohena School that once sat on our land. This land was very special to them from the start as they had many childhood memories there attending school together. Our grandfather was a farmer and rancher who grew a variety of vegetables, pineapple and raised cattle that was sold to the local market. He also worked for the county of Kauai as a welder. My grandmother was a boat captain who drove the boats for Wailua River Boat excursions and told old Hawaiian Legends to visitors. In fact, my grandparents were the original owners of the Wailua River Boat company.

Our family, the Souza ohana, is deeply rooted in Native Hawaiian culture and tradition, with each of the four siblings and their ohana registered in the Hawaiian Verification Center. We wish

to provide you with an overview of our family members, each of whom carries forward the legacy of our heritage:

Kevin Souza: As the eldest sibling, Kevin Souza, has dedicated his life to the Kauai community as a retired FireFighter Captain. He, along with his wife and two daughters, remains committed to upholding Native Hawaiian values. His wife Monique is a kumu at Wilcox Elementary in Lihue, and both daughters are working in the community today as they begin their young post graduate careers.

Keith Souza: Keith Souza, a devoted husband and father, is equally passionate about our heritage. His wife Minnie, is also an educator here in Hawaii. They have three children, and one grandchild. Their oldest son Bowe is the musical director at St. Andrew's Priory School, 2007 Kamehameha alumni and current song contest composer and arranger for songs that commemorate and perpetuate Hawaiian culture. Their daughter is currently a senior at Kamehameha Schools and aspires to contribute to the betterment of the lāhui after graduation.

Michelle Kamakea: Michelle Kamakea, a proud 1990 Kamehameha Schools graduate and DOE educator for 20 years in school systems across Oahu, Kauai, and Hawaii Island, is a loving mother of three boys. Her husband, a retired firefighter, also shares a deep connection to our Native Hawaiian culture as they place emphasis in aloha 'āina as they continue to grow native plants and foods on property to educate their sons about the values that connecting to land can bring.

Melissa Parker: The youngest sibling, Melissa Parker, graduated from Kamehameha Schools in 2000, as well as her husband Ray in 2001. Her and her husband are both Kumu as well, where Melissa teaches elementary at Punahou and her husband teaches middle school at Kamehameha. They have two young daughters and their Parker lineage can be traced back to King Kamehameha the 1st.

Our family's intent in subdividing our property is rooted in our unwavering commitment to our Native Hawaiian heritage. We aim to strike a balance that honors our ancestral connection to the land while ensuring that each sibling can provide for their specific 'ohana and children's needs. This subdivision plan is not merely a matter of property division; it is an embodiment of our dedication to preserving our culture, traditions, and history on Kauai.

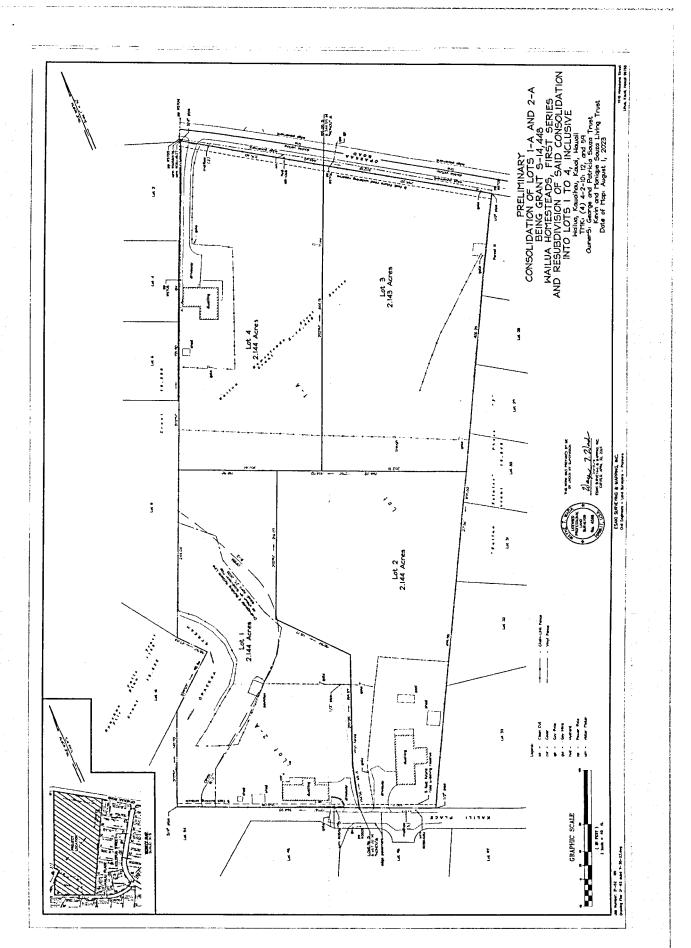
It is evident that our family history is deeply embedded in the cultural values and traditions of Hawai'i. We also embody connection to the land and understand that it sustains us. Today, a portion of our land is leased to a rancher for the purpose of raising cattle. Another portion of

land is used to raise a large variety of fruits, vegetables and animals, many native, with the goal of being self-sufficient for our family needs. We practice organic methods of farming and compost our food scraps to help build the soil health and cut down on waste. The plan is to expand our use of subsistence farming and animal husbandry once the lease is up with the current rancher. We have a responsibility to sustain our Native Hawaiian families here on the islands in a way that allows us to live and practice sustainability with a deep respect for our Native Hawaiian ancestry and cultural traditions.

In summary, we want to emphasize that our family is deeply rooted in Native Hawaiian heritage, and our plan to subdivide the property is driven by a sincere desire to sustain our connection to the land and provide for our future generations.

Mahalo nui loa for your understanding and support.

Warm regards, Jetnices J. Jorm The Souza Ohane TMK is 420100120000







SUBJECT:

County of Kaua'i Planning Department 4444 Rice St., Suite A473 Lihue, HI 96766 (808) 241-4050

FROM: Kaaina S. Hull, Director

Planner: Kenneth Estes

10/27/2023

Subdivision S-2024-4 Tax Map Key: 420100120000 Applicant: George & Patrcia Souza Trust Consolidation of Lots 1-A and 2-A

TO:

State Department of Transportation - STP	County DPW - Engineering
🗌 State DOT - Highways, Kauai (info only)	County DPW - Wastewater
State DOT - Airports, Kauai (info only)	County DPW - Building
□ State DOT - Harbors, Kauai (info only)	County DPW - Solid Waste
State Department of Health	County Department of Parks & Recreation
State Department of Agriculture	County Fire Department
State Office of Planning	County Housing Agency
State Dept. of Bus. & Econ. Dev. Tourism	County Economic Development
State Land Use Commission	County Water Department
State Historic Preservation Division	County Civil Defense
State DLNR - Land Management	County Transportation Agency
State DLNR - Forestry & Wildlife	□ KHPRC
State DLNR - Aquatic Resources	U.S. Postal Department
State DLNR - Conservation & Coastal Lands	UH Sea Grant
☑ Office of Hawaiian Affairs	Other:

FOR YOUR COMMENTS DPW Engineering (11/15/2023)

We have competed our review and offer the following comments:

- 1. Driveway approaches shall normally be limited to one (1) per residential lot and shall conform to County of Kaua'i design standards.
- 2. The applicant shall comply with all provisions of the County's Sediment and Erosion Control Ordinance (Kaua'i County Code Chapter 22, Article 7) to safeguard the public health, safety, and welfare, to protect property, and to control soil erosion and sedimentation. This shall include, but not be limited to, a grading and/or grubbing permit in compliance with the Ordinance, which is required if any of the following conditions apply:
 - The work area exceeds one (1) acre.
 - Grading involving excavation or embankment, or combination thereof exceeds 100 cubic yards.
 - Grading exceeds five (5) feet in vertical height or depth at its deepest point.

Digitally signed by Michael Moule Date: 2023.11.15 13:56:07 -10'00'

• The work area unreasonably alters the general drainage pattern to the detriment of abutting properties.

Michael Moule, P.E. Chief, Engineering Division



Water has no substitute Conserve it!

4398 PUA LOKE STREET LIHU'E, KAUA'I, HAWAI'I 96766 PHONE: (808) 245-5400 / FAX: (808) 245-5813 DIVISION DED

: ON	1:			EPARTM						
MK	S: 4	4-2-010 4-2-010	:059	NAME:	÷•••••••••••••••••••••••••••••••••••••	SURVEYOR:	Wayne Wada	REPORT NO:	S-20	· · · · · · · · · ·
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				nch (Lot 3)	= \$ 14,115 ** *' e service connection at the fixed c	*Please see Item.	o.c commen	nt		٥
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1	B.			ostruction of OW a copy	f \$ for construction by the y of the subdivider's permit to per		a State high	way from the St	ate	
		Highv	vays Divi	sion.						Ľ
	 C. Prepare and receive DOW's approval of construction drawings for the necessary water system facilities and either construct said facilities or post a performance bond for construction. These facilities shall also inclue 1) The distribution facilities, if applicable. 2) The fire service connection, if applicable. 3) The interior plumbing with an appropriate backflow prevention device, if applicable. 						٥			
r							٥			
	 D. Prepare and convey to the DOW a Right-of-Entry and Temporary Grant of Easement for the purpose of construction, repair, maintenance, and operation of the subdivision water system improvements installed in other than County-owned property. E. If a bond is filed, to secure final subdivision approval, the subdivider shall clearly letter the following on the approved construction plans, final subdivision map, and deeds: 							C		
							the	C		
		subdiv	ision are	completed	ill not be available until the requir and accepted by the Department of	of Water, County	of Kauaʻi.'	,		
		subdiv	ision app	roval by th	be recorded with the Bureau of Co e Planning Department.	-		-	-	
	serv	vice will			ns will not be required until a required service connection charges		vice is mad	le. The applicant	for	
	a) A	At the p	resent tim		ing storage facilities for this area a /e 5/8-inch water meters or five sin					
	n				an agreement with the DOW rest r (4) newly created lots. (Assign the					
	S	tandard equiren	ls (WSS) inents for H	may be ina R-2 Zoning	and fire flow water demands as r dequate for the proposed developr district designation as 500 gpm.	nent. WSS Table	: 100-19A	identifies fire flo		
					ubmit fire flow test data or calcula ding on the additional information		nd signed b	y your Engineer.	DOW	/'s
	re	eview a	nd approv	al. Also, i	ter meter/s (with appropriate mete dentify the proposed subdivision I ge depending on the approved sub	ot the existing wa				

Regina Reyes-Flores Regina Reyes-Flores (Dec 15, 2023 04:46 HST)

Dec 15, 2023



DEREK S.K. KAWAKAMI, MAYOR REIKO MATSUYAMA, MANAGING DIRECTOR

MEMORANDUM

RE:	Housing Agency Comments on Preliminary Consolidation of Lots 1-A and 2-A and Subdivision into Lots 1 through 4, TMKs (4) 2-010:012 and 59, George & Patricia Souza Trust, Applicant
DATE:	November 2, 2023
FROM:	Adam Roversi, Housing Director Adam Roversi Date: 2023.11.02 15:27:33 -10'00'
TO:	Kaaina S. Hull, Planning Director Digitally signed by Adam

Based upon the Housing Agency's preliminary assessment, the applicant's proposed consolidation and subdivision constitutes "a subdivision or consolidation of land... for residential development in any zoning district in which the overall density would allow more than 10 residential dwelling units," triggering a workforce housing requirement under Kauai County Code (KCC) § 7A-1.4.1(c).

Per KCC § 7A-1.5(a) the applicant must resolve the project's workforce housing assessment for the project with the Housing Agency "prior to final subdivision approval or zoning permit approval, whichever occurs first...".

Thank you for the opportunity to review and comment on the pending application.



Kenneth Estes

From:	Kaaina Hull
Sent:	Monday, October 30, 2023 12:50 PM
To:	Kenneth Estes
Subject:	FW: Subdivision S-2024-4 TMK42010012 Lots 1A and 2A
Follow Up Flag:	Follow up
Flag Status:	Flagged

fyi

From: Donald Fujimoto <dfujimoto@kauai.gov>
Sent: Monday, October 30, 2023 12:49 PM
To: Kaaina Hull <khull@kauai.gov>
Cc: Donn Kakuda <dkakuda@kauai.gov>; Jason Coloma <jcoloma@kauai.gov>
Subject: Subdivision S-2024-4 TMK42010012 Lots 1A and 2A

Kaaina,

Wastewater has no comments. This subdivision is not within the County Sewer Service area.

Donald M. Fujimoto PE, MBA

Chief, Wastewater Management Division Department of Public Works, County of Kauai 4444 Rice Street, Suite 500 Lihue, HI 96766 (808) 241-4803



DEREK S.K. KAWAKAMI, MAYOR REIKO MATSUYAMA, MANAGING DIRECTOR

SUBDIVISION REPORT

I. SUMMARY

Action Required by Planning Commission:	Consideration of Subdivision Application No. S-2024-6 that involves a three (3) lot consolidation and re-subdivision into fifty-one (51) lots.
Subdivision Permit No.	Application No. S-2024-6
Name of Applicant(s)	BBCP KUKUI'ULA INFRASTRUCTURE, LLC. & MP KAUA'I HH DEVELOPMENT FUND, LLC.

II. PROJECT INFORMATION

Map Title	Parcel HH Subdivision. Consolidation of Lots 26, 29, and 31 Kukui'ula								
	Residential Subdivision, Phase III-A Being Portion of R.P. 6714, L.C. Aw. 7714-								
	B, AP. 2 to M. Ke								
	into Lots 1 throu						f Easen	nents D-	10 through
	D-14 and P-1, Inc	clusive	at Kō	loa, Kauaʻ	'i, Ha	wai'i.			
Tax Map Key(s):	2-6-019:026, 029					Area: 84.13 acres			
Zoning:	Open / Special T R-4	reatme	ent-O	pen / Resc	ort R	R-10 / Re	esident	ial R-10	/ Residential
State Land Use	Urban			G	ener	al Plan	Resor	t / Resid	ential
District(s):	Orban			-		nation:		n. / Golf	
		AGEN		OMMENTS	5				
COK Public Works	ks 11.27.2023 State DOT-Highways:								
COK Water:	pending 🛛 S		State Health: 12.13.2023			.023			
Other(s)	\boxtimes (DLNR – SH	PD:			02.22.2	023	
	EXISTI	NG RO	AD R	IGHT-OF-V	WAY	(S)			
Road Name		Existi	ng	Required	d [Paveme	nt		Reserve
		Widtl	1	Width		YE	s	NO	i
'Alihilani Street		44 f	eet	44 feet	t				
Ke Alaula Street	56 feet		eet	56 feet	t	X]		
Lāwa`i Road		60 f	eet	60 fee	t	X]		
APPLICABLE FEES									
Environmental Impact Assessment (EIA) \$			\$23	\$23,500.00					
Park Dedication T			TBD	TBD. Appraisal required					
Ар	praisal Report Rec	uired	Yes					<u> </u>	r.1.C.1.

Jan. 9, 2024

III. EVALUATION

The proposed development establishes forty-seven (47) lots within the Residential District (R-10), one (1) roadway lot (Lot 48), one remnant Lot (Lot 50), proposed Lot 49 that encompasses The Club at Kukui'ula facility, and proposed Lot 51 that encompasses the Kukui'ula golf course. The development shall be subject to the applicable requirements/conditions of Ordinance No. PM-2004-370 and the EIA and Park Dedication Fees shall be credited, as specified by the foregoing ordinance.

The subject subdivision proposal was previously entertained through Subdivision Application No. S-2022-6 that received revised Preliminary Subdivision Map Approval by the County of Kaua'i, Planning Commission on February 8, 2022. The preliminary subdivision map for this subdivision application was considered void as the applicant failed to timely file with the Department a subdivision final map, or request for an extension of time, prior to the preliminary subdivision map expiration. As such, the applicant has since re-submitted the subdivision proposal, which is presently being processed through this new subdivision application.

It should also be noted that the proposed residential lots are outside of the Special Management Area (SMA); however, proposed Lots 50 and 51 have portions of the lots that are within the SMA. Any new "development" within these lots, as defined in Section 1.4 of the SMA Rules and Regulations of the County of Kaua'i, may require an SMA Permit and if so, the applicant is subject to all applicable requirements/conditions of the permit.

It is further noted that the Public Path and Trails Exhibit dated October 2020 identifies the subdivision proposal as part of the trail system within the planned community. The applicant will need to work with the Planning Department to address the provision of public access.

Native Hawaiian Traditional and Cultural Rights

A Ka Pa'akai O Ka'aina Analysis was prepared by Honua Consulting, LLC., for the proposed development. The analysis describes the historic and traditional accounts associated with the Kōloa Ahupua'a as well as provides a summary of archaeological studies that have been conducted in the vicinity of the project area. The analysis also provides a detailed summary of the community outreach that was conducted including oral and written testimony of individuals that were contacted.

As represented in the analysis, the bulk of the information available was drawn from native testimonies and Hawaiian language sources. Additionally, community outreach involved interviewing sixteen (16) individuals to help identify resources and practices in the area.

Based on the information contained in the analysis and evaluating the historical information that was available to the department, the department finds that the proposed development at its designated location should have no impact on any known Hawaiian traditional or customary practices for the following reasons:

- a. There are no known traditional or customary practices of Native Hawaiians that are presently occurring at the project site.
- b. There are no known special gathering practices taking place at the project site or within the vicinity of the project site.
- c. The Project should not detrimentally inhibit access to any streams; access to the shoreline or other adjacent shoreline areas; gathering along any streams, the shoreline or in the ocean.
- d. There are no known religious practices taking place within the project site.
- e. There are no known burials within the Project Area.
- f. As represented, the Archaeological Field Inspection Letter Report for Kukui'ula Parcel HH that was prepared by Cultural Surveys Hawaii, Inc., identified no historic properties within the project area.

IV. RECOMMENDATION

TENTATIVE APPRO	VAL	FINAL APPF	ROVAL
☐Approval □ Denied		Approval Denied	
Tentative Approval subject to all requirements as noted on the follow pages:		All conditions have been complied with	
Jodi Higuchi	signed by Jodi Higuchi 023.12.26 11:33:18		
Director of Planning	Date	Director of Planning	Date

V. AGENCY REQUIREMENTS

- 1. Requirements of the Planning Department:
 - a. An updated preliminary title report for the existing lot shall be submitted to the Planning Department for review.
 - b. All existing and proposed easements, if any, shall be identified in the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
 - c. Pursuant to Ordinance No. PM-2004-370, the Applicant is allowed to credit Environmental Impact Assessment and Park Dedication fees for developments within their Project Area. Since the Applicant has not resolved with the Planning

Department whether they will pay fees or provide improvements for credit, the following fees are being assessed:

- 1) An Environmental Impact Assessment Fee of Twenty Three Thousand Five Hundred Dollars (\$23,500.00) shall be paid to the County of Kaua'i; and
- 2) The Applicant shall pay a Park Dedication fee pursuant to Section 9-2.8 of the Kaua'i County Code Subdivision Ordinance. An appraisal report and price list shall be provided to the Planning Department to forward to the Real Properties Division to help calculate the fee amount.

The Applicant shall resolve with the Planning Department the method that will be utilized to satisfy these fee requirements prior to final subdivision approval.

- d. Relative to Condition No. 1.c. and prior to final subdivision map approval, the Applicant shall meet with the Planning Department to resolve the applicable requirements of Ordinance No. PM-2004-370. Specifically, the following conditions shall apply to this subdivision:
 - Conditions of Ordinance No. PM-2004-370:
 - o 3. (prohibition of Additional Dwelling Units)
 - o 7. (improvements to roadway system)
 - o 14. (EIA credit)
 - o 15. (recreation)
 - o 16. (park dedication credit)
 - o 23. (wastewater system master plan)
 - o 27. (solid waste management plan)
 - o 30. (blasting plan)
- e. Relative to the requirements/standards setforth in Ordinance No. 777 and Section 8-4.5(d) of the Kauai County Code (1987), the Applicant shall resolve with the Planning Department the provision of public access, and more specifically, access to Lāwa'i Road from the proposed residential subdivision.

The subdivider shall incorporate the features of the Conceptual Trail Master Plan (dated April 2004) within the project area, if applicable. The access plan shall be reviewed and approved by both the Planning and Parks & Recreation Departments. Furthermore, proper documents shall be prepared and ready for execution prior to final subdivision approval. The Planning Department reserves the right to impose additional conditions relating to this matter while in the process of resolving this condition.

f. There shall be no vehicular access permitted onto Lāwa'i Road from proposed Lot 50. Semi-circles denoting no vehicular access permitted shall be shown on the final subdivision map. These provisions shall be incorporated as a restrictive covenant for the subject lot, draft copies of which shall be submitted to the Planning Department for review and approval.

- g. The Applicant is made aware that the streets designated within the subdivision must be officially named before the Department approves the construction plans. Street names should be in Hawaiian and be submitted to our Department for review and approval, along with a request letter and 12 maps (on 8½" x 14" paper). The maps should be detailed such that emergency vehicles, police services, postal deliveries, etc., are able to locate the street. References to roadway, such as the highway and other surrounding roads, should be shown on the street-naming map
- h. The Subdivider shall comply with the requirements in Section 9-2.3(e) of the Kaua'i County Code (1987) relating to the provision of curbs, gutters and sidewalks along Roadway Lot 48. The extent of improvements shall be resolved with the Planning Department and Department of Public Works prior to final subdivision map approval.
- i. The Applicant shall prepare and obtain construction plan approvals for necessary road, water, drainage, electrical and telephone utilities and facilities, and either construct the same or post a surety bond for completion.
- j. The Applicant shall establish bus stops/shelters pursuant to Ordinance No. 406. The details shall be resolved with the Planning Department and Department of Public Works prior to construction plan approval.
- k. The Applicant shall identify on the final subdivision map whether the proposed lots will be utilized for Transient Vacation Rental (TVR) purposes. If so, the total amount of the lots within the Kukui'ula Parcel HH Subdivision, shall be counted towards the total amount approved through Ordinance No. PM-2004-370.
- The subdivider is informed that a portion of the subject property is located within the Special Management Area (SMA). Additional lots within the SMA or any new "Development," as defined in Section 1.4 of the SMA Rules and Regulations of the County of Kaua'i, may require an SMA Permit and if so, the applicant is subject to all applicable requirements/conditions of the SMA Permit.
- m. Prior to final subdivision map approval, the applicant shall depict with a dotted line on the final subdivision map zoning lines delineating the boundaries between each County Zoning District as shown on the "Kukui'ula South Shore, Kaua'i, Zoning Refinement Area Map" dated June 8, 2020.
- n. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua'i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.

- 2. Requirements of the Department of Public Works (DPW):
 - a. The applicant shall comply with all provisions of the County's Sediment and Erosion Control Ordinance (Kaua'i County Code Chapter 22, Article 7) to safeguard the public health, safety, and welfare, to protect property, and to control soil erosion and sedimentation. This shall include, but not be limited to, a grading and/or grubbing permit in compliance with the Ordinance, which is required if any of the following conditions apply:
 - The work area exceeds one (1) acre.
 - Grading involving excavation or embankment, or combination thereof exceeds 100 cubic yards.
 - Grading exceeds five (5) feet in vertical height or depth at its deepest point.
 - The work area unreasonably alters the general drainage pattern to the detriment of abutting properties.
 - b. Best management practices (BMPs) shall be incorporated to the maximum extent practicable to prevent damage by sedimentation, erosion, or dust to watercourses, natural areas, and other properties. The permittee and the property owner shall be responsible to ensure that BMPs are satisfactorily implemented at all times.
 - c. The existing grass strip and sidewalk on Lāwai Road previously built by Kukui'ula Development Corporation is difficult for the County of Kaua'i Public Works Department to maintain due to limited equipment available. Therefore, we recommend that the Planning Commission include the following condition with this subdivision:

"The applicant shall maintain the portion of the County right-of-way of Lāwai Road between the curb (or edge of pavement where there is no curb) and the property line separating the County right-of-way and the properties being subdivided as part of this subdivision. The maintenance shall include mowing or otherwise maintaining the grass or other vegetation within this area, maintaining the concrete sidewalk to be free of obstructions and debris, and replacing the concrete sidewalk in the event it is broken or uneven in the future."

- 3. Requirements of the Department of Water (DOW):
 - a. The subdivider shall comply with the requirements of the Department of Water, if any, prior to final subdivision approval.
- 4. Requirements of the Department of Health (DOH):

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

- 1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
- 2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
- 3. Standard comments for the Clean Air Branchareat: https://health.hawaii.gov/epo/landuse/.

Clean Water Branch

 All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <u>https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwbstandard- comments/.</u>

Hazard Evaluation & Emergency Response Office

- 1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
- 2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <u>https://health.hawaii.gov/epo/landuse/</u>.

Indoor and Radiological Health Branch

- 1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, 11-504.
- 2. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at https://health.hawaii.gov/irhb/asbestos/.

Safe Drinking Water Branch

- Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of: 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related the Safe Drinking Water program: https://health.hawaii.gov/sdwb/.
- 2. Standard comments for the Safe Drinking Water Branch can be found at: <u>https://health.hawaii.gov/epo/landuse/</u>.

Solid & Hazardous Waste Branch

- 1. Hazardous Waste Program The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
- Solid Waste Programs The laws and regulations are contained in HRS Chapters 339D, 342G, 342H and 3421, and HAR Chapters 11-58.1, and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
- 3. Underground Storage Tank Program The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
- 4. Standard comments for the Solid & Hazardous Waste Branch can be found at: https://health.hawaii.gov/epo/landuse/.

Wastewater Branch

The Water Branch has no objections to the project. The subject project is located within or near proximity to the Poipu Water Reclamation Facility private sewer system. All wastewater generated shall be disposed into the Poipu Water Reclamation Facility sewer system. All lots in the proposed project shall connect to the Poipu Water Reclamation Facility sewer system.

By Revised Statute 11-62-31.1, if the parcel is less than 10,000 square feet, an individual onsite waste-water unit may be possible for future construction. Please

contact Sina Pruder at DOH Waste-Water Branch at 808-586-4288 for further information. For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation/ Local DOH Comments:

- Noise may be generated during demolition and/or const ruction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
- 2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

Other

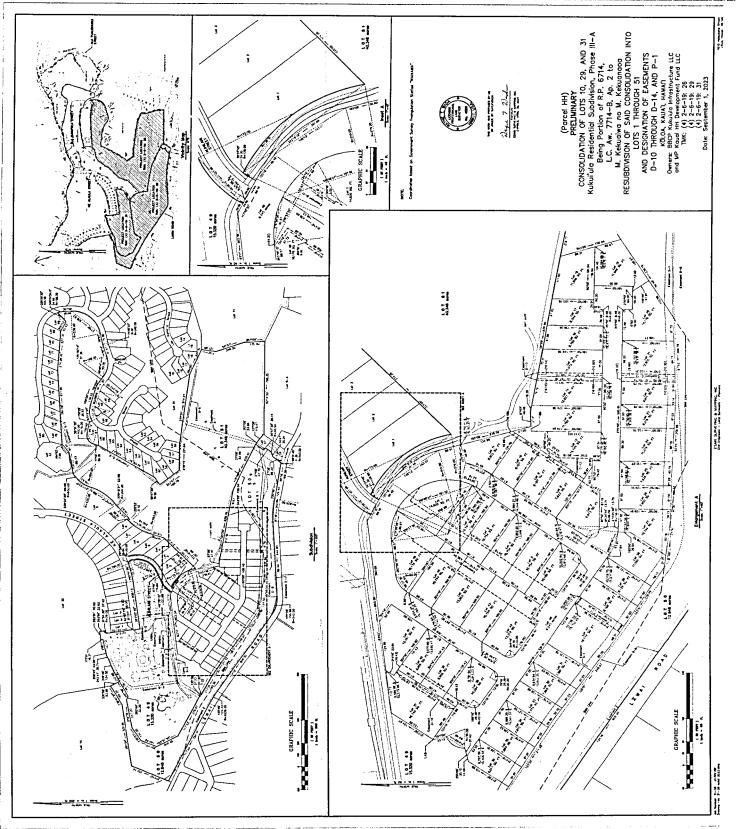
- 1. <u>CDC-Healthy Places-Healthy Community Design Checklist Toolkit</u> recommends thatstate and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
- 2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3495.
- 5. The Applicant is advised the should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division and the Planning Department to determine mitigation measures.
- 6. The Applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).

The Planning Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process scheduled for JANUARY 9, 2024, whereby the entire record should be considered prior to decision-making. The entire record should include but not be limited to:

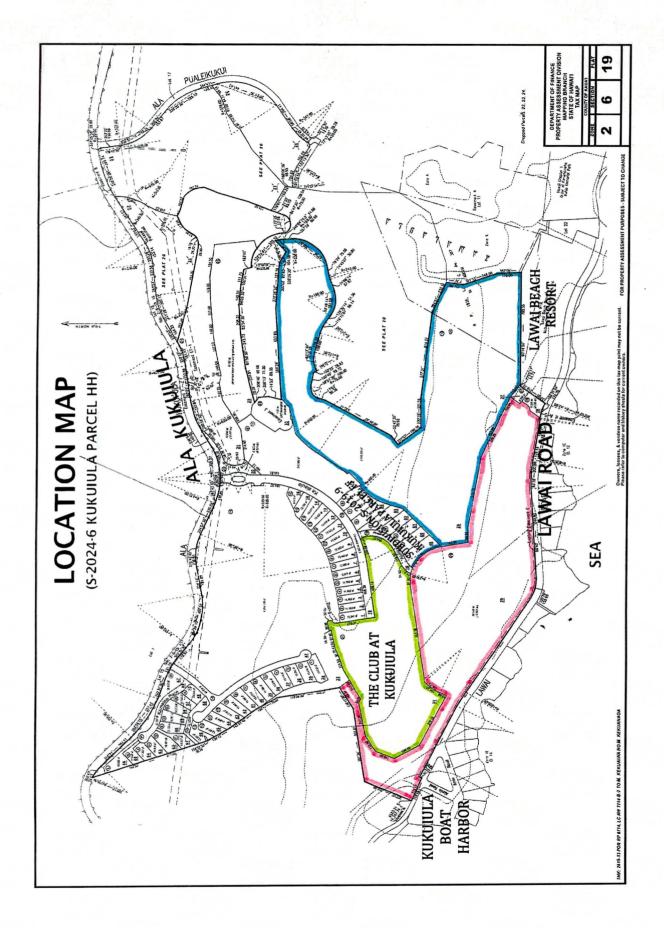
- a. Pending government agency comments;
- b. Testimony from the general public and interested others; and
- c. The Applicant's response to staff's report and recommendation as provided herein.

KENNETH A. ESTES

Planner



i





County of Kaua'i Planning Department 4444 Rice St., Suite A473 Lihue, HI 96766 (808) 241-4050

FROM: Kaaina S. Hull, Director

Planner: Kenneth Estes

11/8/2023

SUBJECT:	Subdivision S-2024-6	
	Tax Map Key: 260190260000	

Applicant: BBCP Kukuiula Infrastructure LLC. & MP Kauai HH Development Fund LLC. Consolidation of Lots 10, 29, 31 Kukuiula Residential Subdivision Phase III-A, Resubdivision

TO:

State Department of Transportation - STP	County DPW - Engineering
🗌 State DOT - Highways, Kauai (info only)	County DPW - Wastewater
State DOT - Airports, Kauai (info only)	County DPW - Building
State DOT - Harbors, Kauai (info only)	County DPW - Solid Waste
State Department of Health	County Department of Parks & Recreation
State Department of Agriculture	County Fire Department
□ State Office of Planning	County Housing Agency
State Dept. of Bus. & Econ. Dev. Tourism	County Economic Development
State Land Use Commission	County Water Department
State Historic Preservation Division	County Civil Defense
State DLNR - Land Management	County Transportation Agency
State DLNR - Forestry & Wildlife	☐ KHPRC
State DLNR - Aquatic Resources	U.S. Postal Department
State DLNR - Conservation & Coastal Lands	🗌 UH Sea Grant
☑ Office of Hawaiian Affairs	Other:

FOR YOUR COMMENTS DPW Engineering (11/27/2023)

The applicant shall comply with all provisions of the Sediment and Erosion Control Ordinance (Kaua'i County Code Chapter 22, Article 7) to safeguard the public health, safety, and welfare, to protect property, and to control soil erosion and sedimentation. This shall include, but not be limited to, a grading and/or grubbing permit, which is required if any of the following conditions apply:

- a. The work area exceeds one (1) acre.
- b. Grading involving excavation or embankment, or combination thereof exceeds 100 cubic yards.
- c. Grading exceeds five (5) feet in vertical height or depth at its deepest point.
- d. The work area unreasonably alters the general drainage pattern to the detriment of abutting properties.

Best management practices (BMPs) shall be incorporated to the maximum extent practicable to prevent damage by sedimentation, erosion, or dust to watercourses, natural areas, and other properties. The permittee and the property owner shall be responsible to ensure that BMPs are satisfactorily implemented at all times.

The existing grass strip and sidewalk on Lāwa'i Road previously built by Kukui'ula Development Corporation is difficult for the County of Kaua'i Public Works Department to maintain due to limited equipment available. Therefore, we recommend that the Planning Commission include the following condition with this subdivision:

"The applicant shall maintain the portion of the County right-of-way of Lāwa'i Road between the curb (or edge of pavement where there is no curb) and the property line separating the County right-of-way and the properties being subdivided as part of this subdivision. This maintenance shall include mowing or otherwise maintaining the grass or other vegetation within this area, maintaining the concrete sidewalk to be free of obstructions and debris, and replacing the concrete sidewalk in the event it is broken or uneven in the future."

Sincerely

Michael Moule, P.E.

Chief, Engineering Division

Digitally signed by Michael Moule Date: 2023.11.27 16:20:03 -10'00'



County of Kaua'i Planning Department 4444 Rice St., Suite A473 Lihue, HI 96766 (808) 241-4050

FROM: Kaaina S. Hull, Director

Planner: Kenneth Estes

11/8/2023

SUBJECT:	Subdivision S-2024-6
	Tax Map Key: 260190260000
	Applicant: BBCP Kukuiula Infrastructure LLC. & MP Kauai HH Development Fund LLC.
	Consolidation of Lots 10, 29, 31 Kukuiula Residential Subdivision Phase III-A

TO:

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🗌 State DOT - Highways, Kauai (info only)	County DPW - Wastewater
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🗌 State DOT - Harbors, Kauai (info only)	County DPW - Solid Waste
State Department of Health	County Department of Parks & Recreation
State Department of Agriculture	County Fire Department
State Office of Planning	County Housing Agency
🗌 State Dept. of Bus. & Econ. Dev. Tourism	County Economic Development
State Land Use Commission	County Water Department
State Historic Preservation Division	County Civil Defense
State DLNR - Land Management	County Transportation Agency
□ State DLNR - Forestry & Wildlife	□ KHPRC
State DLNR - Aquatic Resources	☑ U.S. Postal Department
State DLNR - Conservation & Coastal Lands	□ UH Sea Grant
☑ Office of Hawaiian Affairs	Other:

FOR YOUR COMMENTS (pertaining to your department) (Due Date 12/22/2023)



STATE OF HAWAII DEPARTMENT OF HEALTH 3040 Umi St. Lihue Hawaii 96766 DEC 15 '23 PM12:46 PLANNING DEPT

DATE: Dec 13, 2023

TO: To whom it may concern

FROM: Ellis Jones District Environmental Health Program Chief

SUBJECT: RESPONSE_BBCP Kukuiula Infrastructure_S-2024-6

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: https://health.hawaii.gov/epo/landuse/. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

- 1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
- 2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.

3. Standard comments for the Clean Air Branch are at: https://health.hawaii.gov/epo/landuse/

Clean Water Branch

 All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <u>https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-</u>standardcomments/.

Hazard Evaluation & Emergency Response Office

- 1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
- 2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: https://health.hawaii.gov/epo/landuse/.

Indoor and Radiological Health Branch

- 1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, 11-504.
- Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at https://health.hawaii.gov/irhb/asbestos/.

Safe Drinking Water Branch

- Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of: 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related the Safe Drinking Water program: <u>https://health.hawaii.gov/sdwb/</u>.
- 2. Standard comments for the Safe Drinking Water Branch can be found at: https://health.hawaii.gov/epo/landuse/.

Solid & Hazardous Waste Branch

- 1. Hazardous Waste Program The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
- Solid Waste Programs The laws and regulations are contained in HRS Chapters 339D, 342G, 342H and 342I, and HAR Chapters 11-58.1, and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the

electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.

- Underground Storage Tank Program The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
- 4. Standard comments for the Solid & Hazardous Waste Branch can be found at: https://health.hawaii.gov/epo/landuse/.

Wastewater Branch

Wastewater Branch has no objections to the proposed project. The subject project is located within or near proximity to the Poipu Water Reclamation Facility private sewer system. All wastewater generated shall be disposed into the Poipu Water Reclamation Facility sewer system. All lots in the proposed project shall connect to the Poipu Water Reclamation Facility sewer system.

By Revised Statue 11-62-31.1 If the parcel is less than 10,000sq feet, an individual onsite waste-water unit may not be possible for future construction. Please contact Sina Pruder at the DOH waste-water branch at 808-586-4288 for further information. For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

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- 2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

Other

- <u>CDC Healthy Places Healthy Community Design Checklist Toolkit</u> recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
- 2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3492.

Ellis Jones

Ellis Jones

District Environmental Health Program Chief Office Phone: (808) 241-3326 JOSH GREEN, M.D. GOVERNOR | KE KIA'ĂINA

SYLVIA LUKE LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA





STATE OF HAWAII | KA MOKU'AINA 'O HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES KA 'OIHANA KUMUWAIWAI 'ĀINA

STATE HISTORIC PRESERVATION DIVISION KAKUHIHEWA BUILDING 601 KAMOKILA BLVD, STE 555 KAPOLEI, HAWAII 96707

February 22, 2023

Michael Moule, P.E., P.T.O.E., Division Chief County of Kaua'i Department of Public Works 4444 Rice Street, Suite 175 Līhu'e, Hawai'i 96766 mmoule@kauai.gov

Kaʿāina S. Hull, Director County of Kaua'i Planning Department 4444 Rice Street, Suite A473 Līhu'e, Hawai'i 96766 khull@kauai.gov

Dear Mr. Moule and Mr. Hull:

HRS Chapter 6E-42 Historic Preservation Review -SUBJECT: County of Kaua'i Clearinghouse Application CL-2022-017 (PW 06.22.092) **Subdivision Application S-2022-6** Parcel HH Subdivision Kukui'ula Project Applicant: Meridian Pacific, Ltd. Kōloa Ahupua'a, Kona District, Island of Kaua'i TMK: (4) 2-6-019:026, 029, 031 por.

This letter provides the State Historic Preservation Division's (SHPD's) HRS §6E-42 review of the subject permits for the Parcel HH Subdivision Kukui'ula Project located in Koloa off of Lawa'i Road and Ke Alaula Street. The SHPD received the initial Subdivision submittal from the County on January 20, 2022, which included the application for the preliminary subdivision map. Subsequently, SHPD received a submittal on August 3, 2022, which included a HRS 6E Submittal Form, a County of Kaua'i Clearinghouse Application, TMK, Subdivision and construction maps, site photographs, and an accompanying supporting planning document titled Draft Archaeological Field Inspection Letter Report for Parcel HH of the Kukui'ula Community Development Project, TMK (4) 2-6-015:029, Koloa Ahupua'a, Koloa District, Kaua'i (Hammatt, June 2021).

On January 20, 2023, the applicant provided SHPD via email a letter from the County of Kauai Department of Planning dated February 9, 2022, detailing the tentative approval for the Subdivision S-2022-6, pending several stipulations, including SHPD's approval. This approval states that one of the pending items (Item 5) is consultation with SHPD regarding inclusion of any archaeological stipulations and, if necessary, mitigation measures.

The project area comprises approximately 15.7 acres within the 85-acre property. The project involves the development and construction a subdivision including grubbing and grading, filling to improvide grade, installation of underground utilities and roads, as well as landscapting. The grading area (15.7 acres) will include 20,000 cubic yards (cy) of excavation and 33,410 cy of embankment (fill). The project area has been impacted by prior sugarcane

DAWN N.S CHANG CHAIRPERSON BOARD OF LAND AND NATURAL RESOURCES COMMISSION ON WATER RESOURCE MANAGEMENT

LAURA H.E KAAKUA FIRST DEPUTY

M. KALEO MANUEL DEPUTY DIRECTOR - WATER

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

IN REPLY REFER TO: Project No. 2022PR00964 Doc. No. 2302DB03 Archaeology

Mr. Michael Moule and Mr. Kaʻāina S. Hull February 22, 2023 Page 2

cultivation and ground disturbing activities associated with the Kukui'ula Community Development Project that began in the late 1990s through the early 2000s.

The project area is within the boundaries of an archaeological conducted for the Kukui'ula Development. The survey identified 58 archaeological sites, including 150 features within a 1,000-acre area from Poipu Road on the east to the edge of Lawa'i Valley to the west (Hammatt et al. 1988). Additional work within the Kukui'ula development included data recovery (Hammatt 1998, 1989) and the establishment of five archaeological preserves. None of the preserves will be impacted by the current project. Additionally, none of the previously identified sites recorded within or near the current project area (see Sites 50-30-10-03073 (two walls [Features A and B] and a pavement, wall, and mound [Feature C]), 50-30-10-01947 (habitation and agricultural), 50-30-10-01949 (habitation), and 50-30-10-01950 (habitation), have been destroyeded (Hammatt et al. 1988, Borthwick et al. 1990). Based on these findings and a field inspection of the current project area which occurred on May 6, 2021, Hammatt (June 2021) indicates no historic properties are present and thus low to no potential exists for the project to adversely impact significant archaeological historic properties. Lastly, the USDA soil survey (Foote et. al 1972) identifies the soils within the project area as Waikomo stony silty clay (Ws) and Waikomo very rocky silty clay (Wt).

Based on project information provided, SHPD's determination is **"No Historic Properties Affected"** for the current project. Additionally, SHPD has no objections or stipulations regarding the approval of Subdivision Application S-2022-6. Pursuant to HAR §13-284-7(e), when the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD's written concurrence and historic preservation review ends. The HRS 6E historic preservation review process is ended. The permitting process may continue.

Please attach to all permits and construction plans: In the event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 462-3225.

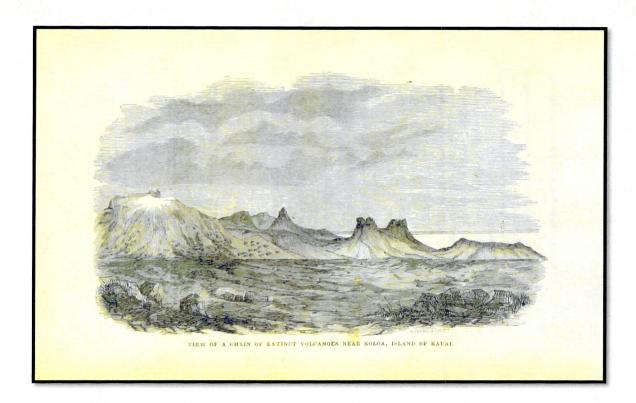
Note: HICRIS Project No. 2022PR00073 which included the initial subdivision application for Parcel HH has been consolidated into Project No. 2022PR00964. All future correspondence and documents should be submitted to Project No. 2022PR00964 using the Project Supplement option.

Please contact David Buckley, Kaua'i Lead Archaeologist, at (808) 462-3225 or at <u>David.Buckley@hawaii.gov</u> for questions regarding this letter.

Mahalo,

Susan A. Lebo Signed For Alan S. Downer, PhD Administrator, State Historic Preservation Division Deputy State Historic Preservation Officer

 cc: Paul Togioka, CE III, Kaua'i County Department of Public Works, <u>ptogioka@kauai.gov</u> Kenneth Estes, County of Kaua'i Planning Department, <u>kestes@kauai.gov</u> William Folk, Project Manager, CSH Inc., <u>wfolk@culturalsurveys.com</u> Esaki Surveying, <u>esm@esakimap.com</u> Kanani Fu, Meridian Pacific, Ltd., <u>kanani fu@gmail.com</u>



Cultural Impact Assessment, Ethnographic Survey, and *Ka Pa'akai* Analysis of Three Developments in Kōloa, Kaua'i

Prepared for





June 2022



Authors and Lead Researchers

Trisha Kehaulani Watson, J.D., Ph.D.

Assistant Authors and Researchers

kuʻualoha hoʻomanawanui, Ph.D. Fern Holland, M.S. Catharine Thetford, B.S. Kepā Maly Onaona Maly Amy Kalili, J.D.

Note on Hawaiian Language Use

In keeping with other Hawaiian scholars and current Indigenous language style guidelines, we do not italicize Hawaiian words. Hawaiian is both the native language of the pae'āina (archipelago) of Hawai'i and an official language of the State of Hawai'i. Some authors will leave Hawaiian words italicized if part of a quote; we do not. In the narrative, we use diacritical markings to assist our readers, except in direct quotes, in which we keep the markings used in the original text. We provide translations contextually when appropriate. Unless otherwise noted, all translations are by Honua Consulting authors.

Front Cover Credit

1854 Bates, G.W. (photographer), "Sandwich Islands Notes. By a Haole [i.e., G. W. Bates.]," British Library Digital Store 10491.d.25, Monograph, New York.



Executive Summary

This cultural impact assessment and ethnographic survey looked to identify cultural resources and practices in Kōloa. Numerous interviews were conducted in preparation of this survey. Interviewees identified numerous practices in the Kōloa region, many of which have been practiced for numerous generations, extending back to the time before foreign contact.

Research in preparation of this report consisted of a thorough search of Hawaiian language documents, including but not limited to the Bernice Pauahi Bishop Museum Mele Index and archival documents, including the Hawaiian language archival caché. All Hawaiian language documents were reviewed by Hawaiian language experts to search for relevant information to include in the report. Documents considered relevant to this analysis are included herein, and translations are provided when appropriate to the discussion. Summaries of interviews with lineal and cultural descendants with ties to the project area are included in the study, and information on other past oral testimonies are also provided herein. Data was extrapolated from these sources that provide an unprecedented comprehensive look at the previous cultural resources on this 'āina.

This assessment thoroughly identified valued cultural, historical, and natural resources in the project area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the project area. It also identifies the impacts that may potentially result from the proposed action. The primary cultural activities identified in the ethnographic data for the area were ceremonial access, trail access, and gathering. Some interviewees identified some activities to occur in the Project Areas, while other interviewees identified the activities as occurring in the larger Kōloa region.

Based on the information gathered and the assessment of the resources conducted, the project has the potential to affect cultural resources, traditions, customs, or practices, and the County should work with the project applicant to identify best management practices, conditions, and other measures to serve as the feasible action required under law to protect Native Hawaiian rights.

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Abbreviations and Acronyms

AIS: Archaeological Inventory Survey **BMP: Best Management Practice** CIA: Cultural Impact Assessment CoK: County of Kaua'i **EIS: Environmental Impact Statement** ESP: Environmental Review Project, Office of Planning and Sustainable Development HAR: Hawaii Administrative Rules HRS: Hawaii Revised Statutes ILK: Indigenous Local Knowledge Ka Pa'akai: Ka Pa'akai O Ka 'Āina v. Land Use Commission, 94 Haw. 31 (2000) LCA: Land Commission Award LRFI: Literature Review and Field Inspection LUC: State Land Use Commission **NRHP: National Register of Historic Places OEQC: Office of Environmental Quality and Control ROI:** Range of Influence SHPD: State Historic Preservation Division SIHP: State Inventory of Historic Places SLH: Session Laws of Hawaii SMA: Special Management Area **TEK: Traditional Ecological Knowledge** TMK: Tax Map Key USGS: U.S. Geological Survey

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1.0 Project Description and Compliance

Honua Consulting, LLC is preparing this Cultural Impact Assessment, Ethnographic Survey, and *Ka Pa'akai* Analysis analysis for three proposed developments in Kōloa, Kaua'i. This analysis is anticipated to be used by the County of Kaua'i in making findings of fact as to the projects' impacts to cultural resources and practices as required under law.

1.1 Project Description and Proposed Action

Meridian Pacific, Ltd. (Meridian) is currently developing the Kauanoe o Kōloa project in Kōloa Ahuapa'a, Kona District, on the Island of Kaua'i (TMK: [4] 2-8-014-032 Lot 1.) Kauanoe o Kōloa will eventually extend to additional Lots in this same area. Meridian acquired this parcel in June of 2021.

Meridian also has additional planned developments in the Kukui'ula Development area of Kōloa. Parcell HH (TMK: [4] 2-6-019-029) and Parcel H: Lots 18 and 19 (TMKs: [4] 2-6-022-054 and [4] 2-6-022-055.) These developments are located seaward and west of the Kauanoe o Kōloa project (Figure 1). Meridian acquired Parcels H and HH in August and December of 2021, respectively.

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Figure 1. Meridian Pacific, Ltd. project map showing the current and future developments in Koloa (provided to Honua Consulting, LLC by Meridian Pacific, Ltd.)

Cultural Impact Assessment, Ethnographic Survey and Ka Pa'akai Analysis for Three Development Projects in Koloa, Kaua'i



1.2 Background

Articles IX and XII of the State Constitution, other state laws, and the courts of the state require government agencies to protect and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups. To assist decision makers in the protection of cultural resources, Chapter 343, HRS and Hawai'i Administrative Rules (HAR) § 11-200.1 rules for the environmental impact assessment process require project proponents to assess proposed actions for their potential impacts to cultural properties, practices, and beliefs.

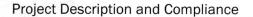
This process was clarified by the Act 50, Session Laws of Hawai'i (SLH) 2000. Act 50 recognized the importance of protecting Native Hawaiian cultural resources and required that some environmental review documents include the disclosure of the effects of a proposed action on the cultural practices of the community and state, and the Native Hawaiian community in particular. Specifically, the Environmental Council suggested the CIAs should include information relating to practices and beliefs of a particular cultural or ethnic group or groups. Such information may be obtained through public scoping, community meetings, ethnographic interviews, and oral histories.

There is no statutory requirement however for CIAs on these any of applicant's projects, as the environmental impact statements completed for the Kiahuna Development area (that encompasses applicant's Kauanoe o Kōloa project) and the Kukui'ula Development area (that encompasses applicant's two Kukui'ula projects) were completed in 1976 and 1989, respectively, prior to the passage of Act 50. While this CIA is being undertaken voluntarily by the applicant, it is nonetheless being prepared under applicable regulatory standards.

The County of Kaua'i has however requested that a *Ka Pa'akai* analysis be completed for the Parcel HH project in the Kukui'ula Development Area (Table 1).

County of Kaua'i Agency Action	Applicant(s)	Project and Parcel Information
Subdivision Application No.	Kukui'ula Development	Kukui'ula Parcel HH
S-2022-6	Company, LLC / MP Kaua'i HH Development Fund, LLC	Subdivision
		Proposed 51-lot Subdivision
	이상에서 이용하다 전 · · · · · · · · · · · · · · · · · · ·	TMK: (4) 2-6-019: 026, 029, &031
	11521	Kōloa, Kaua'i

Table 1. Agency action requiring analysis





In the Agency Requirements section of its tentative approval of Subdivision Permit Application S-2022-6, the County of Kaua'i's Planning Department included requirement 1.p. that for the most part mirrors the three-part analytical framework referred to as the *Ka Pa'akai* analysis that was an outcome of *Ka Pa'akai O Ka 'Āina v. Land Use Commission*, 94 Haw. 31 [2000] (Ka Pa'akai). The County went on, in this particular Permit Application S-2022-6, to add 8 subcomponents to part one of the framework such that the requirement reads:

1. p. In Ka Pa'akai o Ka'āina v Land Use Commission, the Hawaii Supreme Court established a three-part analytical framework to fulfill the constitutional duty to preserve and protect traditional and customary native Hawaiian rights and resources while reasonably accommodating competing private interests. Prior to the final subdivision approval, the Applicant shall describe the actions taken and examination conducted to analyze the following:

1) Identify whether any valued cultural, historical, or natural resources are present within the project area, and identify the extent to which traditional and customary Native Hawaiian rights are exercised. This part may include but not be limited to the following analyses:

- Describe the project area in relation to traditional and customary practices that occurred in the region or district.
- o Describe the extent that traditional and customary practices were practiced in the ahupua'a and project area.
- o Describe the community members you consulted with including their genealogical ties, long-standing residency, and relationship to region, ahupua'a and project area.
- o Describe the Land Commission Awards provided on the property?
- o Describe the prior archaeological studies that were conducted for the property.
- o Are you aware of any resources that found any evidence of subsurface habitation or excavation on the property?
- o Does the property contain any evidence that trails were in existence on the property?
- o Have any individuals ever requested access to the property for any reason?

2) Identify the extent to which the identified resources and rights will be affected or impaired by the proposed project.

3) Specify any mitigative actions to be taken to reasonably protect native Hawaiian rights if they are found to exist.



This report is intended to directly address the three main parts of this requirement that mirror the *Ka Pa'akai* framework (discussed further below). We will also directly address the first three sub-components of part one and cover all the others, save the last which is best addressed by the applicant. This survey will be submitted to the County of Kaua'i for consideration during the entitlement process specific to the Parcel HH, Kukui'ula project.

As discussed further in section <u>1.3 Geographic Extent</u>, given agency guidance, case law, and existing policy, the *Ka Pa'akai* analysis herein – that aligns with the approach being followed for Parcel HH, Kukui'ula project – will coverall all three of the applicant's projects that are within in the Kōloa ahupua'a.

While four of the sub-components of part one (bulleted below) will be referenced throughout this report, they will be more directly addressed as part of Agency Requirement 5 in the same tentative approval of Subdivision Permit Application S-2022-6 that reads:

5. Requirements of the State Historic Preservation Division (SHPD):

a. The subdivider shall comply with the requirements of the State Historic Preservation Department (sic), if any, prior to final subdivision approval.

Regarding the following sub-components of the *Ka Pa'akai* framework of the County of Kaua'i's Planning Department requirement 1.p. of Subdivision Permit Application S-2022-6, SHPD – in alignment with Requirement 5 above - would be the appropriate governing entity with the prerequisite expertise to determine if these conditions have been satisfactorily addressed.

- Describe the Land Commission Awards provided on the property.
- Describe the prior archaeological studies that were conducted for the property.
- Are you aware of any resources that found any evidence of subsurface habitation or excavation on the property?
- Does the property contain any evidence that trails were in existence on the property?

It is important to note that while similar in their areas of studies, archaeological surveys and CIAs are concerned with distinct and different foci. Archaeological studies are primarily concerned with historic properties and tangible heritage, whereas CIAs, or ethnographic surveys, look at cultural practices and beliefs, which can be associated with a specific location, but are also often intangible in nature. Archaeological studies are referenced in this report, particularly in the Cultural Resources section, to the extent that they inform historic practices and beliefs in particular locations and potential impact to those practices and beliefs. However, this CIA – like most - is not meant to be an exhaustive review of all prior archaeological studies.



Ka Pa'akai analyses take these completed studies and assessments into consideration to evaluate both tangible and intangible cultural resources and cultural practices and beliefs, and as such, typically both archaeological studies and ethnographic studies or cultural impact assessments are utilized to complete a *Ka Pa'akai* analysis.

As further referenced in the <u>1.5 Compliance</u> section below, the State and its agencies have an affirmative obligation to preserve and protect Native Hawaiians' customarily and traditionally exercised rights to the extent feasible.¹ In *Ka Pa'akai*, the Hawai'i Supreme Court provided government agencies an analytical framework to ensure the protection and preservation of traditional and customary Native Hawaiian rights while reasonably accommodating competing private development interests. This is accomplished through:

- 1) The identification of valued cultural, historical, or natural resources in the project area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the project area;
- 2) The extent to which those resources—including traditional and customary Native Hawaiian rights—will be affected or impaired by the proposed action; and
- 3) The feasible action, if any, to be taken to reasonably protect Native Hawaiian rights if they are found to exist.

The appropriate information concerning Kōloa has been collected, focusing on areas near or adjacent to the Project Area(s). A thorough analysis of the projects and potential impacts to cultural resources, historical resources, and archaeological sites is included in this assessment.

This cultural impact assessment and ethnographic survey provide an overview of cultural and historic resources in the Project Area(s) via a thorough literature review, community and cultural practitioner consultation, and high-level, project-specific surveys. The survey will focus on identifying areas in which disturbance should be avoided or minimized to reduce impacts to historic properties or culturally important features. The paramount goal is to prevent impacts through avoidance of sensitive areas and mitigating for impacts only if avoidance is not possible.

1.3 Geographic Extent

The geographic extent for impacts to cultural resources and historic properties includes the Project Area(s) and localized surroundings. This survey also reviews some of the resources primarily covered by the regulatory review. It primarily researches and reviews the range of

¹ Article XII, Section 7 of the Hawai'i State Constitution, *Ka Pa'akai O Ka 'Āina v. Land Use Commission*, 94 Haw. 31 [2000] (Ka Pa'akai), Act 50 SLH 2000.



biocultural resources identified through historical documents, traditional knowledge, information found in the Hawaiian language historical caché, and oral histories and knowledge collected from cultural practitioners and experts.

There is clear guidance from the Office of Environmental Quality and Control (OEQC), now known as the Environmental Review Project, Office of Planning and Sustainable Development (ESP), that recommends a geographic extent beyond the identified or typical boundaries of the geographic project area. The recommended area is typically the size of the traditional land area (ahupua'a) or region (moku), but this can be larger or smaller depending on what best helps to identify the resources appropriately.

The geographic extent of this survey is based on the position that the Project Area(s) are part of a cultural landscape or cultural landscapes and therefore it is most appropriate to set and study the proposed alternatives within that cultural context. In this case, the Project Area includes the three discontiguous Project Area(s) and surrounding area(s) in the lands considered part of the Kōloa ahupua'a, which is located in the Kona moku of Kaua'i.

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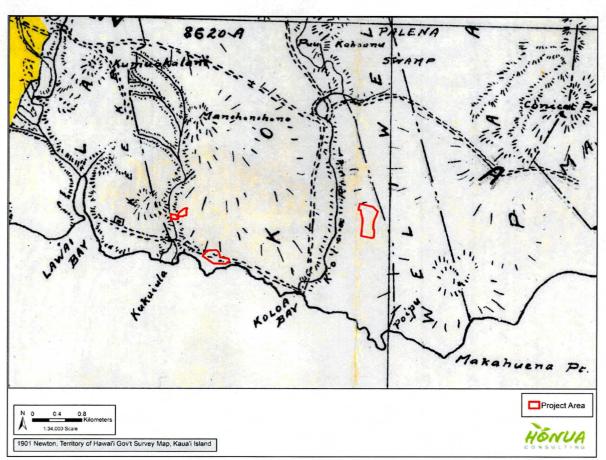


Figure 2. 1901 historic map showing the Project Areas.



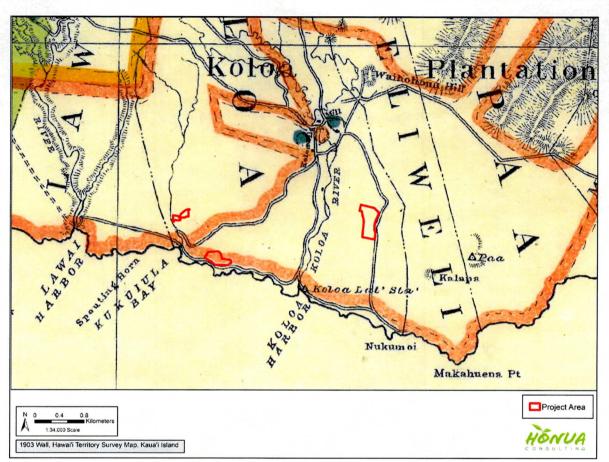


Figure 3. 1903 historic map showing the Project Areas.



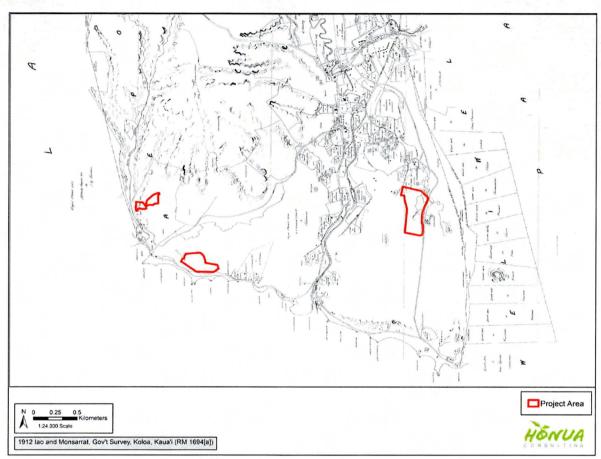


Figure 4. 1912 historic map showing the Project Areas.

Project Description and Compliance



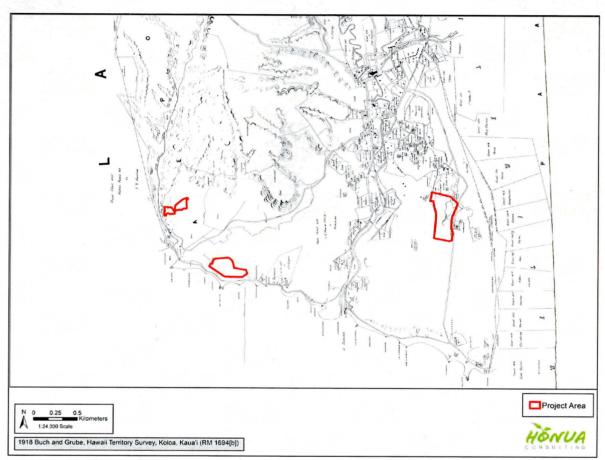


Figure 5. 1918 historic map showing the Project Areas. (This registered map shows the mauka portion of the Kauanoe o Kōloa project to include a portion of Land Commission Award 2668 R.A. Walsh for [Roman Catholic] Mission Church.)

Project Description and Compliance



Some of the interviewees contested the use of a single analysis for three discontiguous projects and project areas, yet, unlike other analyses which are bound to geographic area, cultural impact assessments, ethnographic surveys, and *Ka Pa'akai* analyses are intended to look at practices within a cultural landscape. As such, existing policies on these surveys recommend a geographic extent that considers practices throughout the entire ahupua'a instead of a geographically limited project area. Additionally, many of the informants spoke to potential impacts the individual projects could have on the entire Kōloa area and its collective community of practitioners or practices. Given, therefore, per the agency-directed guidelines, that the geographic extent is the ahupua'a of Kōloa, we maintain that it is important to transparently identify all the applicant's potential development activities in said geographic extent and look at the potential cumulative and indirect impacts of their actions, in addition to considering the potential impacts of the projects individually.

1.4 Goal of Ethnographic Survey

This survey looks to partially fulfill the requirement of taking into account the Projects' potential impacts on historic and cultural resources and, at a minimum, describe: a) any valued cultural, historic, or natural resources in the areas in question, including the extent to which traditional and customary native Hawaiian rights are exercised in the area, b) the extent to which those resources – including traditional and customary native Hawaiians rights – will be affected or impaired by the Project; and c) the feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist.

1.5 Compliance

As noted previously, the State and its agencies have an affirmative obligation to preserve and protect Native Hawaiians' customarily and traditionally exercised rights to the extent feasible. State law further recognizes that the cultural landscapes provide living and valuable cultural resources where Native Hawaiians have and continue to exercise traditional and customary practices, including hunting, fishing, gathering, and religious practices. The *Ka Pa'akai* framework is a means to ensure the protection and preservation of traditional and customary Native Hawaiian rights while reasonably accommodating competing private development interests.

While not attached to an HRS Chapter 343 action, this ethnographic survey was prepared under HRS Chapter 343 and Act 50 SLH 2000 as those are the prevailing standards and best practices for CIAs. These standards have been applied to this ethnographic survey, as there are currently no state standards for ethnographic surveys. The appropriate information concerning the ahupua'a of Kōloa has been collected, focusing on areas near or adjacent to the Project Area(s). A thorough analysis of this project and potential impacts to cultural resources, historical resources, and archaeological sites is included in this assessment.

Project Description and Compliance



The present analyses of archival documents, oral traditions (oli or chants, mele or songs, and/or hula or dance texts), and Hawaiian language sources including books, manuscripts, and newspaper articles, are focused on identifying recorded cultural and archaeological resources present on the landscape, including: Hawaiian and non-Hawaiian place names; landscape features (ridges, gulches, cinder cones); archaeological features (kuleana parcel walls, house platforms, shrines, heiau or places of worship, etc.); culturally significant areas (viewsheds, unmodified areas where gathering practices and/or rituals were performed); and significant biocultural resources. The information gathered through research helped to focus interview questions on specific features and elements within the Project Area(s).

Interviews with lineal and cultural descendants are instrumental in procuring information about the Project Area(s)' transformation through time and changing uses. Interviews conducted with recognized cultural experts and summaries of those interviews are included herein.

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2.0 Methodology

The approach to developing the ethnographic survey and Ka Pa'akai analysis is as follows:

- 1) Gather Best Information Available
 - a) Gather historic cultural information from stories and other oral histories about the affected area to provide cultural foundation for the report;
 - b) Inventory as much information as can be identified about as many known cultural, historic, and natural resources, including previous archaeological inventory surveys, CIAs, etc. that may have been completed for the possible range of areas; and
 - c) Update the information with interviews with cultural or lineal descendants or other knowledgeable cultural practitioners.
- 2) Identify Potential Impacts to Cultural Resources
- 3) Develop Reasonable Mitigation Measures to Reduce Potential Impacts
 - *a)* Involve the community and cultural experts in developing culturally appropriate mitigation measures; and
 - b) Develop specific Best Management Practices (BMPs), if any are required, for conducting the project in a culturally appropriate and/or sensitive manner as to mitigate and/or reduce any impacts to cultural practices and/or resources.

While numerous studies have been conducted on this area, few have utilized Hawaiian language resources and Hawaiian knowledge. This appears to have impacted modern understanding of this location, as many of the relevant documents are native testimonies given by Kanaka Hawaiⁱ (Hawaiians) who lived on this land.

While hundreds of place names and primary source historical accounts (from both Hawaiian and English language narratives) are cited on the following pages, it is impossible to tell the whole story of these lands in any given manuscript. A range of history, spanning the generations, has been covered. Importantly, the resources herein are a means of connecting people with the history of their communities—that they are part of that history. Knowledge of place will, in turn, promote appreciation for place and encourage acts of stewardship for the valued resources that we pass on to the future.

OEQC (now ERP) provides guidance on properly scoping the range of cultural practices. In their guidance documentation, they explain:

In scoping the cultural portion of an environmental assessment, the geographical extent of the inquiry should, in most instances, be greater than the area over which the proposed action will take place. This is to ensure that cultural practices which may not occur within the boundaries of the project area, but which may nonetheless be



affected, are included in the assessment. Thus, for example, a proposed action that may not physically alter gathering practices but may affect access to gathering areas would be included in the assessment. An ahupua'a is usually the appropriate geographical unit to begin an assessment of cultural impacts of a proposed action, particularly if it includes all of the types of cultural practices associated with the project area. In some cases, cultural practices are likely to extend beyond the ahupua'a and the geographical extent of the study area should take into account those cultural practices (OEQC 2012: 11).

Background research for the literature review was conducted using materials obtained from the State Historic Preservation Division (SHPD) library in Kapolei and the Honua Consulting LLC. report library. Online materials consulted included the Ulukau Electronic Hawaiian Database (www.ulukau.com), Papakilo Database (www.papakilodatabase.com), the State Library online (http://www.librarieshawaii.org/ Serials/databases.html), and Waihona 'Āina Māhele database (http://www.waihona.com). Hawaiian terms and place names were translated using the online Hawaiian dictionaries (Nā Puke Wehewehe 'Ōlelo Hawai'i) (www.wehewehe.com), Place Names of Hawai'i (Pukui et al. 1974), and Hawai'i Place Names (Clark 2002). Historic maps were obtained from the State Archives, State of Hawai'i Land Survey Division website (http://ags.hawaii.gov/survey/map-search/), UH-Mānoa Maps, Aerial Photographs, and GIS (MAGIS) website (http://guides.library.manoa.hawaii.edu/magis). Maps were geo-referenced for this report using ArcGIS 10.3. GIS is not 100% precise and historic maps were created with inherent flaws; therefore, geo-referenced maps should be understood to have some built-in inaccuracy.

M. P. Nogelmeier (2010) discusses the adverse impacts of methodology that fails to properly research and consider Hawaiian language resources. He strongly cautions against a mono-rhetorical approach that marginalizes important native voices and evidence from consideration, specifically in the field of archaeology. For this reason, Honua Consulting consciously employs a poly-rhetorical approach, whereby all data, regardless of language, is researched and considered. To fail to access these millions of pages of information within the Hawaiian language caché could arguably be a violation of Act 50, as such an approach would fundamentally fail to gather the best information available, especially considering the voluminous amounts of historical accounts available for native tenants in the Hawaiian language.

Hawaiian culture views natural and cultural resources as largely being one and the same: without the resources provided by nature, cultural resources could and would not be procured. From a Hawaiian perspective, all natural and cultural resources are interrelated, and all natural and cultural resources are culturally significant. Kepā Maly (2001), ethnographer and Hawaiian language scholar, points out, "In any culturally sensitive discussion on land use in



Hawai'i, one must understand that Hawaiian culture evolved in close partnership with its natural environment. Thus, Hawaiian culture does not have a clear dividing line of where culture ends and nature begins" (Maly 2001:1). As a leading researcher and scholar on Hawaiian culture, Maly, along with his wife, Onaona, have conducted numerous ground-breaking studies on cultural histories throughout Hawai'i. A substantial part of the archival research utilized in this study was previously compiled and published by Kepā and Onaona Maly, who have granted their permission to use this important work and are identified properly as associated authors and researchers of this study.

This study also specifically looks to identify intangible resources. Tangible and intangible heritage are inextricably linked (Bouchenaki 2003). Intangible cultural resources, also identified as intangible cultural heritage (ICH), are critical to the perpetuation of cultures globally. International and human rights law professor Federico Lenzerini notes, "At present, we are aware on a daily basis of the definitive loss—throughout the world—of language, knowledge, knowhow, customs, and ideas, leading to the progressive impoverishment of human society" (Lenzerini 2011:12). He goes on to warn that:

the rich cultural variety of humanity is progressively and dangerously tending towards uniformity. In cultural terms, uniformity means not only loss of cultural heritageconceived as the totality of perceptible manifestations of the different human groups and communities that are exteriorized and put at the others' disposal-but also standardization of the different peoples of the world and of their social and cultural identity into a few stereotyped ways of life, of thinking, and of perceiving the world. Diversity of cultures reflects diversity of peoples; this is particularly linked to ICH, because such a heritage represents the living expression of the idiosyncratic traits of the different communities. Preservation of cultural diversity, as emphasized by Article 1 of the UNESCO Universal Declaration on Cultural Diversity, 'is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind'. Being a 'source of exchange, innovation and creativity', cultural diversity is vital to humanity and is inextricably linked to the safeguarding of ICH. Mutual recognition and respect for cultural diversity-and, a fortiori, appropriate safeguarding of the ICH of the diverse peoples making up the world-ls essential for promoting harmony in intercultural relations, through fostering better appreciation and understanding of the differences between human communities. (Lenzarini 2011:103)

Therefore, tradition and practice, as elements of Hawaiian ICH, are essential to the protection of Hawaiian rights and the perpetuation of the Hawaiian culture.



2.1 Identifying Traditional or Customary Practices

It is within this context that traditional or customary practices are studied. The concept of traditional or customary practices can often be a challenging one for people to grasp. Traditional or customary practices can be defined as follows:



Figure 6. Diagram of elements that contribute to traditional or customary practices (Honua Consulting)

The first element is knowledge. This has been referred to as traditional ecological knowledge (TEK), Indigenous local knowledge (ILK), or ethnoscience. In the context of this study, it is the information, data, knowledge, or expertise Native Hawaiians or local communities possessed or possess about an area's environment. In a traditional context, this would have included information Hawaiians possessed in order to have the skills to utilize the area's resources for a range of purposes, including, but not limited to, travel, food, worship or habitation. This element is largely intangible.

The second element is the resources themselves. These are primarily tangible resources, either archaeological resources (i.e., habitation structures, walls, etc.) or natural resources (i.e., plants, animals, etc.). These can also be places, such as a sacred or culturally important sites or wahi pana. Sometimes these wahi pana are general locations, this does not diminish their importance or value. Nonetheless, it is important to recognize that potential eligibility as a "historic site" on the National Register of Historic Places (NRHP) would require identifiable boundaries of a site.

The third element is access. The first two elements alone are not enough to allow for traditional or customary practices to take place. The practitioners must have access to the resource in order to be able to practice their traditional customs. Access does not just mean the ability to physically access a location, but it also means access to resources. For example, if a particular plant is used for medicinal purposes, there needs to be a sufficient amount of that plant available to practitioners for use. Therefore, an action that would adversely impact the population of a particular plant with cultural properties would impact practitioners' ability to access that plant. By extension, it would adversely impact the traditional or customary practice.



Traditional or customary practices are, therefore, the combination of knowledge(s), resource(s), and access. Each of these individual elements should be researched and identified in assessing any potential practices or impacts to said practices.

2.2 Traditional Knowledge, or Ethnoscience, and the Identification of Cultural Resources

The concept of ethnoscience was first established in the 1960s and has been defined as "the field of inquiry concerned with the identification of the conceptual schemata that indigenous peoples use to organize their experience of the environment" (Roth 2019). Ethnoscience encompasses a wide range of subfields, including, but not limited to, ethnoecology, ethnobotany, ethnozoology, ethnoclimatology, ethnomedicine and ethnopedology. All of these fields are important to properly identify traditional knowledge within a certain area.

Traditional Native Hawaiian practitioners were scientists and expert natural resource managers by necessity. Without modern technological conveniences to rely on, Hawaiians developed and maintained prosperous and symbiotic relationships with their natural environment for thousands of years. Their environments were their families, their homes, and their laboratories. They knew the names of every wind and every rain. The elements taught and inspired. The ability of indigenous peoples to combine spirituality and science led to the formation of unique land-based mythologies that spurred unsurpassed innovation. Therefore, identifying significant places requires a baseline understanding of what made places significant for Hawaiians.

Hawaiians were both settlers and explorers. In *Plants in Hawaiian Culture*, B. Krauss explains: "Exploration of the forests revealed trees, the timber of which was valuable for building houses and making canoes. The forests also yielded plants that could be used for making and dying tapa, for medicine, and a variety of other artifacts" (Krauss 1993). Analysis of native plants and resource management practices reveals the depth to which Hawaiians excelled in their environmental science practices:

[Hawaiians] demonstrated great ability in systematic differentiation, identification, and naming of the plants they cultivated and gathered for use. Their knowledge of the gross morphology of plants, their habits of growth, and the requirements for greatest yields is not excelled by expert agriculturists of more complicated cultures. They worked out the procedures of cultivation for every locality, for all altitudes, for different weather conditions and exposures, and for soils of all types. In their close observations of the plants they grew, they noted and selected mutants (spores) and natural hybrids, and so created varieties of the plants they already had. Thus, over the years after their arrival in the Islands, the Hawaiians added hundreds of named varieties of taro, sweet potatoes, sugarcane, and other cultivated plants to those they had brought with them from the central Pacific (Krauss 1993).



Thus, Native Hawaiians reinforced the biodiversity that continues to exist in Hawai'i today through their customary traditional natural resource management practices.

The present analyses of archival documents, oral traditions (oli or chants, mele or songs, and/or hula dances and ha'i mo'olelo or storytelling performances), and Hawaiian language sources including books, manuscripts, and newspaper articles, are focused on identifying recorded cultural resources present on the landscape, including: Hawaiian and non-Hawaiian place names; landscape features (ridges, gulches, cinder cones); archaeological features (kuleana parcel walls, house platforms, shrines, heiau [places of worship], etc.); culturally significant areas (viewsheds, unmodified areas where gathering practices and/or rituals were performed); and significant biological, physiological, or natural resources. This research also looks to document the wide range of Hawaiian science that existed within the geographic extent.

2.3 Moʻolelo 'Āina: Native Traditions of the Land

Among the most significant sources of native mo'olelo are the Hawaiian language newspapers which were printed between 1838 and 1948, and the early writings of foreign visitors and residents. Most of the accounts that were submitted to the papers were penned by native residents of areas being described and by noted native historians. Over the last 30 years, Kepā Maly has reviewed and compiled an extensive index of articles published in the Hawaiian language newspapers, with particular emphasis on those narratives pertaining to lands, customs, and traditions. Many traditions naming places around Hawai'i are found in these early writings. Many of these accounts describe native practices, the nature of land use at specific locations, and native mo'olelo (history, narrative, story). Thus, these resources are a means of understanding how people related to their environment and sustained themselves on the land.

2.4 Historic Maps

There are also numerous, informative historic maps for the region. Surveyors of the eighteenth and nineteenth centuries were skilled in traversing land areas and capturing important features and resources throughout Hawai'i's rich islands. Historic maps were carefully studied, and the features detailed therein were aggregated and categorized to help identify specific places, names, features, and resources throughout the study area. From these, among other documents, new maps were created that more thoroughly capture the range of resources in the area.



2.5 Ethnographic Methodology

Information from lineal and cultural descendants is instrumental in procuring information about the Project Area(s)' transformation over time and its changing uses. The present analyses of archival documents, oral traditions (including oli or chants, mele or songs), and/or hula dance), and Hawaiian language sources including books, manuscripts, and newspaper articles, are focused on identifying recorded cultural and archaeological resources present on the landscape, including: Hawaiian and non-Hawaiian place names; landscape features (ridges, gulches, cinder cones); archaeological features (kuleana parcel walls, house platforms, shrines, heiau or places of worship, etc.); culturally significant areas (viewsheds, unmodified areas where gathering practices and/or rituals were performed); and significant biocultural resources. The information gathered through research helped to focus interview questions on specific features and elements within the Project Area(s).

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The purpose of this section is to characterize the Hawaiian cultural landscape within which the Project Area(s) are located, which is the ahupua'a of Kōloa. This includes a description of Kōloa's relevant and representative inoa 'āina (place names), mo'olelo (oral-historical accounts), wahi pana (legendary places), and other natural and cultural resources.

3.1 Traditional Period

Kaua'i is "the oldest geologically of the major islands of the Hawaiian chain" (Handy et al. 1972: 391). This difference in geological time accounts for notable differences between Kauai in comparison to the other inhabited islands, specifically "[its] interior mountains are less rugged and its streams have carved out real river beds" (Handy et al. 1972:391).

Koloa is in the Kona moku (district) of Kaua'i, which includes fourteen (14) ahupua'a. Handy et al. describe Koloa and its neighboring areas as:

... Pa'a is very dry. Breadfruit, yams, and bananas were planted in the gulches.

Weliweli is about like Pa'a. Both of these narrow land sections lie on a slight seaward promontory, Makahuena Point. W.C. Bennett (1931, p. 118) found an irrigation ditch and terraces, indicating that there used to be some wet taro grown in the area which is now dry. Desiccation may have been partly caused by clearing the woodland when the first sugar plantation on Kauai was established there.

Koloa had a stream which at its seaward end was called Waikomo (Hidden-water), suggesting that the stream much have gone underground. Three streams in upper Koloa may have watered some taro terraces, since they flow through relatively flat land, although a kama'aina told us he knew of none. However, there were a few terraced areas, whose names we obtained, in localities now dry because the water is diverted upstream for sugar-cane irrigation. There were extensive terraces on land now planted with sugar cane near what is now Kuhio Park, seaward of Koloa Valley. There were fresh-water ponds in both Weliweli and Koloa. Possibly this was why Koloa was so named, for koloa means duck, and duck were attracted to fresh water (Handy et al. 1972: 427-428).

Handy et al. identify two important impacts of early contact in Koloa: desiccation from clearing vegetation and water diversion.

3.1.1 Mo'olelo

Mo'olelo (traditional narratives, stories, history) were once passed down through oral tradition and later recorded in print upon the arrival of the printing press in the 1830s. One of the



beautiful elements of Hawaiian storytelling is that many versions of mo'olelo exist, told from the perspective of storytellers who are native to varying areas. By collecting and celebrating the multiple versions of mo'olelo, the depth and breadth of Kānaka 'Ōiwi perspective about 'āina can be understood. Information about culture, language, and places are held within those stories, and can continue to live on through those mo'olelo.

Portions of many famous mo'olelo take place in the Kōloa area, some sections of which will be presented in this section in order to demonstrate the cultural significance of this 'āina. It should be noted that this is not a comprehensive list of mo'olelo, but a selection of mo'olelo to demonstrate the use of this practice in the region.

Kōloa is long-standing traditional name that has been retained into the present, while other place names in the region have largely been lost in the rapid development of mass agricultural plantations at the beginning of the 20th century when Hawai'i became a U.S. Territory. Kōloa has a rich and interesting cultural history, and there are numerous of mele and mo'olelo associated with this region. Kōloa alternatively means long sugar cane [stalk(s)] or to make a long roaring sound. One mo'olelo says the region "was named for a steep rock called Pali-o-kō-loa [cliff of long sugar cane]" (Pukui, Elbert, and Mookini1974: 116). Koloa is also the name of a native Hawaiian duck (*Anas wyvilliana*) now called koloa maoli to distinguish it from foreign and introducted duck species which are also called koloa. Koloa were prevelant on Kaua'i and their presence is suggested in the kaona (poetic referencing) of this inoa 'āina (place name). Pīwai is one species of ducks common to the Kōloa area (Wichman 1998: 40). Multiple interpretations of Hawaiian place names are not only common, they are sometimes intentional because of the Hawaiian penchant for kaona. As H. Kekahuna observed:

The literal translation of the name <u>Ko-loa</u> is Long (<u>loa</u>) Sugarcane (<u>ko</u>). The name of the Hawaiian duck is <u>koloa</u> pronounced as a single word with a lighter <u>o</u>. The fullsounded word <u>ko</u> means <u>success</u>, or to <u>succeed</u>, as well as <u>sugarcane</u>, which is symbolic of success. With the same full sound the word also means the movement of a wind or current, or the drawing of the tide (<u>ko' ke au</u>). Thus, through the astoninging versatility and flexibility of the Hawaiian language there is for a project in <u>Ko-loa</u> an augury of success (<u>ko'</u>) that is long-enduring (<u>loa</u>), like the moving of a current (<u>ko'</u>) that flows afar (<u>loa</u>). (Kekahuna 1959: 2)

The traditional knowledge imbedded in place names reveals the history of place, people, and the depth of their traditions. Although fragmented, the surviving place names describe a rich culture. On these lands are found many place names that have survived the passing of time. The occurrence of place names demonstrates the broad relationship of the natural landscape to the culture and practices of the Hawaiian people. In *A Gazetteer of the Territory of Hawaii*, J. W. Coulter observed that Hawaiians had place names for all manner of features, ranging from "outstanding cliffs" to what he described as "trivial land marks" (1935:10). In 1902,



W.D. Alexander, former Surveyor General of the Kingdom (and later Government) of Hawai'i, wrote an account of "Hawaiian Geographic Names." Under the heading "Meaning of Hawaiian Geographic Names" he observed:

It is very difficult, if not impossible, to translate most of these names, on account of their great antiquity and the changes of which many of them have evidently undergone. It often happens that a word may be translated in different ways by dividing it differently. Many names of places in these islands are common to other groups of islands in the South Pacific, and were probably brought here with the earliest colonists. They have been used for centuries without any thought of their original meaning. (395)

Moreover, historically named locations were significant in past times and it has been observed that "Names would not have been given to [or remembered if they were] mere[ly] worthless pieces of topography" (Handy et al. 1972: 412).

In traditional (pre-western contact) culture, named localities served a variety of functions, informing people about: (1) places where the gods walked the earth and changed the lives of people for good or worse; (2) heiau or other features of ceremonial importance; (3) triangulation points such as ko'a (fishing markers) for fishing grounds and fishing sites (4) residences and burial sites; (5) areas of planting; (6) water sources; (7) trails and trail side resting places (o'io'ina), such as a rock shelter or tree shaded spot; (8) the sources of particular natural resources/resource collections areas, or any number of other features; or (9) notable events which occurred at a given area. Through place names knowledge of the past and places of significance was handed down across countless generations. There is an extensive collection of native place names recorded in the mo'olelo (traditions and historical accounts) published in Hawaiian newspapers. The mo'olelo provided below is only a very small sample of the larger body of work created by kānaka about Kōloa.

3.1.1.1 Pele and Hi'iakaikapoliopele

In the famous epic tale of the two sisters, Pele, the renowned goddess of the volcano, sends her youngest Hi'iaka sister, Hi'iakaikapoliopele, on a journey across the island chain to fetch the young lover that Pele discovers in a dream, the handsome chief of Kaua'i named Lohi'auipo. On her journey, Hi'iaka grows into her goddess nature by facing many obstacles including mo'o or dangerous reptilian water guardians, lethal storms, and countless other challenges, only to find that she must revive her sister's lover using her powers to bring him back to life.

3.1.1.2 He Kaao no Kapunohu

Kōloa serves as part of the setting for the moʻolelo of Kapunohu, who was a chief from Hawaiʻi Island. Kapunohu was famed for possessing a spear said to have magical powers called



Kanikawi. Kapunohu was also the brother of Konahuanui, who was the wife of the O'ahu chief Olopana. Kapunohu travels to O'ahu to meet with his sister. Olopana, upon seeing Kapunohu and the powers held by Kanikawi, recruits Kapunohu to be one of his warriors and sets out to battle Kakuhihewa. Kapunohu defeats Kakuhihewa, after which all of O'ahu is ruled by Olopana (Fornander 1918).

A make o Olopana, haalele iho la o Kapunohu ia Oahu nei, holo aku la ia ma ka waa a pae ma Poki i Waimea, Kauai, hele aku la ia malaila aku, a hiki i Wahiawa, malaila aku a Lawai i Koloa noho. I laila o Kemamo kahi i noho ai, he koa ia, he kanaka ikaika i ka maa ala, aohe ona lua ma ia hana o ka lima hema kona oi loa, e hiki ia ia ke maa i ka ala hookahi, i na mile eono, a i ka hiku o ka mile, pio ka ikaika o ka ala. Aolc he kanaka aa o Kauai, e hakaka me Kemamo aole alii, aole koa. Nolaila, ua makau loa ia ka hele ana mai Koloa aku a Nawiliwili, aole hiki i ko Koolau ke hele mai maanei o Nawiliwili a pela ko Kona nei, aole hiki ke hele aku ma o o Koloa. No ka mea, e noho ana o Kemano ma waena o Koloa a me Nawiliwili, me kana wahine o Waialeale.

A hiki o Kapunohu i laila, moe iho la ia a ao ae, i kau hale kamaaina, hoeu ac la o Kapunohu e hele, olelo mai kamaaina: "Mai hele oe, o make auanei oe i ke koa o makou nei." Ninau aku o Kapunohu: "Owai ia koa?" "O Kemamo." "Pehea kona ikaika?" "He maa ala kona ikaika, aole e hala ka ala ke lele mai, aole hoi e nawaliwali i na mile elima, nolaila mai hele oe, o make auanei." I aku o Kapunohu: "Aole hoi ha he ikaika, he mea paani ka maa ala, na ko makou kamalii mai lewalewa, a he mea ikaika ole no." No keia olelo a Kapunohu, kaulana aku la ia a lohe o Kemamo, i iho o Kemamo: "Ae, akahi mea nana i hoole kuu maa, oia, ina he manao kona e hele mai e hoike i na ikaika o maua, e hele mai no." A lohe o Kapunohu, hele aku la ia a hiki, i mai la o Kemamo: "Ea! O oeke kanaka nana i hoole kuu ala?" I aku o Kapunohu: "Ae, owau no, no ka olelo mai a lakou nei, he ikaika oe i ka maa i ka ala. Nolaila, olelo aku au, he mea paani ia na ko makou kamalii mai lewalewa."

A lohe o Kemamo, huhu iho la ia ia Kapunohu, a olelo mai la: "E! Heaha kau pili,ekamalihini?" I aku o Kapunohu: O na iwi ka'u pili." Ae mai o Kemamo: "Ae, a heaha hou ae?" I aku keia: "O ka waiwai iho la no ia a kamahele o na iwi, ina wau e eo, alaila make au, a ina hoi oe e eo, make oe ia'u." Ae mai la o Kemamo: "Ae ua mau ia pili ana." Olelo aku o Kemamo: "O ka pahu a kaua, e ku ai a maa, mai Koloa a Moloaa i Koolau ka pahu ia ma waena o laila ka kaua hana, a i puka ma o o Moloaa eo kekahi o kaua." Ae aku la o Kapunohu. I aku nae o Kapunohu: "O ka'u hana i ike o ka pahee, malaila no wau, o kau hana hoi i ike o ka maa, malaila no oe." Ae mai la o Kemamo. I aku o Kemamo: "Ia wai mua, i kamaaina paha, i ka malihini paha?" I aku o Kemamo: "I kamaaina ka mua, he hope ka ka malihini."

Ia wa, maa o Kemamo a pau eono maila, a i ka hiku nawaliwali, pela ka nawe hele ana



a hiki i Anahola waiho, ilaila loaa i ke kukini mama o Kauai, o Kawaikuauhoe kona inoa. Pahee o Kapunohu i kana ihe, holo aku la kana ihe mai Koloa aku a Niumalu, o ka malu o ka la i ka ihe a Kapunohu, kapaia ia aina o Niumalu a hiki i keia la. Mailaila aku ka holo ana, a hiki i Kawelowai mauka o Wailua, nolaila keia inoa, e pili la, o Kawelowai, a me Waiehu, no ke komo ana o ka ihe i loko o ka wai, a lele hou, mailaila aku a Kalalea i Anahola, o ia keia puka e hamama ala a hiki i keia la, malaila aku a hiki i Moloaa, malaila aku a Waiakalua a Kalihikai maalili ka ihe, a Hanalei pau ka holo o ka ihe. A eo ae la o Kemamo hooko ia ka laua pili, a lilo ae la o Kapunohu i al holo. Kauai.

After the death of Olopana, Kapunohu left Oahu and journeyed to Kauai. Boarding his canoe he set sail and first landed at Poki, in Waimea; from this place he continued on to Wahiawa and then on to Lawai in Koloa where he settled down. There lived at this place a great warrior, by the name of Kemamo, who was noted for his great strength and skill in the use of the sling; he was without equal in its practice; his left hand was considered better than his right, and he could throw a stone for a distance of six miles and in the seventh mile its force ceased. No person in Kauai was found who could face him, not from amongst the chiefs or soldiers. Because of this man people were afraid to travel between Koloa and Nawiliwili; those on the Koolau side could not pass over to Nawiliwili and those, from the Kona side were afraid to travel toward the Koloa side, for the reason that Kemamo and his wife Waialeale lived between Koloa and Nawiliwili.

When Kapunohu arrived at Lawai he was entertained that night by some of the people of the place, and on the next day he prepared to continue on his journey. When he was ready to start, the people said: "You must not go by this way or you will get killed by our great warrior." Kapunohu then asked: "Who is this warrior?" "Kemamo." "In what is his strength?" "He is very skilful in the use of the sling. He never misses a shot, and the strength of his flying stone will go over five miles. Therefore you must not go for you will get killed." Kapunohu said: "Then he is not strong. The sling is only a plaything for the boys of our place and it is not considered of any consequence." These remarks made by Kapunohu were carried around until they reached Kemamo; so Kemamo made the remark: "Yes, this is the first time that my strength in the use of the sling has been denied. Well and good; if he desires to come and test as which of us is the stronger, let him come on." When Kapunohu heard this, he went out to meet Kemamo. Upon seeing Kapunohu, Kemamo asked: "Are you the man that has said that I have no strength in the use of the sling?" Kapunohu replied : "Yes, I am the man. It is because these people said that you are very skilful in the use of the sling, so I said, that it is the plaything with the small boys at our place."

When Kemamo heard this he became very angry toward Kapunohu and said: "What will the stranger bet on the proposition?" Kapunohu replied: "My life will be my stake."



"Yes," said Kemamo, "and what else?" Kapunohu replied: "That is all a traveler takes with him. If you beat me my life shall be forfeited, and if I should beat you your life shall be forfeited." Kemamo agreed to this and the bet was declared made. Kemamo then said: "The course over which we shall compete in throwing the stone with the sling, shall be from Koloa to Moloaa in Koolau. We must make our throws over these points and toward Moloaa; whoever throws the greatest distance beyond Moloaa wins." Kapunohu replied: "Yes, I will agree to that, but I am going to use my spear while you use your sling." Kemamo agreed to this. Kemamo then asked: "Who shall take the first chance? Shall it be the stranger, or shall it be the native son?" Kapunohu answered: "Let the native son take the first chance and the stranger the last."

Kemamo then took up his sling and threw his stone, which went six miles and over, and it only fell and rolled after it had entered into the seventh mile, stopping at Anahola, where it was picked up by the best runner of Kauai, a man by the name of Kawaikuauhoe. Kapunohu then threw his spear, darting along from Koloa and over Niumalu, and as it shielded the sun from the coconut trees at this place the land was given the name of Niumalu, as known to this day; then it went on and into the water in upper Wailua, giving the place the name of Kawelowai as well as the land next to it which is called Waiehu; from this place it again took an upward flight flying along till it pierced through a ridge at Anahola, which is called Kalaea, leaving a hole through it, which can be seen to this day; from this place it went on past Moloaa, then past Waiakalua, then into Kalihikai, where it grew weaker and finally stopped at Hanalei.

Kemamo was therefore beaten and the conditions of their bet were carried out. Kapunohu became thereby king of Kauai (Fornander 1918).

3.1.2 Inoa 'Āina

Honua Consulting developed a list of place names from the ahupua'a of Kōloa in the vicinity of the Project Area(s), which includes but is not limited to the following places and terms, to help guide research and analyses (Table 1). The development of this list stemmed from extensive research into a wide range of documents related to the project area. In many cases, land divisions would be referred to as both ahupua'a and 'ili, depending upon the document. It was also unclear from documents where land was identified as 'ili as to if the 'ili were simply a subdivision of larger ahupua'a or if they were 'ili kūpono, distinct land areas unto themselves.

Historic maps were also reviewed to help identify specific place names within the region.



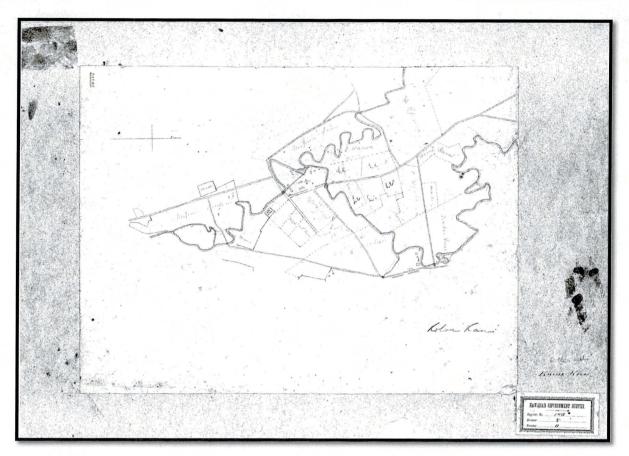


Figure 7. Registered Map 148 showing Koloa Village (Metcalf 1849)



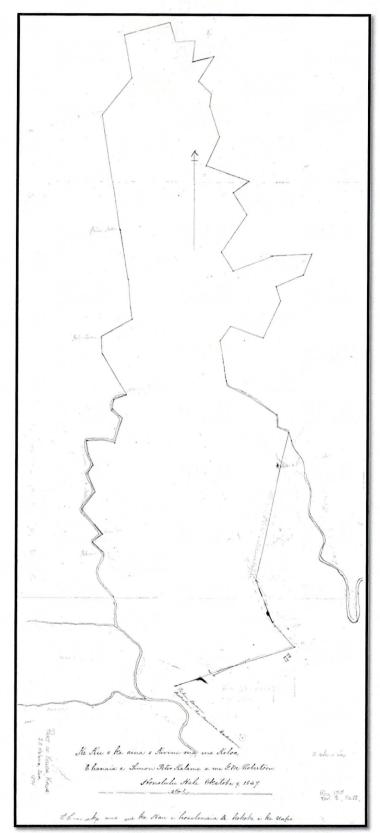


Figure 8. Registered Map 155 showing portion of Koloa (Kalama 1874)

Cultural Impact Assessment, Ethnographic Survey and Ka Pa'akai Analysis for Three Development Projects in Kōloa, Kaua'i



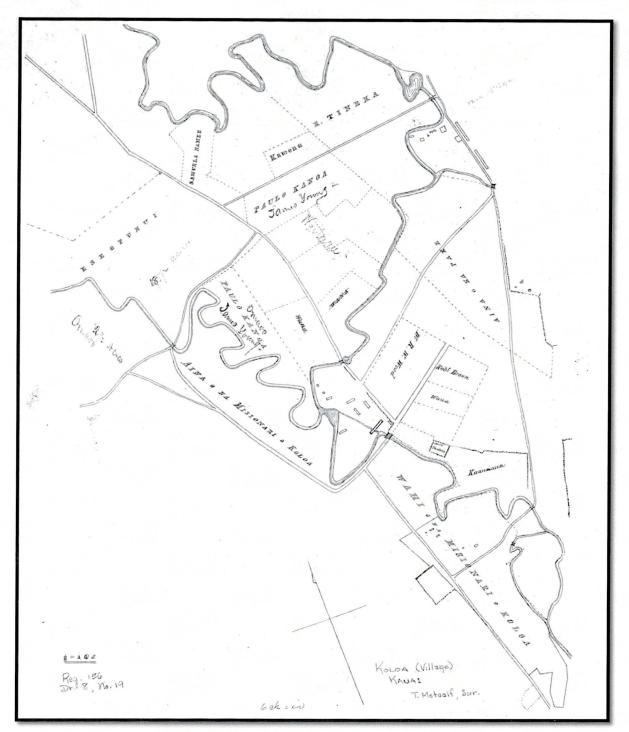


Figure 9. Registered Map 156 showing Koloa Village (Metcalf 1849)

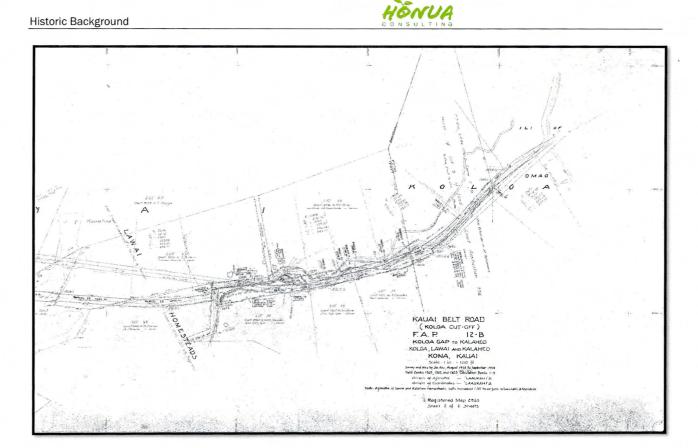


Figure 10. Portion of Registered Map 2963 showing Kōloa (Aiu 1934)

Cultural Impact Assessment, Ethnographic Survey and Ka Pa'akai Analysis for Three Development Projects in Kōloa, Kaua'i



From the historical land records, there appeared to be little concern for specific boundaries, as foreigners, many of them missionaries who converted to businessmen, eagerly maneuvered their relationships with the new formalized government to acquire themselves strategically located parcels of land that proved valuable as new capitalist economic industries like sugar developed across the islands, including on Kaua'i; Koloa is the location of the first successful commercial sugar plantation, which began in 1835 (Pukui, Elbert, and Mookini 1974: 116).

Inoa 'Āina (Place Name)	Description	Meaning	Reference
'Ālanapō	Heiau where the Kaua'i hero Palila was taken by his grandmother to be raised by the gods.	Night offering	Fornander; Wichman 1998
ʻĒkaha	Bay to the east of Ka Lae Kīkī	ʻĒkaha (birdʻs nest fern) bay; also, a kind of seaweed	Google maps, Google Earth
Hālauakalena	Heiau dedicated to the moʻowahine Kihawahine	Shed [to store] 'ōlena (tumeric) [roots]	Wichman 1998
Hanakā'ape	A small harbor or bay along the shoreline later called Whalers' Bay and now Kōloa Landing	Bay of the 'ape (Alocasia macrorrhiza, Xanthosoma robustum) plant; headstrong bay	Wichman 1998
Hanakalaua'e	Heiau located at Mahaulepu; destroyed by Frendenberg to build cattle pens (Thrum)	Bay of the laua'e fern	Bennett 1931
Hōʻai	Beach near Kaheka and Kolopā	To feed	Google map
Hoʻoleinakapuaʻa	Located next to a small pond along Waikomo stream	Place to throw the pig	Wichman 1998

Table 2. Selected Inoa 'Āina of Koloa



	above the pond of Mauhili		
Humuʻula	Land area in Kōloa where the heiau 'Ālanapō was located	Red jasper stone used for adze making	Fornander; Wichman 1998
Kāheka	Land area; n.d.	Shallow pool	Google maps
Kāhili	3,016 ft. high mountain peak on Wai'ale'ale that marks the mauka boundary of Kōloa ahupua'a; waterfall	The royal feather standard	PNH
Ka Lae Kīkī	Point	Spouting; name of a bird	Google Earth
Kamoʻoloa	Mauka plains area below Kāhili; site of many battles	The long ridge or lizard	Wichman 1998
Kānehāʻule	Heiau located at Kaunu'ie'ie where "rites of circumcision" were preformed (Thrum)	Kāne falling	Bennett 1931
Kāneiolouma	Heiau for sports and food. Located just inland of Poʻipū beach. Part of a larger complex documented by Kekahuna.	Kāne who drove and pushed	Kekahuna map; kaneiolouma.org; P. Young blog
Ka'ōleloohawai'i	Rock located just below Waihānau rock at Mauhili pool. Brought to this location by the Kaua'i chief Kaweloleimakua from Hawai'i Island.	The language of Hawaiʻi	Wichman 1998
Kapōhakau	1,4000 ft. Peak on Kāhili mountain;	The placed or set rock	Wichman 1998



	mauka boundary point separating the ahupua'a of Lāwa'i from Kōloa.		
Kapunakea	Pond, Mahaulepu	The white coral	Bennett 1931
Kauhu'ula	Ridge on Kāhili that divides the East Kona from the Puna moku	The red uhu (parrot) fish	Wichman 1998
Kaunu'ie'ie	Land area near a small east branch of 'Ōma'o stream. Site of Kānehā'ule heiau	n.d.	Bennett 1931
Keoneloa	Beach, petroglyph site	The long sand	Bennet 1931
Kiahuna	Beach; no data	n.d.	
Kihouna	Point; walled heiau (130 by 89 feet)		Bennet 1931
Kōloa	Ahupua'a, town, stream, reservoir.	Long sugar cane stalk or long roaring sound	PNH
Kolopā	n.d.		Google Earth
Kūʻia	Stream	Obstructed	
Kukui'ula	Bay, surf site	Red kukui (light)	PNH, HPN
Lae o Kāhala	Point, immediately west of Hanakāʻape and Waikomo stream	Point (cape) of the kāhala (Seriola dumerilii) or amberjack fish	Google Earth
Lae o Ka'ōpua	Point; n.d.		Google Earth
Lāwaʻi	Ahupua'a bordering Kōloa to the west; gulch, stream; considered part of Kōloa district in some sources	Day to end fishing kapu	PED, PNH
Louma	A small heiau dedicated to Lono and built by Kapueomakawalu with stones brought	n.d.	Wichman 1998



Makahū'ena	from Oʻahu. Also attributed to menehune. Offerings of pigs, red fish, and vegetable were given here. Possibly the same as Kāneiolouma. Point at Poʻipū	Eyes overflowing	PNH, HPN
		heat; very angry eyes or face	
Manini	A koʻa (fishing shrine) dedicated to the shark deity Kūhaʻimoana located along the Kōloa shoreline	A silverreef surgeon fish (Acanthurus triostegus) with black stripes; also varieties of kalo, 'uala, and kō	Wichman 1998
Mauhili	Fresh water pool located in Waikomo stream; sleeping forms of the gods Kāne and Kanaloa are found here. Wichman renders the name as "Maulili."	Entangled; interwoven	PNH (HM 65)
Maulili	Alternate name for Mauhili, a deep pool located in Waikomo stream about midway through the ahupua'a. Home of the mo'owahine Kihawahine; when she was there, the water turned red, warning of her presence.	Constant jealousy	Wichman 1998
Maulili	Heiau built by Kapueomakawalu, who used it as a		Wichman 1998



	luakini for human sacrifice. Location was lost, until 'Aikanaka sought it out and had the heiau rebuilt.		
Nahumāʻalo	Point, west of Hanakā'ape	Bite in passing	PNH
Nukumoi	Tomobolo or point, west side of Poʻipū beach	Moi or threadfish (Polydactylus sexfilis) snout	HPN
'Ōmao	Stream	Green	Wichman 1998
Pa'a	Small ahupua'a once part of Kōloa; sand dune burial site	Secure	Bennett 1931
Pā'ōhi'a	Stream	'Ōhia log fence	
Pihakekua	n.d.	The full back	Google maps
Pō'ele'ele	Stream	Black night	Wichman 1998
Poʻipū	Beach	Completely overcast; crashing, as waves	PNH, HPN
Punahoa	Land area (fresh water spring?), just inland of Hanakāʻape bay; n.d.	Companion spring	Google Earth
Pu'u o Hewa	Hill, inland of Kōloa town. Location of a hōlua sled site	Hill of wrongdoing	Bennett 1931
Waihānau	Stone located on the eastern bank of Mauhili pond.	Birthing waters	Wichman 1998
Waihohonu	Hill, stream. A "hole" was formed here when the hero Palilo felled a tree with a single stroke.	Deep fresh water	PNH (HM 414-415)
Waikomo	Stream; both 'Ōmao and Pō'ele'ele streams join to	Entering fresh water	PNH; Wichman 1998



	create Waikomo; named "because from time to time the stream disappears for a bit before reappearing farther down the slope" (Wichman 1998: 40)		
Waiʻohai	Beach, surf site, fresh water spring	'Ohai nectar	Kekahuna map; HPN
Waiopili	Heiau, Mahaulepu, northeast of Kapunakea pond		Bennett 1931
Waitā	Fresh water reservoir, originally called Kōloa		PNH
Weliweli	Ahupua'a bordering Kōloa to the east; po'okanaka heiau located along the shore	Revered, respected; feared, dreadful; immense, prolific	PED; Bennett 1931
Weoweopilau	Stream below the plains of Kamoʻoloa	Rotten big eye ('āweoweo) fish or sugar cane; spoiled red banana	Wichman 1998

3.1.2.1 Maulili

In *Place Names of Hawai'i*, Elbert, Pukui and Mo'okini identify a fresh water pool located in Waikomo Stream as Mauhili. The note that it is the location where the gods Kāne and Kanaloa come ashore, and that "sleeping forms of the gods" are found here (224). In *Kaua'i Place Names*, F. B. Wichman says this place name is Maulili, "a deep pool located in Waikomo stream about midway through the ahupua'a" (). Maulili is a home of the mo'owahine Kihawahine, and that she was present, the water turned red (). This story of Kihawahine is similar to one for her river mouth home on the other side of the island in Kīlauea river. Wichman also says that Maulili is the name of a luakini heiau built here by the ancient chief Kapueomakawalu, and that its location was lost until the later chief 'Aikanaka searched for it, found it, and had the heiau rebuilt (). In an 1876 article in the newspaper *Ka Lahui Hawaii*, D. Keaweamahi describes Maulili on a visit to Kaua'i.



Aia no hoi ma keia wahi, he kawa auau no na 'lii, o Maulili ka inoa, aia no hoi i keia kawa ke alelo o Hawaii, he pohaku, a maluna ae o keia kawa he mau oawa, oia ka kahi o Kane a me Kanaloa i moe ai, he mau kanaka, aia no hoi ilaila na koi pohaku a laua i oki ai i ka puu pahoehoe a kahe ai ka wai i Maulili. A mahope iki aku olaila kahi i kauia'i o Kawelo i ka lele mahope iho o kona hailukuia ana i ka pohaku i Wahiawa, me ka manao ia ua make, aka, i ka wa i manao ia ai e make, ua ala mai la kela a hele, a o ke ola no ia o Kawelo. Ua kokoke loa keia wahi ma ka hale noho o Rev. Mahoe. A ma keia aina no hoi he hui mahiko, aole nae e wili ana ke ko i ko'u wa ilaila, a o ka ona nona keia mahiko, o Charman. (Keaweamahi, "Huakai Makaikai ia Kauai," *Ka Lahui Hawaii,* August 10, 1876: 3)

Here at this place is a leaping place into a pool for the chiefs called Maulili. This leaping stone is a tongue of Hawai'i, a stone, and above this stone are valleys, the place where [the gods] Kāne and Kanaloa slept, two men, there are located adze stones they cut so that in the smooth lava hill so that the fresh water flowed into Maulili. Right above this place is where [the chief] Kawelo hid from being stoned by the rocks of Wahiawa, where it was believed he was dead, however, he escaped with his life. This place is close to the house of Rev. Māhoe. This is the land indeed of the sugar plantations, although no sugarcane was being harvested while I was there; the owner of this plantation is [Mr.] Charman.

3.2 Kingdom and Historic Era

Koloa would be impacted by foreign contact within a few decades of the time in which Captain Cook first happened upon the Hawaiian Islands. There are accounts of Chinese immigrants and other foreigners to the islands growing and cultivating sugar in Koloa in the early 1800s (Alexander 1937:1-2). Koloa would already be largely under the control of settlers when the Kingdom began to adjust its land tenure system to suit the needs of foreign business who steadily pressured the Kingdom to westernize its government.

The Kingdom Government passed modern boundaries outlined in the 1859 Civil Code "For taxation, educational, and judicial purposes..."(Civil Code of 1859, Section 498). In this, it specifically stated of Kaua'i and Ni'ihau:

The islands of Kauai and Niihau shall be divided into six districts, as follows: I. From Nualolo to Hanapepe. inclusive, to be styled the Waimea district; 2. From Wahiawa to Mahaulepu, inclusive, to be styled the Koloa district; 3. From Kipu to Kamalomalo. inclusive, to be .styled the Lihue district; 4. From Anahola to Kilauea, inclusive, to be styled the Anahola district; 5. From Kalihiwai to Honopou, inclusive, to be styled the Hanalei district; 6. Niihau.



This was the beginning of the district known as the modern Koloa district. From historic records, identifying the differences between which land areas were consider ahupua'a versus 'ili can be challenging.

This determination mattered not only in regard to disposition of land, but for tax purposes. The Laws of 1848 called for property taxes to be paid to the Kingdom accordingly:

All landed divisions, denominated IIi, through the islands, shall pay a yearly tax, as follows:

lli No. 1, five dollars. lli No. 2, three dollars. lli No. 3, one dollar and a half.

In those parts of the islands were there is no distinct division into ilis, but merely into ahpuaas, each ahupuaa shall pay a yearly tax for support of the government, as follows:

Ahupuaa No. 1, ten dollars. Ahupuaa No. 2, five dollars. Ahupuaa No. 3, three dollars.

This tax however, may be diminished, at the discretion of the tax officer, he keeping in view, not merely the size of the land, but also the number of its occupants and its value, and preserving a just proportion between said value and the taxation.

This shift to the use of the 'auhau tax system and away from a ho'okupu tribute system marked a significant social and political change for the young monarchy. Until approximately 1839, kānaka effectively paid taxes to the chiefly class through the sharing of crops or crafts. In the early to mid-1800s, the kingdom began to codify this tax, and it changed from food and materials goods into the need to pay the tax in cash. The new government's need for money, particularly against the influx of foreigners, motivated this change (Woods 2011).

Eventually, the growing pressure from Westerns began to erode the authority of the Kingdom, Woods explains: "Unlike previous laws, these new laws from 1850 to 1852 completely separated the Kingdom from its traditional kapu laws and weakened the monarchy as the Kingdom conformed to a constitutional government and Western-style law. The tax law of 1850 reflected this rush toward Westernization. In a major change, for the first time, the Kingdom required payment of taxes in currency only (Woods 2011: 27). A 1935 description explained the resulting changes:



The system of land tenure which prevailed in ancient times was radically changed in the reign of Kamehameha III by the Mahele of 1848, yet the boundaries of the ancient subdivisions of land remain unchanged to the present day. This applies particularly to the ahupua'a which has been termed the unit of land in Hawaii; the boundaries of ahupua'a are said to have been "fixed about twenty generations back in Hawaiian tradition," or about five hundred years ago if the Stokes based of chronology is used. The district boundaries were fixed at the same time as that of the ahupua'a, and there is no known instance where an ahupua'a boundary overruns an ancient district boundary.

Since the advent of legislative government, or from about 1846, many modifications have been made of the ancient district boundaries and there are many instances where other names have been substituted for the old district names. Some of these changes were made for political reasons and others for convenience, but the principal changes in boundaries were caused by movements in population reflecting new uses of the land areas. These new district boundaries did not always conform to the ahupua'a boundary and there are examples today of an ahupua'a being situation in more than one district where no such condition existed in ancient times (King in Coulter 1935).

The changes to Kaua'i would impact the districts' boundaries:

On Kauai the ancient district of Kona was divided into two, namely Waimea and Koloa, each named from an *ahupuaa* and important town within its confines: the name of the ancient district of Puna was changed to Lihue, a place name borrowed from Oahu¹¹ and used subsequently for the name of an important town in that district: the name of the ancient district of Koolau was changed to Anahola, the name of an *ahupuaa* within its boundaries: the ancient districts of Halelea and Na Pali were merged and called Hanalei after an *ahupuaa* and town in Halelea. The island of Niihau was made a separate district of Kauai.

No changes were made in the names or boundaries of districts until 1878 and 1880 and then only with respect to the island of Kauai. By an act approved August 1. 1878, a new district was created by re-subdividing Lihue and Anahola districts, reducing Lihue district about a third, and adding to what was then known as Anahola district the *ahupuaas* of Olohena, Waipouli, Kapaa, Kealia, and Kamalomalo, the act, however, changing the name of this newly created district to Kawaihau. The reason for this change forms an interesting page in the history of the reign of King Kalakaua, the details of which may be found in *The Friend* of April. 1920, a monthly, published in Honolulu, and re-published in The Honolulu Advertiser of Oct. 21, 1929.



The amendment to Chapter 498 of the Civil Code of 1859, made in 1878, reads as follows:

The Islands of Kauai and Niihau shall be divided districts as follows: 1. From Nualolo to Hanapepe, inclusive, to be the Wai-mea district; 2. From Wahiawa to Mahaulepu inch the Koloa district; 3. From Kipu to Wailua. Lihue district; 4. From Waipouli to Kilauea. Kawaihau district; 5. From Kalihiwni to styled the Hanalei district; 6. Niihau.

The changes in 1880 included a slight between the districts of Waimea and Koloa. Koloa by boundary of Koloa to include the ili of forms the east boundary of Waimea: and aecing (sic) Lihue, Kawaihau and Hanalei dist reduced by taking from it and adding to Kawai Wailua: and Kawaihau district was reduced by taking from it and adding to Hanalei district, the *ahupuaas* of Lepeuli, Waipake. Pilaa, Waiakalua, Kahili and Kilauea.

That portion of Chapter XI Laws of 1880 enacting these changes reads as follows:

The islands of Kauai and Niihau shall be divided into six districts as follows: 1. From Nualolo to Hanapepe inclusive, to be styled the Waimea district; 2. From ili of Eleele to Mahaulepu inclusive, to be styled the Koloa district; 3. From Kipu to Hanamaulu to be styled the Lihue district; 4. From Wailua to Moloaa inclusive, to be styled the Kawaihau district; 5. From Lepeuli to Honopou inclusive, to be styled the Hanalei district; 6. Niihau.

The changes up to 1884 are consolidated in the *Compiled Laws of 1884* as an amendment to Section 498 of the *Civil Code of 1859*. The compiled laws were a compilation, not enacted (King in Coulter 1935).

It is likely that many of the changes that specifically applied to Kōloa were the result of lobbying by the foreign businessmen who settled in the area. Sugar would dominate the Kōloa region for well over 100 years and significantly shape its cultural environment.

Despite the growing inflence of sugar, Kōloa would continue to be an important place for the Kingdom. In 1871, Prince Kūhiō Kalaniana'ole was born in Kōloa to the House of Kalākaua, the ruling family of the sovereign Kingdom of Hawai'i. He was the child of Princess Kinoiki Kekaulike and Chief David Kahalepouli Pi'ikoi. Kekaulike was the daughter of Kauai's revered King, Kaumuali'i, and as such Kūhiō enjoyed lineage to both the reigning dynasty of the Kingdom of Hawai'i and to the independent Islands of Kaua'i and Ni'ihau.



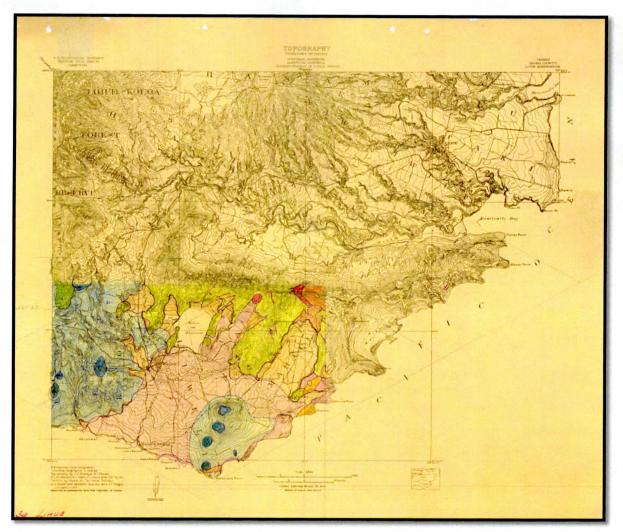


Figure 11. USGS Map of Koloa (USGS 1910)



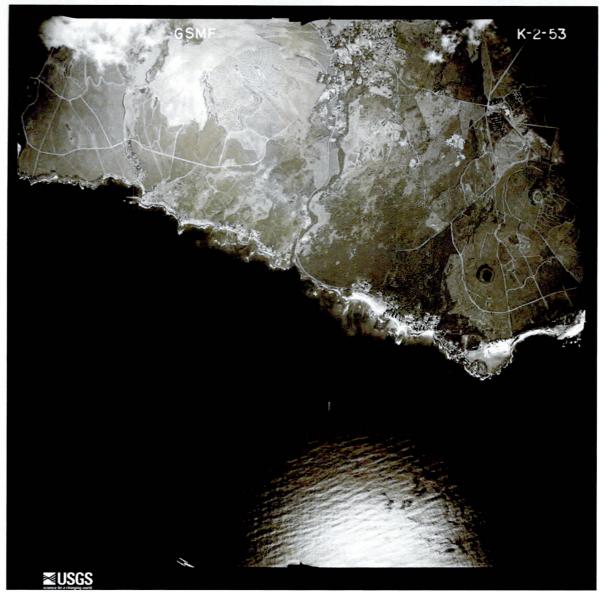


Figure 12. 1950 Aerial Image of Koloa (USGS 1950)



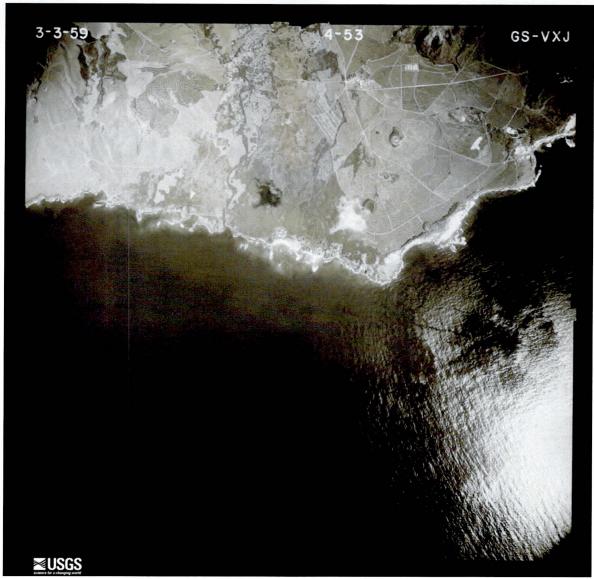


Figure 13. 1959 USGS Aerial image of Koloa (USGS 1959)



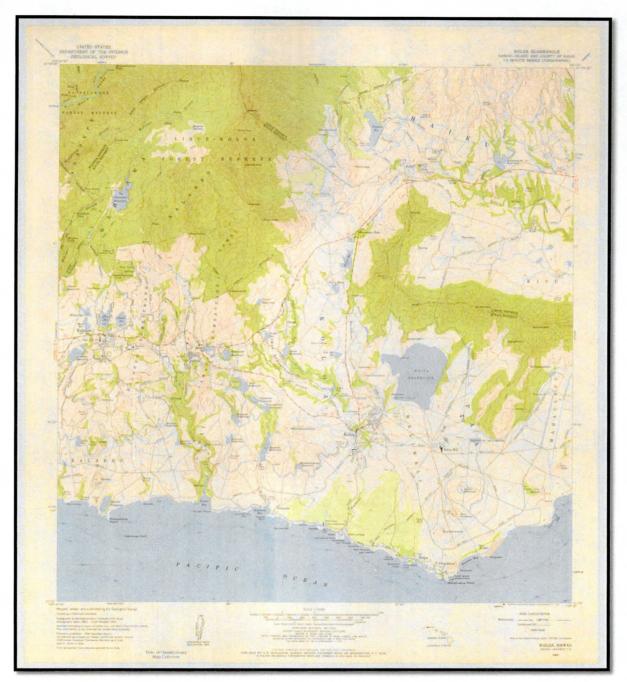


Figure 14. 1963 USGS Map of Kōloa (USGS 1963)



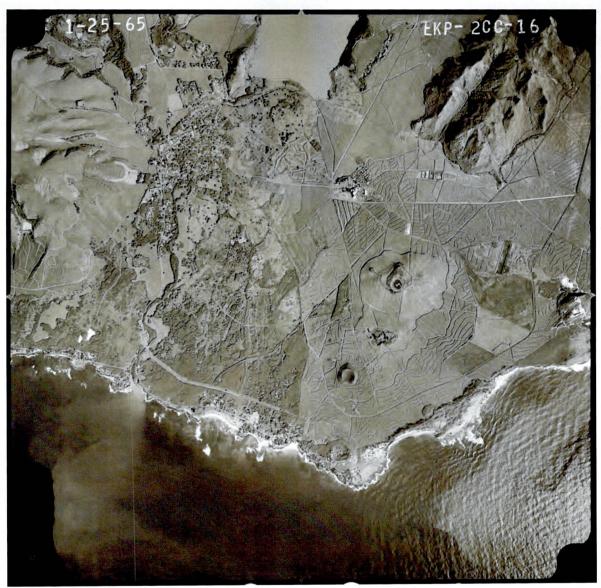


Figure 15. USGS 1965 Aerial Photo of Koloa (USGS 1965)

3.2.1 Koloa Plantation

In the early half of the 19th century, Kōloa became the location of the first commercially successful sugar plantation not only on Kaua'i, but in the Hawaiian archipelago. Kōloa Plantation officially formed in 1835, but according to accounts from the first plantation manager, William Hooper, "sugar cane was grown and sugar and molasses were manufactured in the District of Koloa, in a small way, prior to 1835" (Alexander 1937:1).



Like many other foreigners of the time, the founders of Kōloa Plantation traveled from the United States to the Kingdom of Hawai'i to start private businesses. The three founders were Peter Allan Brinsmade, William Ladd, and William Hooper, all in their 20s when they arrived in Hawai'i (Alexander 1937:2-3). Arthur Alexander would write of the original partners:

The partners, after their arrival, conducted a profitable commission and mercantile business in Honolulu. However, they were eager to expand their business. Convinced that the greatest business opportunities here at that time lay in the development of agriculture, they selected a tract of land at Koloa, Kauai, for the cultivation of sugar cane on the east side of the Koloa, or Waihohonu, Stream. Stephen Reynolds on June 5th, 1835, wrote in his Journal: "[Brig. Velocity went out for Hanalei, Kauai, Mr. Ladd and Dr. Peabody passengers. Ladd & Co. went to view the place and lay out a large cane plantation. I hope they will succeed and put it in operation with success."

After Mr. Ladd's return they leased from King Kamehameha III this tract of land, together with a mill site, 360 ft. By 360 ft. At the Maulili pool, with the use of the waterfall for power. The lease was for fifty years from July 29th, 1835, at an annual rental of \$300.00. It contained a clause giving them the privilege of building a road to the landing and the free use of the latter. From Kaikioewa, the Governor of Kauai, they later leased a warehouse site at the landing, at a place called Hanakaape. The land covered by the original lease has an area of 980 acres, of which 303 acres have since been demonstrated to be good cane land (Alexander 1937: 3-4).

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Historic Background



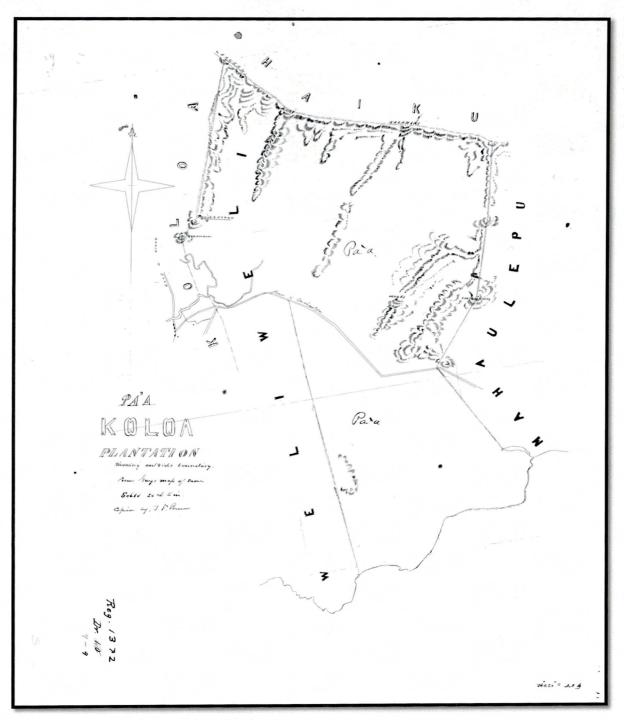


Figure 16. Registered Map 1372 (n.d.)



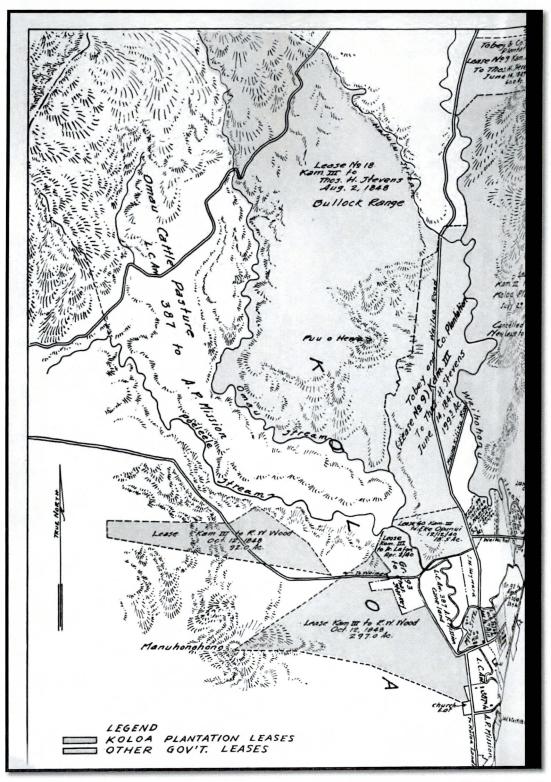


Figure 17. Portion of map showing Koloa Plantation Leases (Alexander 1937)

Cultural Impact Assessment, Ethnographic Survey and Ka Pa'akai Analysis for Three Development Projects in Kōloa, Kaua'i



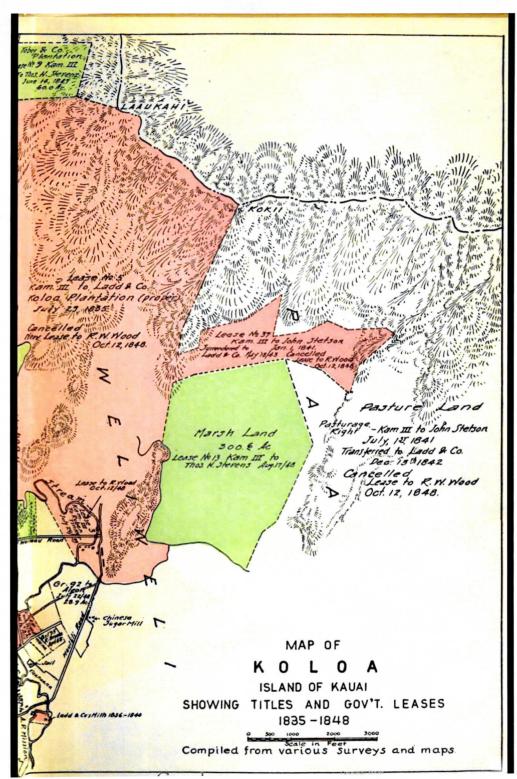


Figure 18. Map of Koloa (Alexander 1937)



4.0 Cultural Resources

This section reviews and references archaeological studies and results in and around the Project Area(s) in order to identify resources that may be of significance to the community. Honua Consulting, LLC is an archaeology firm but did not complete any of the archaeology fieldwork for these Projects, neither did we conduct any archaeological field or site visits for this report. The cultural resource information is extrapolated from other archaeology reports, and primarily those recently completed by Cultural Surveys Hawaii (CSH).

The historical reports are numerous, voluminous and – as with most large-scale development projects – include surveys, remapping, data recovery and preservation plans, monitoring plans, and reports on completed recovery, preservation, and monitoring work. The archaeological studies on the development projects that encompass the applicant's Project Area(s) span decades, with the seminal survey for Kauanoe o Kōloa being completed in 1978 and in 1988 for the Kukui'ula projects. Those reports covered over 1400 acres – 1000 in Kukui'ula and 460 in Kiahuna – and identified over 700 archaeological features – 150 in Kukui'ula and 583 in Kiahuna. All three of the applicant's projects were entitled by previous owners and have been included in multiple development plans over the last 45 years. The resulting historical record is therefore both substantial and complex.

Although Honua is not the archaeological firm of record for these projects and an exhaustive analysis of every study and report is beyond the scope of this report, upwards of 100 documents, equating to multiple thousands of pages, were reviewed to provide a foundation for assessing cultural resources and impact. Mapping was conducted as part of this report and estimates regarding historic properties in the areas are provided below. These estimates should not however supersede the reporting completed by CSH or the reviews conducted by SHPD.

It is commonly understood that once grading is permitted and begins, any previously identified sites within the project area that were not set aside under SHPD-accepted plans for preservation will be destroyed; hence the preservation plans. The reports discussed below do adequately show that: (a) none of the sites set aside for preservation are within the applicant's Project Areas; (b) all of the Project Areas had been grubbed and graded prior to applicant taking ownership; (c) and no surface sites were visible in the Project Areas by the time the applicant took ownership.

It is important to note that while the reports reviewed are thorough and have been accepted by SHPD, an administrative history tracing when and where the 700+ sites were identified, and when those that no longer exist were lost, is not part of the record nor is it easily compiled. This is understandable given the substantial and complex historical record. However, when dealing with such a large number of sites, many of which represent



treasured cultural resources, the loss of the majority of these sites has and will continue to cause distress in the community without this clear administrative history.

While it may not entirely satisfy the community's concern, contemporaneous documentation could prove extremely beneficial especially if it includes: comprehensive maps of historical sites (overlaid on current parcel maps) that note preserves and sites that still exist; corresponding tables listing site numbers (both SHIP #'s and CSH #'s); as well as a historical listing of owners and developers, including an indication as to when they were granted grading permits.

4.1 Cultural and Historic Sites - Kauanoe o Koloa

Cultural Surveys Hawaii, Inc. (CSH) prepared a Literature Review and Field Inspection report (LRFI) for Lot 1 of the Kauanoe o Koloa project in August of 2021 (Figure 19).

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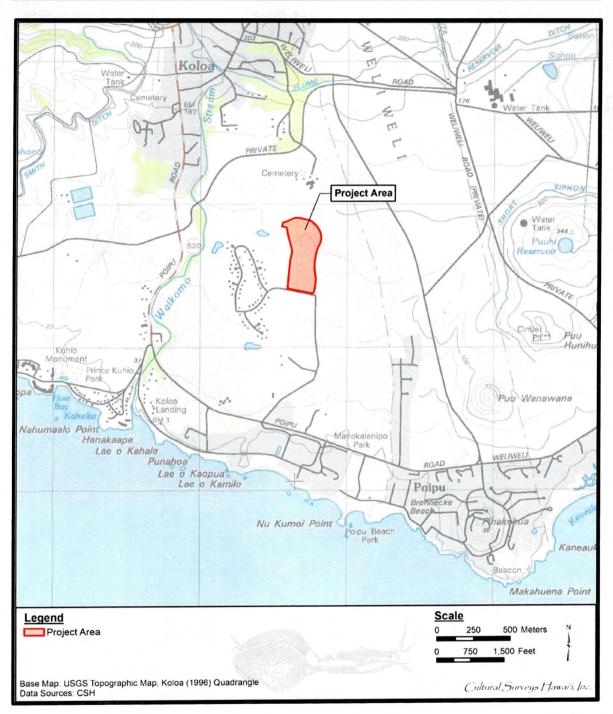


Figure 19. CSH (Figure 1 of LRFI) showing the location of project area (Folk et al. 2022: 2)



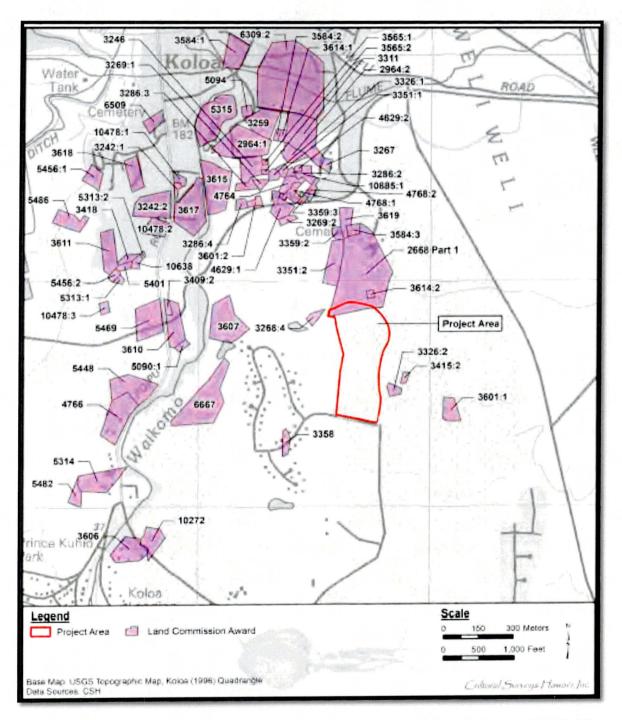


Figure 20. CSH (Figure 6 of LRFI) showing the LCA claims in the area (Folk et al. 2022: 13)



The <u>Archaeological Investigations within the Project Area and in the Vicinity</u> section of the LRFI speak to the voluminous record of archaeological identification, assessment, and preservation work that has been done and accepted by SHPD that deal directly with the Kauanoe o Kōloa project area dating back to a 1978 archaeological survey that covered 460 acres. The project area includes less than 28 of those 460 acres in the extreme northeast corner of the surveyed area.

One of the many reports historical reports referenced in the LRFI, is the Kiahuna Project: Kiahuna Golf Village and KMP Development Project in Approximately 400 Acres at Koloa Ahupuaa Kona District, Kauai Island Volume III Summary of Inventory Survey and Data Recovery Results and Archaeological Interpretations. (Volume III) The LRFI references this Volume III report noting:

Volume III summarizes and brings together the findings of both the inventory survey and data recovery for Project Areas 1 and 2. Included are an analysis of the sites involved, summary discussions of the artifacts and midden found, summarization and interpretation of the Kōloa Field System, significance, and recommendations regarding development and preservation in the area, and the areas designated as preserves (Folk et al. 2022:3).

The Hammat, Shideler, O'Hare, and Folk 2005 report details the five preserve areas, all of which are well outside of the Kauanoe o Kōloa project area (Figure 21).

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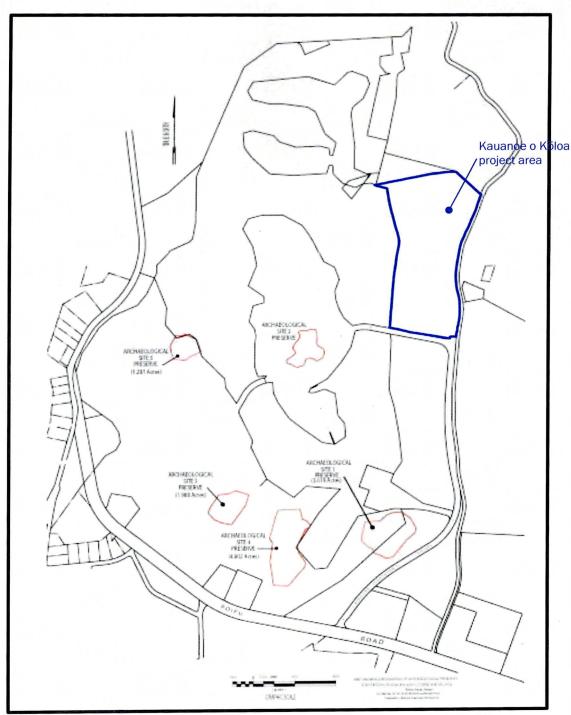


Figure 21: CSH (Figure 9 of Volume III) showing locations of Archaeological Preserves outlined in red, all of which are beyond the Kauanoe o Kōloa project area. (Hammat, Shideler, O'Hare, and Folk 2005:42); Blue outline and label for project area added for reference.



The project area was part of numerous development plans by several entities that did extensive grubbing and grading to the project area before the current applicant's acquisition of the property in June, 2021.

A field check of 16 June 2003, related to reporting in the Hammatt et al. (2004) inventory survey noted previous grubbing in the parcel resulting from the parcel receiving clearance for construction development, based on a letter dated 22 August 1991, from Dr. Don Hibbard of SHPD approving the end of data recovery fieldwork for this parcel. The survey report relates that ten SIHP-numbered sites of the Kōloa Field System documented in the original 1978 survey (Hammatt et al. 1978) were still present during the 2003 field check in the southern portion of the project area. These former historic properties' locations are shown in Figure 9 and they are listed in Table 1. SIHP #s 50-30-10-3841 and -3851 were excavated during the data recovery field work completed in 1989–1991 and are reported on in Hammatt, Cordy, Rainalter, Gomes, Shideler, and Folk (2005B) as well as in the Hammatt et al. (2004) inventory survey report; no further archaeological work was recommended. None of the sites in the project area, TMK: [4] 2-8-014:032 Lot 1, were recommended for further archaeological work and all data was collected prior to grubbing of the project area. (Folk et al. 2022:20)

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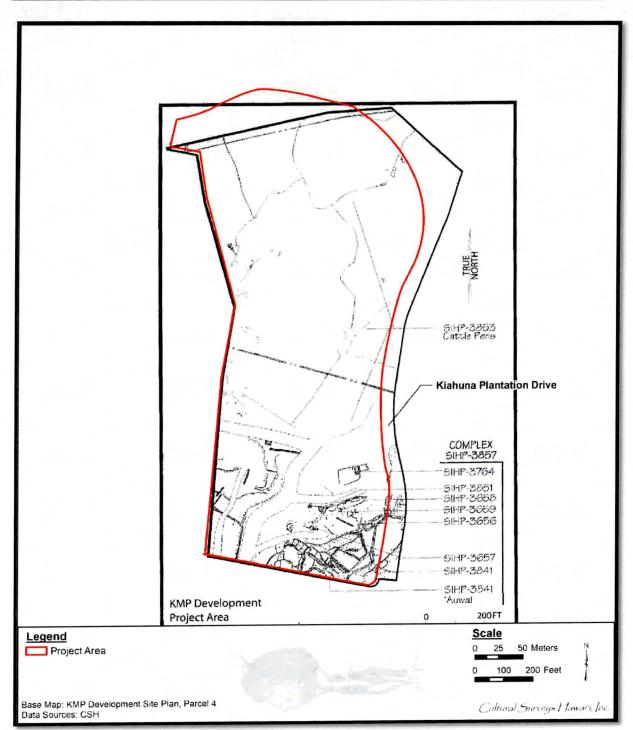


Figure 22. CSH (Figure 9 of LRFI) showing previously identified historic properties in Kauanoe o Kōloa project area (Folk et al. 2022:31).



The LRFI goes on to note that:

The results of the 22 February 2021 field inspection conducted in the proposed Kauanoe o Kōloa Lot 1 project area (TMK: [4] 2-8-014:032 Lot 1) found that the parcel has been completely grubbed with evidence of grading and substantial bulldozing, probably multiple times since 1991. The most recent clearing is illustrated by the uniform height of ground cover in Figure 10 and Figure 11. Previous ground disturbance occurred during construction of the Kiahuna Golf Course, the construction of Kiahuna Plantation Drive, and during preparation for former proposed projects that never materialized, e.g., the turf farm proposed for the parcel by two previous owners. The integrity of, and in most cases the entire former historic properties, have been destroyed. The southeast corner of Lot 1 also appears to have been filled and graded, and supported a modern structure visible in 2013 aerial photos but which is no longer present. These findings are consistent with the literature review demonstrating documentation of the former historic properties and SHPD concurrence with the archaeological documentation. (Folk et al. 2022:34).

The entire project area has been grubbed and bulldozed with some filling and grading in the southeast corner of the lot. All former archaeological sites have been removed (Folk et al. 2022:46).

One of the 2013 aerial photos referenced above is included below as Figure 23.



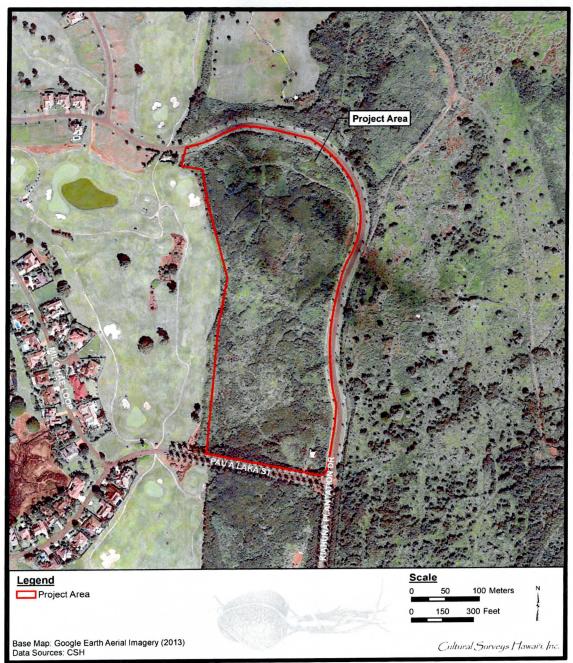


Figure 23: CSH (Figure 2 of LRFI) showing the TMK: [4] 2-8-014:032 Lot 1 project area location (Google Earth **2013**); note the modern structure at the southeast corner of the parcel, bulldozing cuts throughout, and the bulldozer road across the north end of the parcel (Folk et al. 2022:3).



CSH also points out that:

The entire 460 acres of the Kōloa Field System in Kiahuna, including the proposed Kauanoe o Kōloa project area, were an agricultural and habitation complex notable for lack of human burials. There are no burial finds in the project area comprising TMK: [4] 2-8-014:032 Lot 1 and none are anticipated (Folk et al. 2022:46).

4.1.1 Compliance with Land Use Commission Condition No. 7

An ongoing concern for the community, directly related to historical and cultural resources, has been compliance with the State Land Use Commission (LUC) Decision and Order (D&O) issued in 1977 for the subject parcel². In 1977, the LUC issued a D&O *In the Matter of the Petition of MOANA CORPORATION, For Reclassification of Certain Lands Siutated at Poipu, Island of Kauai* (Docket No. A 76-418). Findings of Fact related to Reclassification No. 31 reads:

31. The presence of extensive archeological remains on and in the area of the subject property is generally known. Petitioner, therefore, commissioned the Bernice P. Bishop Museum to conduct an archeological survey of the area which was filed in this proceeding as Petitioner's Exhibit "X" and is entitled *Archeological Reconnaissance Survey Of Knudsen Trust Land At Koloa, Poipu, Kauai*. That survey reveals and the Commission therefore finds as follows:

(a) A substantial number of archeological sites exist on approximately 200 acres within the southern and eastern portions of the subject property;

(b) These sites fall within the categories of platforms or varied forms; enclosures; modified actual features .such as outcrops and sinkholes; large wall structures; agricultural complexes with varied mounds, terraces and plots; lava tubes; simple stone structures with no definite functions; irrigated pondfields (lo'i) and irrigation ditches (auwai); foot trails and historic sites such as houses, tombs, and ovens;

(c) These sites appear to be the remains of extensive agricultural complex that at one time stretched from Koloa Town to the Coast. There is a general paucity of information on aboriginal agriculture, and because most of the central, northern, and western portions of the subject property were cleared in the past

² The full LUC Docket is available online at <u>https://luc.hawaii.gov/completed-</u>dockets/boundary-amendments/kauai/a76-418/



for agricultural activity such as sugar cane cultivation and grazing, these sites represent the only substantially intact complex of sites remaining;

(d) Further archeological investigation will be necessary to determine the significance of these sites and the feasibility of their salvage or preservation. As a condition upon General Plan Amendment, the Kauai County Council has required that a more detailed and comprehensive archeological study be conducted and submitted to the County of Kauai Planning Department for approval prior to actual development of the proposed project. That comprehensive study will cost a minimum of \$40,000 and will take three to four months to complete;

(e) The Petitioner has represented that he is committed to a more detailed and comprehensive archeo-logical study of the subject property and that he would preserve those areas or sites within the subject property which the Bernice P. Bishop Museum determines to be archeological significant and worthy of preservation (LUC 1977: 19-20).

As part of their D&O granting the reclassification of lands, the LUC placed conditions on the reclassification. Condition No. 7 as originally ordered by the LUC read:

7. That prior to application for rezoning and before any grading of the subject property begins, Petitioner commission and complete a comprehensive archeological and biological study with actual inventories of archeological sites and flora and fauna on the subject property, and that the Petitioner preserve any archeological sites which the Bernice P. Bishop Museum believes to be significant and worthy of preservation and protect and preserve the present habitats of any blind, eyeless, big-eyed, hunting spiders and blind terrestrial sandhoppers which the Bernice P. Bishop Museum believes to be worthy of preservation (LUC 1977: 37).

This condition, Condition No. 7, was amended by the LUC one year later on July 5, 1978. The amended Condition No. 7 reads:

7. That Petitioner commission and complete a comprehensive archaeological and biological study with actual inventories of archaeological sites and flora and fauna on the subject property, and that the Petitioner preserve any archaeological sites which archaeologist conducting such archaeological study believes to be significant and worthy of preservation and protect and preserve the present habitats of any blind, eyeless, big-eyed, hunting spiders and blind terrestrial sandhoppers which the biological conducting the biological sutdy believes to be worthy of preservation. The Petition may commission such archaeological and biological study to any



archaeological and biological or firm connected therewith who is qualified to conduct such a study to satisfy the foregoing condition. The Petitions may apply to the County of Kauai for rezoning of the subject property before the completion of the study, provided that no actual work on any portion of the subject property begins until the archaeological and biological study for that portion to be worked on has been completed. Actual work on any portion of the subject property may be commenced by the Petitioner upon certification by the archaeologist and biologist that the area for which work is to commence does not contain any archaeological sites deemed significant and worthy of preservation, nor contains any habitats of any blind, eyeless, big-eyed, hunting spiders and blind terrestrial sandhoppers deemed worthy of preservation" (LUC 1978: 2).

The most recent annual report filed under the docket (2020-2021 Annual Report, filed March 10, 2022), regarding Condition No. 7 states:

Current Status: As shown in the 2009 Amended Status Report, the 2010 Annual Status Report, the 2011 Annual Status Report, and the 2012 Annual Status Report, this condition has been fulfilled. As noted in the prior Annual Status Reports, a comprehensive Archaeological and Biological Survey of the Proposed Kiahuna Golf Village Area, dated September 1978, was prepared for the petitioner Moana Corporation by Archaeological Research Center of Hawaii, Inc., towards meeting this condition.

Additionally, an Inventory Survey Report, Data Recovery Report and Preservation Plans for identified Preserves were submitted and approved by the State Historic Preservation Division of the Department of Land and Natural Resources (herein "SHPD").

This resulted in four archaeological preserves, totaling approximately 11 acres, and their metes and bounds descriptions were established pursuant to agreement with SHPD and the Kauai Historic Preservation Review Commission.

Preservation Plans were prepared for these four Preserves, and those plans have been approved by SHPD, as well, fully completing the archaeological requirements for the project. An easement granting public access, as required by SHPD, has been recorded, and actual implementation of public access to and interpretive signage of Preserve 1 is available and is used by the public.

A flora survey and a fauna survey, covering all project sites, was completed and submitted to the County of Kauai on or about March 29, 2004. As no endangered or threatened species were found, no further work is planned in this area. With respect



to the habitats of any blind, eyeless, big-eyed hunting spiders and blind terrestrial sandhoppers, and despite finding none of these spiders and sandhoppers in at least the past eight years, the Project has established areas identified as critical habitats to support these species should they reappear (Kiahuna Mauka Partners, LLC, 2022: 5-6).

Additionally, as related to the archaeological condition, CSH Principal Hallett H. Hammatt submitted a letter dated May 12, 2022 regarding Kauanoe o Koloa [TMK (4) 2-8-014:032], which the Planning Department found to sufficiently meet the preceeding condition.

Based on the public filings submitted to and accepted by the LUC, Condition No. 7, as related to archaeological resources, has long been fulfilled. Additionally, the County of Kaua'i Planning Department contemporaneously affirmed that this condition has been fulfilled. As such, the conditions and mitigation for the archaeological sites as called for under state and county authorities have been met. It is not the role of this assessment to revisit these agency decisions.

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4.2 Cultural and Historic Sites - Kukui'ula

A total of 58 archaeological sites comprising 150 features were located, mapped, and described in CSH's June 1988 β . (Hammat et al. 1988). The 1988 AIS notes the marked difference between the Kiahuna Complex (where Kauanoe o Kōloa is located) and Kukui'ula, due to the extensive amount of cane cultivation in Kukui'ula.

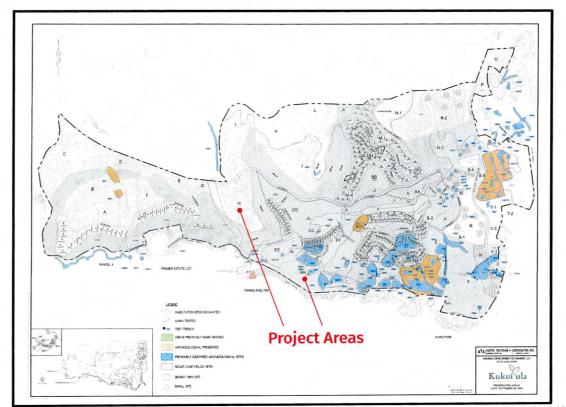
This picture of the Kiahuna complex and its high degree of preservation is in sharp contrast to the present study area. Both areas were probably equally as heavily inhabited and used for intensive irrigated Hawaiian agriculture. However, the Kukuiula study area the last hundred years or so has seen heavy land modification which has destroyed many sites. Even areas presently in pasture were formerly under cane cultivation and the process of field clearing described elsewhere resulted in the survival of mere remnants of former sites.

So while the Kukui'ula Development covered more than double the acreage of Kiahuna, because a majority of that land had been cleared for sugar cultivation, there was a quarter of the number of archeological features identified in Kuuki'ula (150) as in Kiahuna (583).

Of the 58 sites (that encompassed the 150 features), 16 of those sites were identified in a series of preservation plans that established the four Kukui'ula archaeological preserves (Figure 24).

As with the applicant's Kauanoe o Koloa project in Kiahuna, none of the Kukui'ula archeological preserves are within either of the applicant's Kukui'ula project areas and as detailed below, no surface sites were visible in the Project Areas by the time the applicant took ownership.

(This area intentionally left blank.)

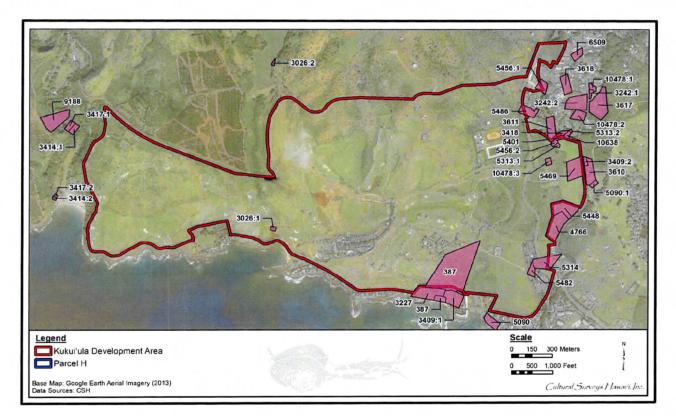


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Figure 24: Map (courtesy of client) showing Kukui'ula Preservation Areas, none of which are located within Parcels H or HH. (Project Area Labeling added for clarity.)

Cultural Impact Assessment, Ethnographic Survey and Ka Pa'akai Analysis for Three Development Projects in Koloa, Kaua'i

Cultural Resources



HONUA

Figure 25: CSH (Figure 11 of Field Letter; Parcel H outline removed) showing LCAs, shaded in purple, in the vicinity of the Kukui'ula Development area.

Cultural Impact Assessment, Ethnographic Survey and Ka Pa'akai Analysis for Three Development Projects in Koloa, Kaua'i



4.2.1. Parcel HH

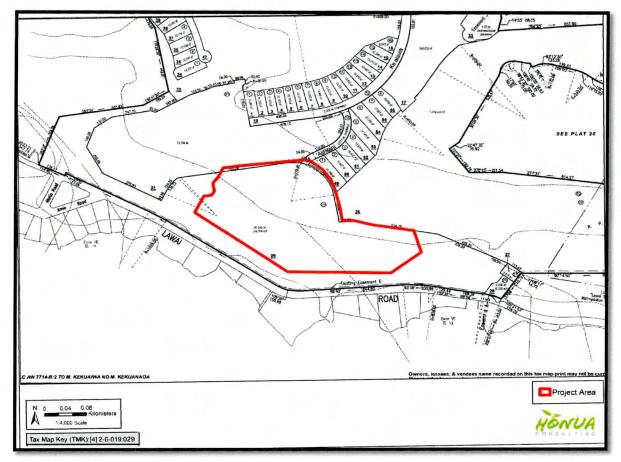


Figure 26. TMK (4) 2-6-019:029 which is to be subdivided. Parcel HH is located on a portion of this TMK.

Cultural Surveys Hawaii, Inc. (CSH) prepared an Archaeological Field Inspection Letter Report for Parcell HH of the Kukui'ula Community Develop Project, TMK [4] 2-6-015:029 on June 8, 2021. (Field Inspection Letter Report) Regarding the field inspection that was completed on May 6, 2021, CSH states that:

No historic properties were identified during this field inspection and there are no archaeological concerns. SIHP #'s -01947, -01949, and -01950 identified by Hammatt et al. (1988) has been since destroyed per Borthwick et al. (1990). The Parcel HH project will not have any adverse effects to historic properties.



Table 3. Identified Historic Properties within TMK [4] 2-6-015:029 based on review of maps in Archaeological Data Recovery Report for Kukui'ula Bay Planned Community Phase I Development, Koloa Ahupua'a, Kona District, Island of Kaua'i, Volume 1, referenced in the June 8, 2021 Letter Report.

Site Number	Description	Citation	Current Status (as of July 2022)
SIHP 50-30-10-01947	Habitation and agricultural sites	Hammatt 2021: 2	Destroyed prior to 1990
SIHP 50-30-10-01949	Habitation sites	Hammatt 2021: 2	Destroyed prior to 1990
SIHP 50-30-10-01950	Habitation sites	Hammatt 2021: 2	Destroyed prior to 1990
SIHP 50-30-10-01946	Permanent	Hammatt et al.	Unknown, assumed
(per CSH June 8, 2021	Habitation;	1998: 5, 7	destroyed prior to
Letter Report, located	Enclosures,		1990
outside Parcel HH)	Platforms		
SIHP 50-30-10-01939	'Auwai	Hammatt et al.	Unknown, assumed
(per CSH June 8, 2021		1998: 5, 8	destroyed prior to
Letter Report, located			1990
outside Parcel HH)			

While the Field Inspection Letter Report does not reference SIHP #s -01946 nor -01939, they are located within TMK [4] 2-6-015:029 and therefore included in the table above. Based however on the green areas in Figure 24 that denote mass grading that took place before 2014, it can arguably be presumed that these two sites, like the other four in TMK [4] 2-6-015:029, were destroyed prior to 1990, at minimum prior to 2014.



4.2.2 Parcel H: Lots 18 and 19

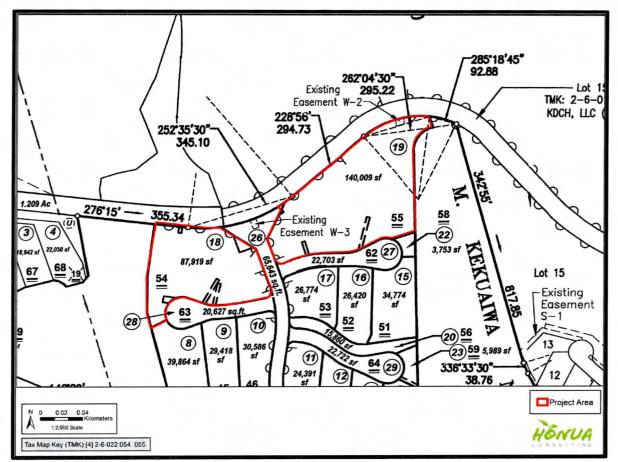


Figure 27. TMK map showing Parcel H Lots 18 and 19.

CSH completed a *Final Archaeological Assessment Report for the Kukui'ula Community Development Parcel H Project* date December 2015 (AA 2015). The title of the report in and of itself is an indication of the parcel being clear of any historic sites.

No historic properties were identified within the project area during the initial AIS investigation, therefore this report is termed an archaeological assessment, per HAR §13-13-284-5(b)(5)(A): "Results of the survey shall be reported either through an archaeological assessment, if no sites were found, or an archaeological survey report which meets the minimum standards set forth in chapter 13-276-5.



4.3 Natural Resources with Cultural Significance

To employ the Hawaiian landscape perspective and emphasize the symbiosis of natural and cultural resources, Honua Consulting uses the term 'biocultural' to refer to natural and cultural resources, with additional sub-classifications by attributes.

A brief further discussion of environmental zones and traditional Hawaiian land management practices is necessary to understand the tangible and intangible aspects of the Hawaiian landscape. Additionally, it is important to point out once again that in the Hawaiian landscape, all natural and cultural resources are interrelated and culturally significant. Natural unaltered landscape features such as rocky outcrops, cinder cones, intermittent streams, or an open plain can carry as much significance as a planted grove of wauke (Broussonetia papyrifera) or a boulder-lined 'auwai (canal).

The large districts (moku-o-loko) and sub-regions ('okana and kālana) were divided into manageable units of land that were tended to by the maka'āinana (people of the land). Perhaps the most significant management unit was the ahupua'a. Ahupua'a are subdivisions of land that were usually marked by an altar with an image or representation of a pig placed upon it (thus the name ahu-pua'a or pig altar). In their configuration, the ahupua'a may generally be compared to wedge-shaped pieces of land that radiate out from the center of the island, extending to the ocean fisheries fronting the land unit. Their boundaries are defined by topographic or geological features such as pu'u (hills), ridges, gullies, valleys, craters, or areas of a particular vegetation growth (cf. Malo 1951: 16-18; Lyons 1875; and testimonies recorded before the Boundary Commission).

The ahupua'a were also divided into smaller manageable parcels of land (such as the 'ili, kō'ele, māla, kīhāpai, mo'o and paukū etc.), generally running in a mauka-makai orientation, and often marked by stone wall alignments. In these smaller land parcels, the native tenants cared for and cultivated crops necessary to sustain their families and the chiefly communities they were associated with. As long as sufficient tribute was offered and kapu (restrictions) were observed, the common people, who lived in a given ahupua'a, had access to most of the resources from mountain slopes to the ocean. These access rights were almost uniformly tied to residency on a particular land and earned as a result of taking responsibility for stewardship of the natural environment and supplying the needs of ones' ali'i (see Malo 1951:63-67 and Kamakau 1992:372-377).

Entire ahupua'a, or portions of the land were generally under the jurisdiction of appointed konohiki or lesser chief-landlords, who answered to an ali'i-'ai-ahupua'a (chief who controlled the ahupua'a resources). The ali'i-'ai-ahupua'a in turn, answered to an ali'i 'ai moku (chief who claimed the abundance of the entire district). Thus, ahupua'a resource supported not only the maka'āinana and 'ohana who lived on the land, but also contributed to the support



of the royal community of regional and/or island kingdoms. This form of district subdividing was integral to Hawaiian life and was the product of strictly adhered to resources management planning. In this system, the land provided fruits and vegetables, and some meat in the diet, and the ocean provided a wealth of protein resources. Also, in communities with long-term royal residents, divisions of labor (with specialists in various occupations on land and in procurement of marine resources) came to be strictly adhered to (Malo 1951: 63-67).

4.2.1 Plants - Kauanoe o Koloa

A biological assessment conducted by Tetra Tech in December 2021 only identified a single native plant in the Project Area for the Kauanoe o Kōloa project: 'uhaloa. 'Uhaloa is primarily a medicinal plant. The leaves, stems and roots were pounded, strained and used as a gargle for sore throats, which is a practice that continues today (Abbott 1992). 'Uhaloa was also combined with other plants to create a tonic for young and older children, and seldom adults (Krauss 1993). Canoe builders would also occasionally add the sap of 'uhaloa to a concoction of kukui root, 'akoko, and banana inflorescence to create a paint that would stain the hull (Krauss 1993). This native plant remains abundant throughout the Hawaiian Islands and is still treasured as a natural and safe tonic for bodily ailments today.

4.2.2 Wildlife – Kauanoe o Koloa

A number of different species of native wildlife were identified in the biological assessment for the Kauanoe o Koloa project as being in, adajacent to, or potentially using the ahupua'a (geographic extent) as habitat:

- Kolea (Pacific golden-plover)
- Ae'o (Hawaiian stilt)
- Nēnē (Hawaiian goose)
- 'Alae kea (Hawaiian coot)
- 'Alae 'ula (Hawaiian gallinule)
- Koloa (Hawaiian duck)
- 'Ua'u (Hawaiian petrel)
- A'o (Newell's shearwater)
- 'Akē'akē (Band-rumped storm-petrel)
- 'Ōpe'ape'a (Hawaiian hoary bat)
- Pinao (Globe skimmer dragonfly)
- Pe'e pe'e maka 'ole (Kaua'i cave wolf spider)
- Kaua'i cave amphipod (possibly 'ami kai in Hawaiian)



The non-native pig was also identified in the Kauanoe o Koloa project area. Pig hunting is a legally recognized customary practice. Pigs are hunted and then used as a food resource throughout the islands.

There are numerous practices associated with birds in Hawaiian culture, including lei making and other traditional practices. The birds identified in the area are all protected by various state and federal laws, limiting contemporaneous cultural practices.

All of the species could potentially be 'aumākua, spiritual guardians, and interviewees identified these species as such in the ethnographic data. Additionally, the larvae of the pinao, called lohelohe, is used in hula and heiau ceremonial practices.

4.3 Intangible Cultural Resources – Koloa Ahupua'a

It is important to note that Honua Consulting's unique methodology divides cultural resources into two categories: biocultural resources and built environment resources. We define biocultural resources as elements that exist naturally in Hawai'i without human contact. These resources and their significance can be shown, proven, and observed through oral histories and literature. We define built environment resources as elements that exist through human interaction with biocultural resources whose existence and history can be defined, examined, and proven through anthropological and archaeological observation. Utilizing this methodology is critical in the preparation of a CIA as many resources, such as those related to akua, do not necessarily result in material evidence, but nonetheless are significant to members of the Native Hawaiian community.

Hawaiian culture views natural and cultural resources as being one and the same: without the resources provided by nature, cultural resources could and would not be procured. From a Hawaiian perspective, all natural and cultural resources are interrelated, and all natural and cultural resources are culturally significant. Kepā Maly, ethnographer and Hawaiian language scholar, points out, "In any culturally sensitive discussion on land use in Hawaii, one must understand that Hawaiian culture evolved in close partnership with its natural environment. Thus, Hawaiian culture does not have a clear dividing line of where culture ends and nature begins" (Maly 2001:1).

4.3.1 'Ōlelo No'eau

'Ōlelo no'eau are another source of cultural information about the area. 'Ōlelo no'eau literally means "wise saying," and they encompass a wide variety of literary techniques and multiple layers of meaning common in the Hawaiian language. Considered to be the highest form of cultural expression in old Hawai'i, 'ōlelo no'eau bring us closer to understanding the everyday thoughts, customs, and lives of those that created them.



While Mary Kawena Pukui's important collection of 'olelo no'eau does not contain proverbs for Koloa, Kaua'i, there are but a small sampling of the numerous poetic sayings and epithets Hawaiians had for important places. One such saying for Koloa is "ka ua noe o Koloa," or "the misty rain of Koloa." A variation of this 'olelo no'eau is "ka ua noe kaulana o Koloa." (the famous misty rain of Koloa) (Ka Puuhonua o na Hawaii, September 7, 1917: 4). There are nearly one hundred references to this 'olelo no'eau found in articles between 1900-1920s published in various Hawaiian language newspapers (for examples, see Peter Kemamo in Ka Nupepa Kuokoa, June 1, 1922: 4, and "Ka Ua Noe o Koloa, Ka Nupepa Kuokoa, July 12, 1918: 8). Another variation is, "e mau ana no ke kilihune o ka ua noe o Koloa" (the fine drizzle of the misty rain of Koloa endures) (Oliver Kua, "Ike i ka Nani o Poipu," Ka Nupepa Kuokoa, January 21, 1921: 8) and "ke kilihune mai nei nō ka ua noe o Kōloa" (the misty rain of Kōloan continues to drizzle down) (Kiu Hana Meahou, "Na Me[a]hou Ono o Koloa," Ka Nupepa Kuokoa, May 8, 1924:6). In another article, Mrs. Nani Mahu includes another variation, "'o ka ua noe o Koloa ka helu 'ekahi" (the misty rain of Koloa is number one [the best]), and utilizes a varient of the chorus of the mele "Ka Ua Noe o Kōloa" ([he] nani maoli nō ka ua noe o Kōloa / He makalapua i ka waokele / Ka hiona o ku'u ipo / Ua like me ka 'ano'i) as an 'ōlelo no'eau (Mahu, "He Hoomaikai," Ka Nupepa Kuokoa, November 19, 1920: 8).

Many of these references are utilized by Peter Kemamo Sr. of Kōloa, Kaua'i. In a number of published articles, he references similar 'ōlelo no'eau for his homeland, including:

"Ka 'o'opu kalekale o ka ua noe o Kōloa" (the soft 'o'opu fish of the misty rain of Kōloa) ("Moses Puahi Keoua o ia mau na Oopu Kalekale o ka Uanoe o Koloa," *Ka Nupepa Kuokoa,* October 7, 1921: 3).

"[Ka] i'o nenue 'ono o ka ua noe o Kōloa" (the delicious meat of the the nenue fish of the misty rain of Kōloa) ("Oia mau no na Kuhina o Koloa," *Ka Nupepa Kuokoa,* May 11, 1922: 3).

"Nā l'o Wana Momona o ka Ua Noe" (the fat, delicious sea urchin flesh of the misty rain) (*Ka Nupepa Kuokoa,* June 8, 1922:5).

He also variously references the concept of 'ono (delicious, primarily referring to food, but also applicable to other kinds of enjoyment): "nā 'ono huikau o ka ua noe o Kōloa" (the surprising flavors of the misty rain of Kōloa) (*Ka Nupepa Kuokoa*, April 28, 1922: 3); "nā kuhinia 'ono o ka ua noe o Kōloa" (the rich flavors of the misty rain of Kōloa) (*Ka Nupepa Kuokoa*, August 10, 1922: 3); "nā mea hou 'ono o ka ua noe o Kōloa" (the new delicious things of the misty rain of Kōloa) (*Ka Nupepa Kuokoa*, September 27, 1923: 6); and "ho'oheno mau nō nā 'ono o ka ua noe o Kōloa" (forever cherished are the delicious flavors of the misty rain of Kōloa) (*Ka Nupepa Kuokoa*, February 14, 1924: 2).



4.3.2 Mele (Songs)

The *Buke Mele Lahui* (Hawaiian National Songbook), published in 1895, is "the largest number of political and patriotic Hawaiian songs ever printed in one place," featuring mele that "echo the steadfast resilience of Hawaiians of that time as they weathered the political turbulence of the 1880s and 1890s that completely altered their world" through the overthrow and establishment of a foreign-led provisional government and subsequent annexation to the U.S. (Nogelmeier and Stillman 2003:xii). There are numerous mele and oli composed for and inspired by the larger project area, and there is at least one mele specifically composed in or for the project area of Kōloa. Nonetheless, Kōloa³ is referenced in mele 'āina of Kaua'i.

In 1907, a mele for Kōloa, "Ka Ua Noe o Koloa" (The misty rain of Kōloa) was published in the Hawaiian language newspaper *Ka Na'i Aupuni* by R.W.

Ka Ua Noe o Koloa

Nani Haupu kilakila i ka la'i

Hanohano Kilohana i ka nahele Aia i laila ka maka o ka 'ōpua Kīhene i ka wai o Kemamo

Chorus:

He nani maoli nō ka ua noe o Kōloa He makalapua i ka waokele Nā hiona o ku'u ipo ua like me ka 'ano'i,

Nā kulu kēhau o ke aumoe

Ka hana a ka mana'o lihi lau i ke pili Makamaka pua o ka 'ōhi'a Ua ho'ohie nā manu o ka nahele Kilipohe i ka ua nāulu

The Misty Rain of Koloa

Beautiful is Hāʻupu standing majestic in the calm, Kilohana (hill) is glorious bedecked by the forest There is the eye of the cloudbanks (gathered) Where the fresh waters of the heights of Kemamo are gathered Truly beautiful is the misty rain of Kōloa

Beautiful in the forest The beauty of my beloved sweetheart with my

love, In the drowsy mist of midnight

The desire on the leaf blade of the pili grass The buds of the 'ōhi'a blossom The birds of the forest are made attractive By the well-shape droplets of the nāulu rain

(R.W., Ka Na'i Aupuni, March 29, 1907: 3)

³ It is important to note for this survey that there is also another place named Kōloa on Hawai'i Island. There are also mele that speak of this place, which were not included in this survey as they are not related to Kaua'i.



This mele is referenced in a 1925 article as an entry in a song contest by the women of Koloa ("Ku i ka Nani ka Ahamele a ko Kauai Poe," *Ka Nupepa Kuokoa,* June 25, 1925: 2).

Koloa - Robert Waialeale

Nani Hā'upu kū kila i ka laii Beautiful Haupu, rising in the calm Hanohano kilohana i ka nahele Magnificent is the view of the forest There the cloudbanks Aia i laila ka maka e ka 'opua Gather over the waters of Kemamo Kihene i ka wai o Kemamo Chorus: Hui: Beautiful indeed, the misty rain of Koloa He ani maoli no ka ua noe o Koloa Bringing forth blossoms in the upland forest He makalapua i ka wao kele Nā hi'ona o ku`u ipo ua like me ka 'ano'i The appearance of my sweetheart awakens my desire Nā dews kēhau o ke aumoe

Like the dews at midnight

In this mele, the composer, Robert Waialeale, father of famed Hawaiian musician Lena Machado, writes this mele 'āina (song about the land) for Kīpukai, located within Kōloa. Waialelae writes of different places and resources in this mele, specifically Kemamo, which was a spring said to be reserved for ali'i in the Kōloa area. The notes for this composition also state that some kūpuna believed Kōloa to be named for the steep rock feature in the area called Pali-o-Kōloa.

Nani Kaua'i - Traditional

A he nani Kaua'i 'eā 'O ku'u 'āina

Ke one Nohili 'eā E kani mai nei

Ka wai 'anapanapa 'eā I ke kula o Mānā

'O ke kaupoku hale 'eā Lau a'o Limaloa

A he nani Hāʻupu 'eā Ka ua noe o Koloa Beautiful Kauaʻi My homeland

The sand of Nohili Makes sound

The sparkling water On the plain of Mānā

The roofs of houses Are many of Limaloa

Beautiful is Hāʻupu The misty rain of Koloa



A he nani Lihu'e 'eā I ka ua Pā'upili

A he nani Hanalei 'eā I ka wai o Nāmolokama

A he nani Ha'ena 'eā I nā pali 'o ahi

A he nani Kalalau 'eā Nā pali o Ko'olau

Ha'ina ka puana 'eā A he nani Kaua'i Beautiful is Lihu'e In the Pā'upili rain

Beautiful is Hanalei With the falls of Nāmolokama

Beautiful is Ha'ena With the cliffs where the firebrands were hurled

Beautiful is Kalalau And the cliffs of Koʻolau

The end of my song Beautiful is Kauaʻi

There are many songs that speak to the beauty of Kaua'i. There are also more than one mele titled, "Nani Kaua'i." This traditional composition above is less commonly known than another mele, also called "Nani Kaua'i." Both mele speak of many famed placed across the island; this mele in particular references Kōloa and its famed rain, the hā'upu rain.



As discussed previously in **Section 2.5 (Ethnographic Methodology)**, information was collected from a wide range of individuals and sources. The findings of those efforts are discussed in this section. Ethnographic data is utilized to supplement the other research methods utilized. It is one in a range of research tools employed to gather information about the project area.

Honua Consulting was tasked with gathering information from individuals with lineal and cultural ties to the area and its vicinity regarding regional biocultural resources, potential impacts to these biocultural resources, and mitigation measures to minimize and/or avoid these impacts.

The bulk of the information available from practitioners and kūpuna were drawn from native testimonies and Hawaiian language sources and integrated into the cultural and historic overview section of this assessment. Those sources, along with responses to this project, were considered when researching the traditional or customary practices discussed in a previous section. Interviews were conducted with sixteen (16) individuals. This data helped to identify additional resources and practices in the area; this information also helped to confirm research conducted for this report.

Each participant was asked or provided the same questions:

Interview Questions

- 1. Please provide your name.
- 2. What is your profession?
- 3. Where were you born and raised?
- 4. Where do you live now?

5. What is your association, if any, with the Project Area(s)? Based on the provided map, what place names do you know for the project area(s) or near the project area(s)?6. Are you aware of any cultural resources in the Project Area(s) or near the Project Area(s)? And have you ever accessed those resources?

7. Are you aware of any traditions or customs that may take place near the Project Area(s) or are otherwise associated with the Project Area(s)?

8. Is there anything about the project area that's particularly significant you would like to share?

9. Are there any stories associated with the project area we should be aware of?

10. The proposed project includes three new developments in Koloa. Are you aware of any resources that may be impacted by such a project or projects? What might those impacts be? Can you think of ways in which any potential impacts can be minimized, mitigated, or avoided?



11. Are you aware of any traditions or customs that may be impacted by such a project, including your ability to access cultural resources? What might that impacts be? Can you think of ways in which any potential impacts can be minimized, mitigated, or avoided?

12. Do you have any recommendations for conditions or best management practices for the project, should it proceed?

13. Is there anything else you would like to share?

- 14. Is there anyone else we should talk with about the projects or the Project Areas?
- 15. Is there anything in this interview you would like us to omit from the summary?

Participants were invited to respond or participate in whatever manner was most comfortable for them. Some participants elected to be verbally interviewed while others chose to respond in writing.

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5.1 Interview with Ana Mo Des

Interviewer: Fern Holland Interviewee: Ana Mo Des Date: June 10, 2022 Location: Written / Phone

Biography

Ana Mo Des was born and raised in Miami, FI and currently lives in Kalaheo. Ana has lived on Kaua'i since 2007 and is a full-time mom and instructor.

While Ana does not practice Hawaiian cultural practices in this area herself, she is connected with those that do and has been following this issue and concerns over development at the Kauanoe o Koloa location for over a year now.

Overview

Ana's engagement and concern has been based around the Kauanoe o Koloa project site particularly, but she is concerned overall with the developers actions. She is a concerned resident that has supported efforts by Hawaiian friends to bring attention to what they believe is significant destruction of cultural sites on the property.

General Discussion

Ana walked the Kauanoe o Kōloa property in February 2021, just after it was freshly mowed. She saw many sites worth exploring with a data recovery survey (the second part of a threepart process that is involved in a proper cultural survey). She saw a large heiau, ancient stone pilings that easily provide habitat for endangered species and what could very well be a burial mound among many lava tubes easily identified as she walked throughout the property. She also saw the native protected nēnē living comfortably in what she described was overgrown lush habitat at the time.

Ana believes that these areas should instead be preserved in perpetuity so we may regain access to what the island culture has to provide, not only for its people but for visitors and resident transplants alike. She sees the value of these sites and the cultural resources they could again provide in the future.

Cultural Resources

Ana sees the remnants of these rock structures and these important caves as cultural resources worth protecting.



Traditions and Customs

Ana is not personally aware or connected to traditions and customs in this area but emphasizes that she believes the sensitivity of the site warrants full deep investigation prior to any approvals.

Impacts

Ana sees the impacts of complete destruction of potential cultural sites, caves and other artifacts as chipping away at the soul of the kanaka people. She sees the blasting, bulldozing and works that have occurred as severely impacting the site and those connected to it and believes that cannot be undone and the developer must answer for this destruction.

She sees the larger impacts of this development as displacement since it is in a visitor destination area and the starting price is over \$1,000,000 for a two bedroom. There is no way local residents can attain that.

Ana is particularly concerned about the impacts developments like these will continue to have on economic disparity. Ana said she quietly paid attention and observed for 10 years before stepping forward to testify before Council about the economic disparity caused by exploitation which results in drug and alcohol abuse, domestic violence, crime, homelessness, survival trafficking and eventual suicide in 2017.

This has motivated her engagement in an attempt to make a difference in this area. Ana sees these results coming from the failure of the State and County level governments who allow these types of developers to disregard the rules. She believes the County and State and decision makers are responsible for the aforementioned impacts.

Mitigation Measures and Recommendations

Ana believes that these developers claiming that nothing of significance is on the property is completely false and fraudulent. She also points out that the evidence on the property that has been documented and photographed would have triggered a merited data recovery survey.

She explains that Missy Kamai after her initial inventory survey said that her recommendation will be to have a large team come in to do the data recovery portion of the survey and that all mowing would be done by hand since the area is so sensitive. It is not clear what led to it being reported completely different and Ana can only wonder if threats or bribes were made for the report to conclude that nothing of significance is present.



By logic standards how could such a large parcel right next to HAPA trail not have enough triggers to do a full and complete investigation.

Ana's biggest issue with the developer is that they are not following due process and feels it is a complete disregard for the Rule of Law and what appears as evident corruption that has been unveiled since these lies ensued.

She believes that instead of Poverty Awareness Week or Suicide Prevention Month, elected and appointed officials need to ensure developers follow the Law and best practices. She specifically referred to the Law that was quoted in the first page she read of this Ka Pa'akai packet.

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5.2 Interview with Chadley (Chad) Schimmelfennig

Interviewer: Fern Holland Interviewee: Chadley (Chad) Schimmelfennig Date: June 3, 2022 Location: Zoom

Biography

Chad is the Executive Director of Kawaikini Charter School. He was born and raised on Kauai and currently resides in Hanapēpē.

Chads association to the project area is through genealogy. Koloa and Po'ipū area is where his family lineage descends as far back as his family can recall. Currently he works on restoration efforts on Kamalo'ula heiau and is familiar with the history and sites in Po'ipū and Koloa.

Overview

Chad explains that while a great deal of the cultural sites in this area and the resources that were associated have been destroyed over the last century, there is a lot of rich culture and history in this area and significant coastal ecosystems that are continuing to be impacted.

Chad likes to stay neutral and factual and has concerns about recent activism mislabeling some of these significant sites and is concerned that when sites are renamed to suit agendas. He has an issue with names being ascribed to different names to fit something else that is not based in historical research.

General Discussion

Chad explains that while he doesn't recall all the names of the specific sites in this area there are quality records of the original place names and maps that can provide this. He explains a lot of these areas were created in the 1400s under the reign of Manokalanipō. There are records of that and structures like Kamalo'ula heiau is a smaller section of the greater heiau structure that has been demolished.

There are at least two heiau in this area Chad is aware of. The Kukui'ula area is significant because it has several heiau and it has another area that is a ko'a and connects to Prince Kuhio or Ho'ai Park. As far as what this area was, it was significant, but as far as what it is now, is really nothing, because almost all of it has been lost. He describes it as simple carelessness of resource protections when building golf courses and developments. There are



a handful of heiau that are accessible and being managed and restored in this area, which he is thankful for.

Cultural Resources

Chad says that unfortunately he really doesn't have any immediate resources to gather from the project sites, only because the plantation during the latter part of the 1800s and early 1900s wiped out the natural resources in this area leaving only sugarcane. At one time Chad explains there were cultural resources associated with having a large population in that area.

Chad speaks of the shoreline area as a cultural resource that has been impacted over time. He talks about the shoreline area being impacted by the developments and poor land use choices. He mentions particularly the impacts to the reef and coastal ecosystem, emphasizing the huge difference in his lifetime and species he saw prevalent as a child, which are now harder to find.

He particularly mentions remembering harvesting fish and 'opihi along this shore that are no longer common in this area.

Chad included that one of the heiau in this region is commonly called the wrong name. He said while he has heard people refer to the heiau at Kiahuna as laka heiau, because the name of the street is Pāʿū a Laka, he clarifies that the site is registered to his 5 great grandparents and is a house site that is still registered to Nāhinu and 'Auhea in the state archives. It was their home site. Chads great grandparents would take his father there to show him where they lived and ate. The developers had a kumu hula name the streets during the building of the area, and they named it Pāʿū a Laka. Now, people keep calling it the incorrect name. The true name that it's registered as is Mauna Pōhaku. It was their site that they lived in after the rebellion of Kaumuali'i. They retained their status as ali'i only because 'Auhea was aunt to Kamehameha II.

Traditions and Customs

Theoretically there were significant traditions down here but the earliest western records are from the 1920s and a large percentage of this area was a village then. There were absolutely at one time abundant agricultural resources in this area. He explains that there were absolutely structures and with them traditions and customs associated with this highly populated area but much of this has been destroyed with the destruction of the sites. He also mentions that now specifics about locations are hard to pinpoint.

Chad mentions the birthplace of Prince Kūhio is in this area and that there is history associated with ali'i here. He explains that the area where Prince Kūhio was born was also the



area of previous ali'i and could be dating back to Manokalanipō and Kukona because that was as far back as we could find in any history books the sites of ali'i.

He describes the traditions and customs most practiced in this area as being based around agriculture. He explains since the 1800s these systems have been impacted and continue to be. Chad explains that the whole area was an agriculture complex with 10 miles of 'auwai system. This started at the tree tunnel, Kahili, spawning out to the south end of Kaua'i and branching off for another 10 miles of 'auwai branches.

He describes any practices and traditions as subjective now since it is hard to know what was whereas the sites are largely gone and demolished and the memory of those practices largely lost with it. He clarifies there is no one here today to explain what the specific practices were and where. He does say there are some old audio recordings of his kupuna in the 1930s and 1940s that tell stories of the area and what the practices were and what the various places were, but all are no longer existent.

Chad mentions that his kupuna had many old style moʻolelo that were recorded. His great great grandma was one of the influential people in that area in the 1920s and before and she had these old stories that talk about the folklore of the Kōloa area. Some of these do correlate to the areas where these projects are planned. One speaks of a flying turtle and certain caves that were dedicated to a specific turtle.

Impacts

The Kauanoe o Kōloa development is close to a lot of cave systems that still exist in that area. Most of these have been closed in or blocked off according to Chad. He believes the level of impact varies depending on the specific site. He explains some areas were just caves and shelters but some could have been used for other things, like burial sites. This practice of burial ways still happens on Hawai'i Island.

Chad says that where Kauanoe o Koloa is proposed was another portion of the agricultural complex. He says he met people in the 1960s that saw the bulldozing of a lot of these areas that resulted in these large rock mounds and there are over 3 dozen mounds in the area that were from bulldozed rock piles. Whatever wasn't collected for use locally for rock walls in peoples' yards were just left in piles and a lot of that is the ancient walls and 'auwai structures that were a part of this system.

Chad mentions the massive impacts to these areas in the past and the dynamiting that happened in the 1990s. He explains that the entire area was leveled and the cave systems and lava tubes were largely destroyed along with that. He specifically remembers closer to the Ho'ai area the land was dynamited for at least a year straight. He remembers this destruction



and the leveling that happened. He describes most of those structures as now flat and destroyed. He mentions one site in that immediate area that was spared and it is a hale ali'i site and a cooking area that was blocked off and preserved.

Since most of this area was agriculture and provided food a lot of the drastic impacts already happened in the 1870s and the real use has already been lost, and impacts continue.

Chad sees the impacts of these additional developments as potential continued destruction to what remains. He clarifies that the specific impacts of what is being impacted varies from site to site. He explains some of the sites are demolished and some have remained intact. Disturbance to these sites therefore has different impacts because some have been sitting there for 30 years untouched but exploded and dead and some areas have existing structures that are now being pushed to the side that are intact, especially the 'auwai system, which is unique within the Hawaiian Islands.

Mitigation Measures and Recommendations

Chad isn't comfortable suggesting measures that would be appropriate. He feels that would be speculation on his part and he likes to look at the facts and specifics before making those recommendations and specific suggestions.

He said everyone on all sides needs to do what is right. He believes that there needs to be communication and transparency and a process of healing.

He said that concerned community members need to focus on saying the things we know to be true about these places because if we do not use correct resources and facts, it does a disservice. He sees some of this as taking everything and giving nothing back and that requires a process for healing to move through.

Chad recommended we reach out to some of the older families that are still living today. He mentions his Aunt Betsy Ludington who has been there for a long time and has some great stories and knows things that normally people don't know. He suggests that Randy Wichman be engaged because of his records and maps of historical knowledge of this area.

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5.3 Responses and Documents from Elizabeth Okinaka

- 1. Elizabeth Okinaka Spiritual indigenous woman
- 2. Stay at home mother/Cultural Practitioner
- 3. Born in CA raised in Koloa, HI and have lived there through the present
- 4. Koloa, HI
- 5. I used hapa trail as a child and frequently use the trail today with my children for beach access.
- Yes spring water, native plants, indigenous species who is revered to as a 'aumakua. Endangered species, the blind cave spider and amphipod found no where else in the world.
- 7. Yes prayer and spiritual practice took place on subject property daily. Many cultural practitioners access this site prior to development happening. I practiced protocol here daily and am now threatened with arrest by developer if I step foot off hapa trail.
- 8. This entire parcel is significant. The birthing stone, the alter which I visited daily and praved at is now destroyed. The burial sites and chiefs sitting area are now being destroyed. Chief Palikua is buried underneath this property within a burial cavern and a part of the cave system. Laka heiau and the cave directly behind this property shows the lack of preservation for this entire area. This property has lava tubes and caves exposed since blasting which developer is denying. 3 caves were destroyed in Wainani subdivision which is directly next to this lot. The developer of Wainani admitted to the LUC and there are LUC records that confirm the destruction of the 3 caves in Wainani, destroyed with bulldozers during development. See attached. The developer of Pili Mai, the parcel just below the project area, had problems with its foundation as it was also built over a cave system. There are at least 3 designated habitat caves in the area immediately adjacent to the project site and knowing about the caves under Wainani and Pili Mai, it is unlikely that they are not also under the project area. Hal Hammett and Cultural Survey's Hawaii advertise the use of ground penetrating radar (GPR) on their website and claim to have trained personnel with the technological ability to use GPR. Yet no GPR was used on the project area prior to extensive grading, excavating, blasting and filling with dozens of truck loads of dirt and rock being delivered to the project area.
- 9. I have read stories of great events held by Kaikioewa here, the procession of helpers he was followed by and also his Spanish friend who traveled with him often was present.
- 10. Yes, in answering this survey, I am responding the the questions relating to the project area on Kiahuna Plantation Drive, 5425 Pau a Laka. I object to the developers effort to secure answers to these questions for the cottages near Kukuiula boat harbor and the luxury homes in Kukuiula. If I am expected to answer Ka Pa`akai questions for other developments, I should receive a questionnaire with more details about those developments so that I can proper respond. Since my young childhood and to present I have been a frequent visitor to the Kukuiula boat harbor, beach and Lawaii coast and



am requesting that I be allowed to comment on a separate questionnaire for any development in that area. I refuse to combine 2 completely separate areas into this single question. Kukuiula is almost entirely in a different ahupua'a. I believe developer should have to conduct 3 surveys, One for each project area. Impacts for substantial destruction of cave system and lava tubes. Continued desecration of burial sites and culturally significant sites in Koloa. Why not give a more in-depth explanation or TMK number for every property? 2 species found no where's else which reside in the the Koloa cave ecosystem consider to be one of the 10 most endangered cave systems in the world.

- 11. Yes I am being threatened by arrest daily if I try to access my once daily prayer site. KPD is being privately hired by developer and has given out trespass warning for the property and the adjacent road that the public uses to enter Kiahuna development and Wainani subdivision. Even though this road is accessed by the public, I and other practitioners have been told that we are not allowed to walk on the public road and we will be arrested if we step foot off of Hapa Trail. The difficulty is that no one has ever determined where Hapa Trail begins and ends. In fact, there are rock formations on Hapa Trail that abut the fence recently built by the developer which raises serious questions about whether or not the developer is actually fencing us off of parts of Hapa Trail. Colin Thompson the VP has been harassing us as we document the desecration from Hapa Trail. He calls out and yells at us and asks why we are there. Recently, he started flying a drone right next to us as we stand on Hapa Trail. I took pictures of his drone and strongly object to this threatening and harassing behavior by this developer.
- 12. No it should NOT proceed. This developer has blatantly and repeatedly broken the law. He is pending IRS charges for a similar instance of depreciation of value of land. He is blocking cultural and lineal descendants from accessing this culturally significant site. I do not trust this process. I do not believe in this process, how can you ask for our input of such a culturally significant site while the developer is grading with bulldozers and front end loaders and blasting, destroying the resources? I was on site the day Missy Kamai conducted her survey for cultural surveys Hawaii. She herself told me she could see the cultural significance in this property and promised us that the lot would be cleared by hand before a full team came in and concluded a final archaeological survey This never happened. I was also approached by Rick Paul Cassiday the same day Missy came, I was on site when he attempted to bribe me offering a payout for each child I had and a donation to each school my children attended if, in return, I stop being vocal against this project. I declined his offer. I told him I was not interested in money.
- 13.1 do not trust cultural surveys Hawaii and I do not trust Honua consulting and have been made aware that they have been a part of burial desecration on Oahu and Kauai. This entire process is wrong and there are still pending burial registration for this land. With multiple ex-county attorneys and employee working for developer of this project and the developer who is relying on a Christmas Eve county agreement that was never



approved by the LUC. The Decisions and Orders by the LUC affecting the project area have not been followed and the developer applicants and County are jointly obligated to follow the LUC decisions. See attached for 3 party agreement between County and developers with no LUC approval.

14. Yes there are many community members who did not get a chance to give input. This process is completely being done backwards and the wrong way, how is the county of Kauai now asking for our input on this property when we have been trying for almost 2 years to protect this site? County of Kauai was required to conduct this analysis before granting the grading and grubbing permit that was illegally given without a final biological or archaeological report. (grading permit granted 3/22 final biologic survey not done until 5/12/2022 and alleged archeological clearance from Cultural Survey's Hawaii is dated 5/9/2022, more than a month following excavation and extensive grading.

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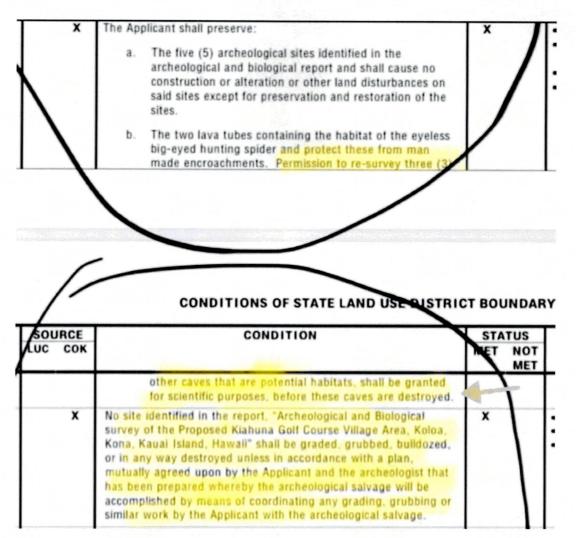


Figure 28. Document provided by interviewee





Belt, Collins and Associates, Ltd. Engineers, Planners and Landscape Architects Hawali Bldg. Suite 514, 745 Fort St., Honolulu, Hawali 96813, Phone 521-5381

April 21, 1976

Dr. Francis G. Howarth, Ph.D. Bernice P. Bishop Museum P. O. Box 6037 Honolulu, Hawaii 96818

Dear Dr. Howarth:

In response to your concern that there may be caves within the area of Moana Corporation's planned resort residential community at Poipu, Kauai, which have biological significance, we have consulted with Aki Sinoto, the Bishop Museum archaeologist who did the preliminary studies on the site.

Mr. Sinoto indicated that there may be as many as three caves and that he will send us the general location of these caves on a site map. If, after a thorough inspection of these caves is undertaken and it is determined that they are worthy of preservation, they will be preserved as part of the landscape plan. The inspection will be done as part of preparing more detailed plans on the project after General Plan review.

We appreciate your concern. If there are any further comments, please let us know.

Sincerely yours,

James R. Bell

JRB:gk

cc: Robert Harmon Mike Vance

Principala: Robert M. Belt, James R. Bell, Paul M. Hirots, Frank E. Lyon, Jr. Auscister: William D. Ng, Raymond F. Cain, Mark H. Hastert, Larry E. Helber, Joseph Vierra, Jr., Paul P. Wallrabenstein, Jr.

Figure 29. Document provided by interviewee

Cultural Impact Assessment, Ethnographic Survey and Ka Pa'akai Analysis for Three Development Projects in Kōloa, Kaua'i



5.4 Responses from Elvira Kimokeo

1. Please provide your name.

Elvira (Ella) Kimokeo

2. What is your profession? Retired

3. Where were you born and raised? Born and Raised in Koloa on family parcel in Poipu, Nalo Rd

4. Where do you live now? Hanapepe, Kauai

5. What is your association, if any, with the Project Area(s)? Based on the provided map, what place names do you know for the project area(s) or near the project area(s)? Walked regularly to the Catholic Church from our home in Poipu on Hapa Trail with my Grandmother and Mother Mary Costa Kimokeo

6. Are you aware of any cultural resources in the Project Area(s) or near the Project Area(s)? And have you ever accessed those resources? We would visit the Lava Tubes and Caves near Hapa Trail and we would pick mauna loa and black-eyed susan for lei making.

7. Are you aware of any traditions or customs that may take place near the Project Area(s) or are otherwise associated with the Project Area(s)? Yes for lei making and cultural practices seeds for lei's and keawe wood for kaula pig. Moho lived in lava tubes and we were told by Kupuna that the Ali`I were buried in the caves under or near the project area.

8. Is there anything about the project area that's particularly significant you would like to share?

It was my way to the get to Church with grandma Mary Kimokeo, to Koloa town and school. We used Hapa Trail almost every day. It has now been fenced and access is much more difficult.

9. Are there any stories associated with the project area we should be aware of? We all learned from our elders that the mo`o lived in the cave and traveled the cave to the fish pond near the coast to keep the fish pond clean and then return to the cave in the Kiahuna area of the project where he lived and propagated to preserve the fish ponds like the one at kaneiolouma. The mo`o was a lizard like creature that lived in the water and on land. The parcel that is now being developed was known to have underground springs and water that traveled through lava tubes to the ocean. The explosions that are being done we know from our elders are not good for the health of the ocean because of the debris that travels in the water underground to the coast contaminating the Limu, Opihi and Ayukuki/Wana.

10. The proposed project includes three new developments in Koloa. Are you aware of any resources that may be impacted by such a project or projects? What might those impacts be? Can you think of ways in which any potential impacts can be minimized, mitigated, or avoided? No one talks to us. The property is already graded. Mounds that used to be on the property are now flat. Many rock formations have been blown up or crushed. How do we get that back? I don't know how to mitigate this damage except to ask that you please stop the development and allow the kupuna buried there to rest in peace.

11. Are you aware of any traditions or customs that may be impacted by such a project,



including your ability to access cultural resources? What might that impacts be? Can you think of ways in which any potential impacts can be minimized, mitigated, or avoided? Ali`i iwi will be impacted. Plants that we used to gather can no longer be gathered as they have been cleared away. Our sacred trail is now fenced with barbed wire on one side and fence posts that are sunk in concrete. A worker was seen adding dirt to the top of the concrete to hide all the concrete that is poured in the ground right next to Hapa Trail. This is a desecration of our environment. The amakua underground has been permanently violated.

12. Do you have any recommendations for conditions or best management practices for the project, should it proceed? Stop the projects, make it a park. A place that people can enjoy. We don't need more people and more cars to compete with to get to our coastline and beaches. Developer greed is changing the life we've known and the land we love.

13. Is there anything else you would like to share? No, other than to ask you to please consider and change your plan to keep so many more people from being hurt.

14. Is there anyone else we should talk with about the projects or the Project Areas? Families and descendants that still live on Kuai Rd

15. Is there anything in this interview you would like us to omit from the summary? No



5.5 Responses from Glenn Silva

Interview Questions 1. Please provide your name. Glen Silva 2. What is your profession? Retired - Land Title Research 3. Where were you born and raised? Born Oakland, CA; Raised Koloa 4. Where do you live now? Puhi, Kauai

5. What is your association, if any, with the Project Area(s)? Based on the provided map, what place names do you know for the project area(s) or near the project area(s)? Family Land ties. Please see deed that granted my family more than 3,300 acres between Wiliwili tract and Kukuiula harbor. I went with my grandparents to a family burial sites that were in the property along what is now Kiahuna Plantation Drive. We accessed the property from Hapa Trail and I went with my Aunt and grandparents to take ho 'okipa to grave sites in tribute to our kupuna. Place Names - Kana Moku and my family name was Kukona which my great grandfather changed to just Kana. Because the Kana family was deeded so much land on the South Shore, the family name was used for the name of the Moku. My great grandmother signed the Pala pa la Hoopii Kue Hoohuianina Petition Against Annexation, copy which she gave me attached which bares her signature, last on the list.

6. Are you aware of any cultural resources in the Project Area(s) or near the Project Area(s)? And have you ever accessed those resources?

On the lot being developed now in Kiahuna I remember going to honor kupuna that were buried there. There used to be a mossed rock formation on the part of the property nearest the golf course. It had a rock wall nearby that was broken by bulldozers that worked on the property in January 2021. I was visiting family in Koloa and saw the damage to what was an ancient Heiau. I have walked Hapa Trail many times and it was used most by young people on their way to the beach to fish, throw net and swim when I was growing up in Koloa. We used to collect plants for my grandmother and aunt who would make medicine for our family. I also collected lima kohu, threw net and fished from the shore which several of my friends still do.

7. Are you aware of any traditions or customs that may take place near the Project Area(s) or are otherwise associated with the Project Area(s)?

From my family, I know there was a long history of loi and sweet potato planting in the area. There were ceremonial practices for the planting and harvest season that we remember today when we walk the historic Hapa Trail. I would like my children and grandchildren to know of these practices like walking Hapa Trail which is now much more difficult because the access on the east and west side has been fenced. The Kiahuna property was an area for hunting as well and also a place for births and deaths with burials in the caves that we believe go throughout and connect all the parcels.



8. Is there anything about the project area that's particularly significant you would like to share?

My aunt and grandmother took to the graves of our ancestors but with the recent changes on the property with the fencing that keeps me from walking on the parcel I am not sure I can find their graves today.

9. Are there any stories associated with the project area we should be aware of? I had family members who would connect spiritually with the Kupuna in the Kukona and Kon a family. I recall auntie Stella telling me it is important to remember and try and preserve the family stories.

10. The proposed project includes three new developments in Koloa. Are you aware of any resources that may be impacted by such a project or projects? What might those impacts be? Can you think of ways in which any potential impacts can be minimized, mitigated, or avoided?

Yes, Koloa is a small community with many older plantation families, 2 small grocery stores and 1 post office. I'm concerned that the proposed development will impact my friends and family being able to get to the beach. It is already difficult, if not impossible, to find a place to park when we want to swim, fish or enjoy our coastline. It's not that we don't want to share but we have 3 large resorts in the area and more vacation rental properties than properties for Koloa residents. There are already many more tourist here than local families and these planned developments will bring even more traffic, waste, runoff to the ocean during construction directly changes my families ability to enjoy this community which has been home to most of my family for hundreds of years. The size of the proposed developments are too large for this community. The 3 planned developments will add more than 400 cars to our roads which are all single lane and the tree tunnel is the only way in or out unless we are routed to Omao Rd which is a windy residential road. We already have problems when there are threats of hurricanes or tsunami and our single lane roads become gridlocked as people try to exit and head for higher ground. Any natural disaster requiring evacuation is already a problem for Koloa and Poipu. Adding so many more units is only going to add to the problem. 11. Are you aware of any traditions or customs that may be impacted by such a project,

including your ability to access cultural resources? What might that impacts be? Can you think of ways in which any potential impacts can be minimized, mitigated, or avoided? Yes, Absolutely Access, Access, for all traditional and customary practices (see #7) = Destruction of Kanaka way of life. STOP! Now!

12. Do you have any recommendations for conditions or best management practices for the project, should it proceed?

Recommend you respect and honor all customs, traditions and access to our lands and the ocean. Hapa Trail has been open for years and could be accessed from its east and west side which are now fenced. Developer said the fencing was temporary. I saw the fence going in and there were concrete footings for each fence post that went at least 2 feet into the ground. Some workers cave back and put dirt on top of the concrete to disguise that it's built in concrete but we saw it being built.



13. Is there anything else you would like to share?

It scares me to think of more than 300 new homes in this small community. With the added people and cars, Koloa and the people that have enjoyed its small-town culture and traditions will be lost. That make me very sad for my children and grandchildren.

14. Is there anyone else we should talk with about the projects or the Project Areas?

Hopefully others in my community like uncle Billy, Rupert and Kane will send in their responses. We all know that these developments are going to limit our access to Kukuiula boat harbor, Koloa landing, Sheraton beach, Waiohi beach and Poipu Beach.

15. Is there anything in this interview you would like us to omit from the summary?

No, and I would recommend that you contact and consult the Wichman family, Kauai Historical Society, and read *Na Pua Ali'i o Kauai* which will help you understand how important this area is to our people and the local residents.



8 62.5

Figure 30. Document provided by interviewee



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Figure 31. Document provided by interviewee.



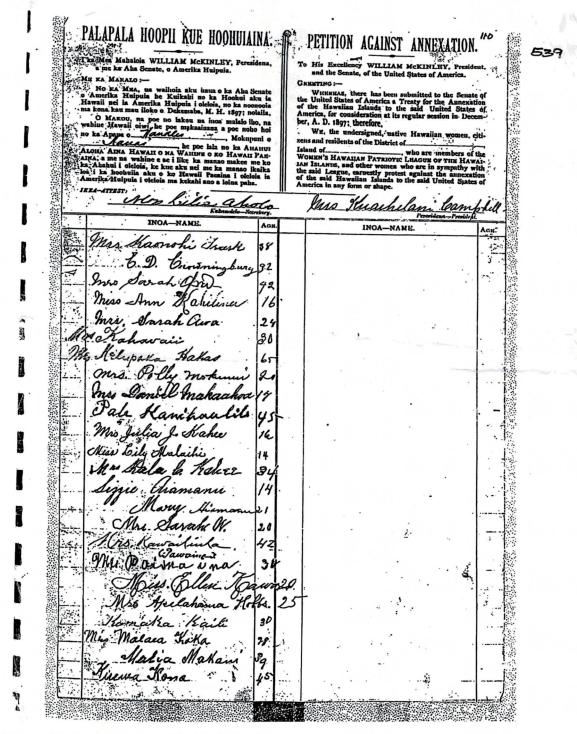


Figure 32. Document provided by interviewee.



5.6 Interview with Keao NeSmith

Interviewer: Fern Holland Interviewee: Keao NeSmith - kumukeao@gmail.com Date: June 9, 2022 Location: Zoom

Biography

Keao NeSmith is an independent researcher and consultant. He was born in Waimea, Kaua'i and raised in Kekaha. He currently resides in Honolulu.

Keao grew up in the project area and is a local who accessed and utilized resources along this area throughout his life. He is a Hawaiian researcher and has an interest as such in this area. He has worked to clean and restore Kānei'olouma heiau.

Overview

Keao's particular interest is the area is mostly around Kānei'olouma heiau and complex. His interest is based around his research and ongoing discussions about the sites in this area and their uses in the past and their potential uses today and in the future.

Keao is opposed to further development of this area and points out it is already so heavily impacted. Keao mentions the rich history this area has spanning centuries. He talks about the overall importance of this area and the important educational opportunities it offers and solutions for the future. He describes the impacts he sees because of these developments.

General Discussion

Keao says he, and many Kaua'i residents, don't want more development in general. He says Kaua'i roads are jammed packed and there are already too many cars. He describes the over development as drowning out Kaua'i and its people with foreigners. He feels people need to do whatever they can to slow down this displacement of locals and bring the population to sustainable levels.

Cultural Resources, Traditions and Customs

The Kānei'olouma complex was along the coast. He explains the significance of Kānei'olouma complex and the extensive network that runs along the coast, much of which he notes has already been destroyed by existing development and commercial projects. He explains that, looking at the archeological record all these cultural sites are a connected network, all the way to Lāwa'i Beach Resort and Kūhiō Park to Māhā'ulepū in the other direction, is one system. We don't know specifically some of the uses of certain areas. A lot of it was mixed use, a lot of it was heiau, some villages, even rock quarrying. A lot of the rocks in the stories of menehune were taken from this area.



Another form of cultural resource Keao points out is the study of the old aquaculture systems in this area. Kānei'olouma has raised aqueducts, which is an amazing feat of engineering and these troughs are still there that were raised above the ground in order to use water through a gravity fed system. He says we don't completely understand how these systems worked and if they are even aqueducts, but it appears this way. This would have been part of a system that went mauka that would have been connected to the streams in this area.

Keao says another important resource is access to important land for agriculture. He explains the mauka areas were extensively farmed for 'uala, kalo, etc and the records show there were lo'i kalo up there and the fields were planted in 'uala in other areas.

Kukona, father of Manokalanipō, in the 1400s, was involved in a battle here and Kamapua'a was involved. This battle was with the ali'i of Maui and they fought a really bloody battle along this coastline. It ended with Kamapua'a jumping in to support Kukona and the Kaua'i army to defeat the Maui army. Then there was the time of peace under the reign of Manokalanipō. This was about 400 years of peace and prosperity for Kaua'i that followed this battle. This could be the time these complexes were built. Later, Kamehameha landed here in this area also.

These are events that he believes memorials should be created for in these areas.

Limaloa is an ali'i that became best friends with Kamapua'a. Limaloa was the ali'i of this area, not sure if it was the ali'i of the ahupua'a or a moku, but according to legend he would hang out with Kamapua'a and at some point, he fell out of favor with the people of the area and they kicked him out and he ended up in Mānā. Limaloa became a kakua, god, in Mānā and he is connected to the story La'ieikawai, goddess of the rainbows, which always followed her. La'ieikawai was the goddess of the lake of Mānā area and the mirage of the Mānā. Limaloa became her lover. There are lots of chants and hula that reference Limaloa, Lā'ieikawai and other ali'i and important figures. Limaloa is originally from this area.

Salt beds were once in that coastal area but those have been destroyed. Uncle Billy Kaohelauli'i would have more insight on the locations of salt beds and traditions related to this.

Impacts

Much of this area has already been destroyed from existing developments, particularly since statehood, 1959. This was the beginning of the era of large-scale developments. Many sacred grounds and ali'i estates were rapidly developed post 1959. The destruction of a lot of these sites like Kānei'olouma then occurred, to create roads. County and state departments should



have maps and records of the developments of the road systems and that means they should have maps that show these cultural sites in this area.

Keao says this development is the continuation of the destruction of these cultural sites. He notes that the destruction is already extensive and he feels we should not be piling onto it.

He explains if these agricultural systems are destroyed, we have lost all opportunity to study, understand and learn from them. If Hawaiians are further restricted from these agricultural areas and these sites convert from important agricultural features to commercial venture projects, it prevents the possibility of Kaua'i becoming independent and self-sustaining agriculturally.

He is concerned there isn't proper recognition of the important treasures we have in these valuable sites. He believes all of these sites should be considered national treasures instead of ventures for capitalism.

For locals, he sees it as a chain reaction that's been happening since occupation. He notes one of the first things to go in colonization was the aspects of the education system that taught the value of these places. This disregard for education about these cultural sites led to lack of knowledge among locals about these sites and their importance. In turn this lends to ambivalence to developments like this, like they don't matter, which extends from a previously existing, decades long, exclusion from the education system.

In order for Hawaiians to arrive at a common understanding development like this need to be stopped and education needs to happen.

There are many ways to look at the impacts to resources. If we are talking about resources we use on a daily basis today, he thinks immediately of water primarily.

Many projects do not write into their plans to make sure locals don't have access, but it is the natural result of developments such as these.

Cultural practices returning to these areas could be impacted. Just because Kānei'olouma is protected and being restored doesn't mean we are asking that locals return to that practice. The fact that this exists and the stories continue is a resource.

Projects like this aren't built for or to attract locals, they attract foreigners by their very nature. The more we edge out the local population and allow in the foreign population the less appreciation there is for all of this and these resources. Locals in turn feel less connected to their history, land and culture by actual segregation and developing them out of the area. He compares it to the overdevelopment of Kīhei on Maui, and does not look kindly on over



development of the south shore such as this. He sees Kihei as totally overdeveloped and not resembling Hawai'i anymore and believes the problem is projects like this.

Keao struggles with the rationale behind these types of projects. He does not want more developments such as these. He says he speaks for many on Kaua'i when he says Kaua'i roads are already jam packed, there are already way too many cars and we are drowning out Kaua'i locals with foreigners of all kinds. He feels we need to do whatever we can to slow down that change and bring the population down to sustainable levels. The problem is already severe when it comes to the overpopulation and over use of commercial spots and the beaches in this area and these developments will further exacerbate this problem.

Keao believes that projects like these also result in an increasing economic divide on Kaua'i. He explains these developments keep locals with few options but low paying jobs that are hard to survive on here anymore. Developments like these like to brag about job creation, but they are often offering only low paying jobs, without security. Projects like these do not provide opportunities for highly educated residents, who have to go elsewhere to find jobs that suit their educational background. He does not feel like it is brag worthy for developers to boast to the community about their job creation, especially at the cost of what is lost. All things considered, when he looks at the pros and cons, it seems to Keao that the advantages are to the mega rich and developers, but not for locals who do not obtain secure and economically sustainable lives for themselves through these developments.

Mitigation Measures and Recommendations

Speaking of mitigation, Keao feels like if they are going to mitigate the project it would have to be significant. He described it like, if they want to take some, they have to give some and it has to be equal. It cannot be take a lot and give a little. He explains that if these developers are going to take, they need to provide in equal proportion.

This is an extremely sensitive cultural area because it is so packed with historical events that took place centuries ago. Really Keao is against the project and would rather it not happen altogether.

He suggests further conversation with Canen Ho'okano & Members of the Knudsen Trust, Kumu Leina'ala Jardin, Uncle Billy Kaohelauli'i, Andre Perez and Momi Kapahulehua.



5.7 Interview with Malia Chun

Interviewer: Fern Holland Interviewee: Malia K Chun Date: June 1, 2022 Location: Zoom

Biography

Malia Chun from is the Program Director for Nā Pua No'eau. Nā Pua No'eau is a keiki cultural enrichment program, which is a program of the University of Hawai'i. Malia was born and raised in the Moku of Puna, in the ahupua'a of Wailuanuiaho'āno on Kaua'i. She currently resides in the Moku of Kona in the ahupua'a of Waiawa.

Overview

Although Malia grew up in the Moku of Puna, when she was like 1-4 years old she lived on the south side, while her father was the sous chef at the Waiohai. She explains that back then all that surrounding area was still sugarcane. There were also still fishing families there beachside that were sustaining themselves and their families from resources along the shoreline there. Her family gathered and fished from this coastline and her connection is one that was fed and nurtured by this area and its resources.

This project area is extremely significant to her, as well as this whole south shoreline, not just because of its rich history for her as a kanaka but because of the potential for what it could be restored to in the future and what that would mean for the survival of future Hawaiians and everyone that lives here. The site is significant to Malia as a kanaka and as a mother and as a connection to her identity.

General Discussion

Malia explained that these types of questions and processes seek forms of additional proof of the cultural and historical significance of an area when it is already blatantly there in our history. She explains it is true that there is cultural and historical significance in this entire Koloa area. She tells of how it is well known that this area housed an ancient elaborate and unique Hawaiian agricultural system, numerous heiau and burials and 'auwai and stream systems that fed this area in a unique manner.

She explains that the problem from a kanaka, indigenous, perspective is that the proof comes in the form of mo'olelo and genealogy and cultural practices. She mentions that these forms of evidence are not considered relevant in a western system of occupation. She feels that these forms of evidence do not count as enough under American law, unless it is validated by a white man.



Malia explains that the cultural significance of this entire area has already been thoroughly established and that the complete desecration by development of this entire area is also clear.

Cultural Resources

Malia mentioned that there are too many site names to mention in this area.

Malia says that despite the destruction of these areas and over development of Koloa, the remnants of this ancestral blueprint of her people still exist. Malia talks about the many relevant mo'olelo that refer to this area and feels that these historical accounts should be enough to warrant deep investigation and due diligence for any disturbance.

She goes on to explain that for her to pinpoint exactly what is in a specific location would take too long and a lot of deep research, if provable at all. Malia stresses that what we need to consider is what we value. To Malia this ancestral blueprint to self-sufficiency is a priceless part of her history and culture that will lead us into the future. She asks what is more of "value"? Is it multimillion dollar homes and condos or this ancient and historic blueprint to self-sufficiency and sustainability and food production for Kaua'i? She feels that with every additional development though this area we are bulldozing this important blueprint.

Malia mentions the HAPA Trail exists in this area and that it had an ancient name, even before the times of the HAPA trail, she believes it was named Luahine Alapa'i. This highlights the need to look at the various layers of history in this area.

Kānei'olouma nearby was also mentioned and Malia mentioned that it has so much mana and relevance to Hawaiian traditions and customs and yet it is completely surrounded by development. Kānei'olouma heiau housed navigation, agriculture, makahiki games and was a dynamic and elaborate complex.

Malia recalls that the whole shoreline along the coast as a child was covered in ko'a, or fishing ahus or markers. These were used to mark important places and specific resources, traditions and places of religious practice. As a child she remembers some of these ko'a and seeing practitioners utilize these fishing traditions. She says it may be irrelevant or not noticeable to foreigners, but for kanaka this is a story of the prized value of the fishing resources in this area. Malia explains also that this is matched by mo'olelo about the fishing gods and legends that relate to these fishing resources along this coastline.

She emphasizes the uniqueness of the once thriving dry land agricultural complex in this area. Malia explains that Hawaiian natural scientists and engineers were developing and maximizing the lands with this complex system. She mentions the ingenuity that it took of her ancestors to maximize the limitations of this area to sustain such a large population.



Traditions and Customs

Malia mentions that makahiki traditions and customs were practiced in this area. She also explains that unique fishing, agriculture and navigation history and traditions occurred in this area and that a great deal of the ancient mo'olelo is largely neglected. Many practices occurred in this immediate area associated with these important features.

Malia knows general stories about this area and explains that many moʻolelo are general in nature and it can be hard to pinpoint the exact spaces where some of these things happened based on moʻolelo, but we know it is in this area.

She specifically referred to the stories associated with the wars that happened along this coastline. She mentions that 500 years before Kamehameha united the islands there was a huge war during the time of Kukona's reign. She explained that this war called on warriors from the two biggest moku on Kauai and that many of them perished in this area. This incredible mo'olelo talks of perseverance and what it means to care for people. It speaks of grace and dignity. This is one of Malia's favorite mo'olelo about this area and its history and specifically relates to the areas closer to Māhā'ulepū where the actual battles ensued.

The other specific stories from this area that she is aware of relate to the incredible agricultural complex which is a huge mo'olelo in itself.

Impacts

To Malia it is sickening that this desecration is continuing today. She acknowledges it is just one small example of the desecration that happens daily in the islands and explains that she feels like despite all the marching and screaming, things will not change until the paradigm shifts and this ancestral knowledge is valued by western society.

Malia says that she thinks that the bulldozing, blasting and development happening in this area poses a threat to many things. She describes that for some kanaka, whether it has been proven or not, their ancestors still reside and are at rest in these areas. For others these areas are places of worship and where they gather and practice traditional customary rights. Malia asks how one can consciously build over these important sites. She talks about the existing impacts and how developments that have already been built in the area do not want to give practitioners access or work with Hawaiian practitioners. She does not feel this will be different with these new proposed developments.

Malia talks about how she has tried to access some of these cultural sites and has to try to get access through people's yards. She is appalled that this is still happening today. She compares it to developers still going by the old rules and mentality when they have new tools and understandings to go by these days. Malia believes something is really wrong if Hawaiians



have to go through gated communities and multimillion dollar homes to practice their culture because their places of worship are in someone's backyard.

Malia believes these developments in particular, pose a huge threat to the cultural landscape of this place. She says the big question is when is enough, enough and how much more abuse can a place and people take before they break. She goes on to ask who are we serving with these projects? She does not believe it serves the health and wellbeing of this 'āina and certainly doesn't have the future of our keiki in mind.

Malia sees the impacts of the destruction and erasing of these sites as something that will lead to further displacement and restricted access to places of historical and cultural significance for Hawaiians. She sees it as isolation from important places to practice and exercise which in turn completely strips kanaka of their identity while erasing their history. She mentions that kanaka fail to exist without 'āina, yet 'āina can thrive without people. If a people are connected to a place and they are no longer given access to those places that shape and grow their identity as an individual and as a people then we lose the essence of Hawai'i.

When she looks at how far we have come in such a short time, away from sustainability and instead to luxury condominiums, it hurts her heart. She points out that we as a society must reobtain these skills and knowledge to survive in our changing world. She feels that the next generations are being robbed of what should be their opportunity to revitalize this agricultural system to help us thrive in this remote place. She continues to point out that the next generations can't eat the dollars that come from cleaning multimillion dollar condos and gated communities. Malia thinks about it as what kind of future will her children and their children have and she sees these developments as greatly impacting this future.

Malia talks about the imminent food crisis we are facing and the housing crisis and how we should be doing what we can to address these issues but instead are bulldozing these gifts our ancestors gave us to deal with these challenges. She believes the impacts of this will leave the next generations bankrupt in every aspect of their lives.

Malia talked about the many cases of desecration that have occurred to date on the south shore. She lists many examples like the Hyatt where the surrounding area is the location where many battles happened and it was no surprise that they would uncover hundreds of iwi to develop there. She mentioned they paved right over a heiau to make a parking lot for the golf course. She also mentioned Kōloa landing as another example and yet feels like Hawaiians are still wrongfully tasked with continuing to prove that this area is significant and will result in further desecration.



She asks, if as a society are we blind? Did we not learn from all the other developments that have happened on the south shore, in which hundreds and hundreds of iwi and the destruction of these valuable ancient blueprint, is that not proof enough to halt development in this area and reassess.

Malia understands that if these sites are lost her keiki will no longer have this important blueprint to refer to about how to survive and sustain themselves in their homeland and in return they will continue to be prisoners of this system, where the only way to sustain themselves is to be servants to the wealthy. She finds it mind boggling that it is being allowed.

Malia said as a kanaka and as a makua the impact on a personal level is discouraging and upsetting. She believes it is important to create spaces that native intelligence, genealogy and moʻolelo are relevant and unfortunately does not feel those spaces exist currently.

Mitigation Measures and Recommendations

Malia wants the desecration of this area to stop. Malia does not think the project should proceed. She does not think they have engaged the community or practitioners or done their due diligence.

As far as luxury housing, luxury condominiums and luxury multimillion dollar homes, that are inaccessible to her keiki and the next generation of Hawaiians, Malia does not see any solution besides stopping these kinds of ridiculous developments. Malia believes we need to address the issues at hand, the houselessness and lack of food security on Kaua'i before such foolish developments. She points out we have enough luxury accommodations that sit empty half the time while our local Hawaiian people struggle to put food in their mouth and roof over their head. She believes until we have addressed these critical issues, we should not be allowing developments such as these to even be considered.

Even if these sites were being developed for local housing needs, she does not feel it would be right to desecrate these significant sites. She said, whatever affordable housing means in this day in age it would at least make more sense than luxury condos. Malia does not support development on cultural sites at all but definitely not for the development of luxury vacation homes and transient accommodations, which feels like another layer of adding insult to injury. She feels the development of these areas means that the reference point for Hawaiian mo'olelo genealogy and history are erased. The impact of erasing important things that connect kanaka to this space erases self-identity as a kanaka. She sees the bulldozer as an eraser of identity.

Malia feels that as long as the wrong people are in positions of power and decision making this abuse and desecration will continue. She believes that Hawaiians need to understand the



laws and loopholes and learn the process to use it to their advantage to stop this type of desecration and foolish development.

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5.8 Interview with Mason Chock

Interviewer: Fern Holland Interviewee: Mason Chock Date: June 2, 2022 Location: Zoom

Biography

Mason Chock is a Kaua'i Council Member. He was born and raised in Wailua, Kaua'i as well as Kapa'a and Kōloa. He currently resides in the Wailua Homesteads. Mason is familiar with the Koloa and Po'ipū area from his time growing up there as a child.

Overview

Masons emphasizes the unique structures, complexes and practices that occurred in this area and his connection to them. Mason discusses the potential impacts he sees of these developments and the recommendations he has.

General Discussion

Mason discussed the significance of this area to him, as a Hawaiian, and to all Hawaiians and its rich history. Mason describes the importance of these fishing resources and the structures that were associated with them along this coastline. He also mentioned that the unique structures and complexes in this area are extremely significant and have a great deal to teach us about ways to live sustainably in Hawai'i.

Mason described his involvement with the site as one of visiting and participating in some cultural events in the Kānei'olouma area and also along HAPA trail and the heiau that is closer to the coast by the Kukui'ula parcels. From a practitioner's standpoint, Mason accesses these areas to gather, and has his whole life and monitored that coastline closely for many years. Mason has participated in rituals and celebrations that acknowledge his kupuna along this area from Kukui'ula to Makahū'ena.

Mason mentions the resources from this area he has personally used include surfing, collecting limu (mentions Kohu, 'Ele'ele, Wāwae'iole and others) and fishing in these historic and prized fishing areas. He notes the changes in his lifetime and how many of these resources are now depleted and heavily impacted. He mentioned that as a child moi was extremely plentiful, especially along the Māhā'ulepū side. He notes the big caves along Makena. At one time there was a huge abundance and assemblage of species and Masons fished daily along this area. He has specifically caught menpachi and even pelagic fish and tako are prevalent in this area. Opihi used to be prevalent along the coast. He also notes high shark populations here.



Cultural Resources

Mason sees the area as providing a wide range of cultural resources and spiritual sites important to Hawaiian practitioners. Mason points out that near these projects there are a multitude of significant sites and a rich history and lots of coastal resources.

He mentions the important cave systems in this area. He mentions the environmental and cultural significance of the presence of the endemic endangered spiders that are found only in Koloa and notes there should be US Fish & Wildlife protective measures to avoid impacts to these populations of spiders.

Mason mentions Kānei'olouma and the larger complex that runs from mauka to Kānei'olouma and transverses multiple properties. Mason describes this system as a rich cultural resource and an elaborate complex of sporting activities, community-based fishing traditions and rich with canoe history. Mason compared the Kānei'olouma system to acting like its own self-sufficient ahupua'a incorporating a wide range of land uses and forms of agriculture and land management together in a small area.

Mason describes this entire area as being well used in ancient times. He marveled at the complexities of the system his ancestors developed, describing the level of engineering skill and land management understandings that would have established these agricultural complexes within this largely dry and arid area. He specifically noted the amazing rock structures that were used to move and manage water in this area.

There are significant loko i'a and water management systems that were in this area, he notes that these would have specific names that should be able to be researched.

There are significant cultural sites around Kukui'ula and some of these sites reference to burials, including for ali'i burials hidden in these areas. As far as he understands some of these have already been destroyed and developed over.

Mason mentions that the proposed Kauanoe o Koloa development is near the HAPA Trail.

Mason shared that growing up in this area he was aware of historic sites and heiau related to fishing along the coastline. Mason participated in cultural events at some of these sites and at a heiau in Kōloa. As a practitioner from an access perspective, Mason has and will continue to use these areas and resources.

Traditions and Customs

Mason referred to the rich mo'olelo that comes from this area that would likely describe more of the traditions and customs associated with this area. In addition to the ceremonial aspects



He talked about the traditions that would have occurred for ali'i in this area. Mason explained that ali'i were known to have resided in this area and some of their burials are referred to but their location is not known. He said so much of this area was frequented by ali'i and there were specific structures related to ali'i that are worth noting.

Mason shared that this area was rich in makahiki traditions and customs. He described the unique custom to pull together a wide range of purposes into a small area.

Mason reiterated that this was an extremely unique area and incorporated a wide range of ingenuity that would have been associated with a wide range of its own traditions and customs.

Mason mentioned the agricultural importance of this area and that he thought a lot of this is very significant for the future of Hawai'i. He explained this area can provide important education and understanding about the traditions and customs of our ancestors regarding engineering and land management that will allow us to plan for the future.

Impacts

Mason feels it is quite possible that cultural resources, caves and burials could be present on these parcels or immediately adjacent given the significance of this entire project area. He emphasizes the need to exhaust due diligence for a project like this.

Mason explains that the Kōloa and Poʻipū area have always had issues with managing water. Whether it's not enough access to water and how you get it there or in terms of development and how you manage what is coming off of it. There is no significant response to how runoff and drainage has affected and continue to affect our low-lying areas such as our beaches or coastal resources and fisheries. It also impacts health and safety. He explains the land use and developments above these coastlines greatly impact the resources and health of the coastal ecosystem and fishing grounds as well as the safety of recreational swimmers and subsistence fishermen.

Mason points out that the impacts of previous developments in this area are clear. He explains, if you look at the parcels and talk to the old-timers the loko i'a that was there helped serve an important function to manage the drainage. He explains that loko i'a were prevalent along the coast and acted as filters and basins to protect water and coastal water quality. This loko i'a was covered by the County, and now the runoff literally has to be pumped out of the Sheraton and parking lots. Mason explains the costs associated with the destruction of these ancient water management systems that we do not often consider. These other parcels could have major impacts on the long-term restoration efforts of these fishponds and cultural sites.



The impacts to water quality Mason said is already prevalent offshore in this area. The data is clear that what we have done and are doing is having a huge impact on the coastal resources from a health and safety standpoint. The coastal waters and the adjacent water bodies are known to be polluted with human waste. To add more development in this area without a regional plan that takes into consideration the existing degradation and the compounded impacts on future restoration efforts. He sees additional development without these concerns being addressed first as the certain destruction of the remaining reef ecosystem and fisheries.

In relation to access Mason says we have to do better than just recognizing the site is there but then also connect it to the practice and access needs for the site to be honored properly. Mason talks about the impacts to practitioners who are unable to make those connections and use these sites as they are meant to be used. He explains if the site is enclosed in a hotel, or surrounded by multimillion-dollar homes, it loses its relevance and when we don't acknowledge the connections and purpose of the site, it is not really protected. He feels that while we have started looking more to preserving these sites, it is not enough, we need to look at restoring their purpose and the knowledge that came with it.

He goes on to explain that if, for example, he is going to utilize a historical navigational point and honor the movement of celestial bodies in some way, imagine how difficult it will be with a multi-story building blocking the view. He points out it becomes impossible for some of these practices to continue.

As Mason explained the correlation of sites to each other with the navigation perspective, regarding access specifically in Koloa, he spoke of the interconnected relationship of specific heiau and 'auwai systems. He described these as having been broken or dismantled over time leaving gaps in Hawaiian history and its significance as a complex agricultural and religious system. Cultural stewardship organizations are working hard to make those reconnections and to support this effort. Mason believes we need to more clearly outline the whole region and protect the access between them for when we are ready and able to restore it.

He addressed that continued access for practitioners is always an issue. He mentioned golf courses that surround important ceremonial sites and how we have to do better in recognizing and honoring the true purpose of the site and providing the right kind of access. It's understanding the connections a site has to what is around it that he says matters.

Mason believes we should be looking at all developments appropriately and investigating how they fit into the surrounding landscape in a way that works with nature rather than against it and questions the goals we have and if they revolve around community, and honoring traditional land uses. Mason points out that as we are looking more at the land management



of the past in an attempt to find balance, these sites will become more and more important to learn from.

Mason said that human impact is always prevalent, regardless of how intent we are on preservation and protection. When we look at it from a standpoint of how we encourage those that don't understand the significance and impact they create, it becomes amplified. That is what we seem to be supporting here, exploitation of our resources just by the nature of the properties we are developing.

Mitigation Measures and Recommendations

Mason points out that historically we have seen a lot of illegal activity around this area and a lot of destruction of significant sites in this area. Mason said that while regulatory frameworks have somewhat changed to better protect some of these resources the development practices and processes seem to remain the same.

Mason spoke of the complexity of this area in the sense of cultural and historical significance and suggested it may even need a specific progress with the highest level of due diligence. Because of its uniqueness Mason believes we should be even more cautious than usual of how we move forward and revisit and exhaust our resources and assessment methods before we clear the way for developments.

Mason pointed out that in the case of Kauanoe o Kōloa, the community does not have faith that due diligence was undertaken. They have lost faith in the regulatory process that has occurred and getting clarity on the findings and mitigating measures have not been easy, even for him as a council person. He explains that while some of the boxes may have been checked off, in the eyes of the community there are significant holes in what was presented and the developer has clearly not engaged with the Hawaiian practitioners in this area or combed through available resources. It highlights how important it is to conduct good thorough assessments and outreach especially in sensitive areas like this.

Mason suggested we revisit the process if it's not addressing the impacts in a regional manner. He says we need stronger wider coordination from a regional perspective relating to collective impacts. Mason explains we too often look only at a subject parcel rather than with a lens of the wider impacts to the entire region.

Mason said that we should be mapping and marking out the remnants of this major complex before it is entirely lost. One of the regional pieces we are lacking, he explains, is connecting these cultural sites and looking at the system as a whole. There is important connectivity between the structures in this area and there is a correlation to each one that is significant and our processes are not recognizing that.



Mason suggested we need a regional watershed plan and we have a responsibility to understand the added impact of various developments and ensure due diligence when approving projects such as these. We need to think beyond swales and a single property or project best management practices and think on a larger scale collectively about how to manage discharge of all kinds. We need to include the way over land flow moves and plan accordingly to limit the impacts not just to human infrastructure but to the coastal waters and environment.

Mason mentioned that detailed drainage plans that mitigate impacts from waste water is crucial. Managing all waste and runoff in a way that not only avoids further negatively impacting the environment but works in correlation with the cultural restoration projects needed in this area would be key.

Mason feels like the regulating agencies need to do their job and apply extra due diligence in this sensitive area. He says we need developers to consider these things holistically, for example, considering the uses of a place and incorporating such uses into its preservation. In doing this we help things not just become relics and sites that are for aesthetics but instead we are protecting the connections and the importance of the place and its purpose.

Mason is disappointed that we cannot have better smoother communications relating to the surveys and assessments that are used to determine impacts in this area. He notes that departments and overseeing regulatory bodies don't have the resources to manage everything they need to, and this needs to change.



5.9 Interview with Peleke Flores

Interviewer: Fern Holland Interviewee: Peleke Flores Date: May 25, 2022 Location: Zoom

Biography

Peleke Flores was born in Hilo, Hawai'i and raised in Waimea, Kaua'i where he still lives today. Peleke currently works for Mālama Hulē'ia on Hulē'ia Kaua'i as a Field Operations Manager and Community Outreach Coordinator, currently working to restore Alakoko Fishpond. He has experience in traditional hale building, Uhau Humu Pōhaku (Hawaiian dry set) and restoring traditional Hawaiian food systems such as lo'i kalo, lo'i pa'akai, ko'a/limu, and loko i'a.

Overview

In his 'āina based land restoration role(s) Peleke has a special interest in the historical sites and their restoration, not just protection. His interest is in trying to learn more about what specifically is still here that could be restored and what the impacts are to these sites.

Peleke spoke about being on site to pay his respects and see the project site and his interest to learn more about what is going on and learn the facts for himself. He mentioned he has been unable to access or inspect the site. He mentioned a consistent pattern of lack of trust in archeological determinations that say no archeological findings when major concerns are being voiced by Hawaiians. He was concerned that the investigations into the sites and potential archeological sites on and in the area may not have looked deep enough. Peleke mentioned that he wished he had the time, in addition to what he is already doing with his full-time job, volunteer positions and family responsibility, to check all those records and resources himself. It was clear he felt like due processes are often not being followed correctly.

General Discussion

Peleke described his association with the site and current developments as one of mostly curiosity. He explained that he has been trying to learn more about the specifics of the cultural surveys to date and what is recorded in this area and how any significant sites are being impacted. He said he was trying to investigate if due diligence was done but was unable to get the reports or surveys that showed what was surveyed and the findings.

Peleke said he felt it was wrong of the developer to start breaking down rock structures, and grading and grubbing, given the cultural significance of this area and concerns without



thoroughly exhausting cultural resources and clearly demonstrating that no sites are being impacted.

Peleke talks about his view of the resources that are here in the sense of restoration and not just historical preservation but the restoration and reuse of these sites for practicing Hawaiians and for their intended purpose again in the future.

He described the entire area surrounding these projects as a footprint of what his kupuna left behind and a knowledge of how Hawaiian people thrived in this area. He mentioned the entire area surrounding these developments is rich with culture and history and hopes, what can be, is restored in his lifetime.

Place Names & Sites

Peleke mentions the Koloa Complex, and the unique style of agriculture practices and structures that were built in this area for a significant dryland food production system.

Peleke pointed out sites in the area like Kānei'olouma Heiau. He mentioned that there are old villages in this area and different makahiki sites. He also mentioned the unique water system ditch that connected across the road and then climbed up mauka from there. He explained that a lot of those systems and sections and the large fishpond in front of Kānei'olouma has been cut off and the system requires the water that runs down and through that site.

He also mentioned the presence of HAPA trail and koloa flats area and the historic nature of this entire site.

Peleke mentioned the presence of unique caves and burials and a unique raised 'auwai system that all had specific names he is not familiar with offhand.

Cultural Resources

Peleke described the resources in these areas as old structures and cultural sites where a range of practices from spiritual to agricultural and sustainable living occurred. He talked in general of sites expected in this area that would include unique caves, burials and water and food production systems that he considers cultural resources for spiritual practice and facilitating a return to our native foodways. Peleke referred to the 'auwai system that connected through the areas all connected to growing food and irrigation.

He mentioned that it is hard to prove every cultural site every time, knowing enough that there was stuff in that spot, it shouldn't be the community's job to identify them, the developers should exhaust the resources available and prove without a doubt no harm will come. A unique system especially with moving water and amplifying.



Peleke mentioned that the resources in this area today are used mostly for spiritual practice, given its rich history there is a desire to restore whatever can be. To him, and he said to others, this is a place of rich culture and worthy of protection and thorough investigation.

Peleke talked about the historic nature of the HAPA trail and importance to be protected.

Traditions and Customs

Peleke spoke about the makahiki games and gatherings that happened in that area and the traditions and customs that were practiced associated with makahiki. Kānei'olouma Heiau was a place of makahiki celebrations and the best and biggest games and gatherings on Kaua'i.

He mentioned again the presence of old villages in this area and the traditions that were used for the waterways that produced food and the desire to restore these sites. There were many traditions and customs that were done in this area relating to fishing and aquaculture and agricultural fields.

Peleke knows of people that are spiritually practicing at these specific sites and trying to restore and maintain cultural sites in this area and the areas that are sitting surrounded by development now or poised for future development. He also spoke of the many known burial areas and caves and the traditions of using these places for burials and worship.

Peleke mentioned that he is aware that there are a lot of stories that are written about this area in general and he would have to do the research to list the names of them. Personally, he also spoke of family stories from his tutu about respecting this place and lessons he learned as a kid about the history and presence of a village connected to fishponds, above ground 'auwai and the marvels of this ancient system his ancestors built.

Impacts

Peleke explained that some of the sites have largely been destroyed already. He said that now people that are trying to restore and protect these sites and are hoping to be honored, and respected but instead are being disrespected and threatened.

Peleke sees the impacts of these projects as potentially being ones that further degrades the remaining infrastructures that we have to restore which will make it harder to recreate some of these systems and knowledge and properly manage our resources along this coastline.



Peleke described the impacts of disturbing desecrating iwi kupuna burial sites and defiling Hawaiian graveyards as another layer of impact and trauma to those that are trying to preserve their iwi kupuna.

Peleke described the overall impact of these developments as a destruction of our history, which is a major resource especially in the uncertain times that we face and the enhanced need to look to our ancient food and land management ways to bring us back to self-sufficiency.

He talked about the loss of self-identity should these sites be destroyed further. He mentioned that people can still connect their genealogy back to this place and once it is erased, he feels like they are floating souls and unable to trace back their history to these sites and restore them. Given the history of illegal land grabs and displacement, the destruction of the sites becomes a way that people are completely cut off from their access to self-identity.

Mitigation Measures and Recommendations

Peleke mentioned he felt that developers had the responsibility to prove without a doubt that there are no impacts to these resources. He mentioned modern Lidar technology, mahele, kipuka database and other existing record sources (kuleana records, maps, stories eventually and mo'olelo) that can be searched. He felt that developers and people associated with the projects should be able to clearly identify or prove the absence of significant sites on the project sites and surrounding areas and present this to the community.

It is ridiculous and abusive to him that Hawaiians have to struggle through life, and then also stop and prove these places exist despite all these resources developers could exhaust to determine that nothing is there and prove it sufficiently. He felt like it was Hawaiians that care that end up having to do the work for the developers to prove why they cannot build in a certain place instead of these developers doing the work to prove to Hawaiians, using good resources and facts, that they can build in a place without any impacts. He felt like this treatment is a way that Hawaiians are being abused and disrespected and killed slowly over generations. He pointed out that with full time jobs and busy lives trying to survive already and then they are expected to also be the ones to do the work for developers to prove to the developers why they can't build on something significant seems absurd.

He said there should be a template for every resource they go through, for all places not just Koloa, to ensure that due diligence is followed. If it was there should be no impact, and there should be facts to show it.

Peleke mentioned that we should be attempting to reconnect these old place names back to places that have been renamed and reconnect in the process with the history and purpose of



those places. If no sites of significance exist it should be clearly able to be demonstrated by exhausting these resources.

His main recommendation was that developers use resources, due diligence and follow the existing laws completely and ensure that significant sites are not being destroyed or else the project should not go ahead. He mentioned looking through cultural research, papers, mahele records, kuleana reports, census, internet, museums, maps, mo'olelo and pictures to really be clear about what is and isn't impacted and make sound assessments about what should go ahead where.



5.10 Interview with Puali'ili'imaikalani Rossi-Fukino

Interviewer: Fern Holland Interviewee: Puali'i Rossi-Fukino Date: May 31, 2022 Location: Zoom

Biography

Puali'ili'imaikalani Rossi-Fukino (Pua) is a Hawaiian Studies Instructor and Program Coordinator for University of Hawai'i at Kaua'i Community College campus in Līhu'e, Kaua'i. She was born in Kalāheo and raised in Wailua Kaua'i. She currently still lives in Wailua. Pua does have ancestral ties to Koloa and her grandmother was born where Kukui'ula market is now. Her family names associated with the area include Kaio, Hipa and Kiheihipa.

Overview

Pua provided general information about the region and the history and unique nature of the structures there. She shared some of the stories and legends she was familiar with and her overall thoughts about the importance of this area.

General Discussion

Pua is less familiar with place names outside of what is documented and familiar with multiple legends from this area. She feels that the area is very culturally significant and shared about the isolation of important sites in this area and the potential for continued displacement with this development and others in the area.

Place Names & Sites

There is a 'forgotten' ahupua'a that is named Aepo that she recalled in this area. This is a land district that is close to where parcel H development is planned. Aepo cuts through near the Lodge at Kukui'ula is marked on the map. This is an old name and not referred to on many maps.

There are several heiau in this area she mentioned. One sits where the golf course is now, mauka of the Lodge at Kukui'ula, closer to parcel H. Some say it was lamakū, or a navigational point for canoes. Makai of the site there is supposed to be another of these points closer to the shore.

Pua mentioned that this entire area was significant for ali'i and while Wailua and Waimea are commonly considered the most royal sites on Kaua'i but that ali'i frequented and had history and significant presence in Kōloa too. From Aepo to Pā'ā, Weliweli, area particularly has significant ali'i history. It was a site of a lot of activity both ali'i and maka'āinana.



According to modern history as well she recounts that we had ali'i living there in the 1870s. The original site of Queen Emma was also relatively close to this area and was moved to the NTBG site later. Pua shared that her home was near where the Kukui'ula golf course ends and where you start overlooking the road to National Tropical Botanical Gardens (NTBG). Up mauka of that is where her home was located. Queen Emma renamed that area Mauna Kilohana around that time. Her house site suggests further significant sites for ali'i also. Queen Emma had ancestral ties to Kōloa, and obtained that during the mahele. Queen Emma established there in the 1860's. People think of the house, but the house was moved. This original site is above where Parcel H is mapped.

Within the Parcel H area, she said that there is Niukapukapu Heiau. She describes it as right on the cusp of where NTBG starts, and slightly west of parcel H.

Makai of the Kauanoe O Koloa development area there is also a heiau dedicated to Kane.

Kihahouna Heiau, Nukumoi surf spot and Kānei'olouma Heiau are also in the surrounding areas, more toward the Grand Hyatt, but in the wider area surrounding these developments.

Pua shared that the site is associated with the unique dry land field system; there were also fishponds, and lo'i. There is one heiau (Mauna Pōhaku) that was once cared for by Nāhinu and 'Auhea, who lived there around the 1800s, I believe. There was an 'auwai system going through that heiau. There is also another heiau (Kamalo'ula) which I was told had the only untouched above-ground 'auwai. They used these irrigation ditches as part of the heiau. There is some really unique architecture that is not seen elsewhere.

Really significant fishing resources and cultural practices.

There were really different styles of heiau structures in this area. Very unique systems like the raised 'auwai systems. Kānei'olouma Heiau is another example of these rarer designs of heiau, which is very unique and significant to Hawaiian history.

Cultural Resources

There used to be impressive bird populations, lo'i and fishing grounds that were significant in this area. Lots of important fishing grounds. To the north of these developments there are also some sites she mentioned including Waikomo stream which was a major cultural resource and site in this area. There are stories of mo'o, like Kihawahine where the Maulili pool is.

Pua shared that there was a dry land field system in this area. Dry land systems we know the least about and were incredibly important where there wasn't an abundance of water. Right now there are very few areas that have this and this is the only one known on Kaua'i. It was a



rotating crop system. It was a very unique system and I know that in the Kauanoe koloa area was where it was identified.

Traditions and Customs

Pua discussed the unique styles of architecture and with them traditions and customs that would have occurred with them.

The area is known for mo'o traditions and legend. She shared about the history of spouting horn, which was associated with a mo'o tradition and a unique story of the salt water mo'o. This is located makai of Parcel H. She shared the history of the destruction of the original Spouting Horn which was blown up leaving the existing one today that people call Spouting Horn. Tradition says that there were certain fishing grounds that were guarded by this mo'o. A young boy was said to have trapped the mo'o in the old spouting horn. The spout used to go very high and then the sugar industry blew it up to stop water flowing back into the fields and killing the cane.

Maulili Pool is tied to Waikomo stream along Kukui'ula area. This site is associated with Kihawahine, probably one of the most dominant mo'o who was known to frequent Waikomo area. Certain traditions that are specific to the worshiping of Mo'o. Traditions associated with worship of mo'o included building of certain hale structures, giving certain offerings, practicing customs associated with the kapu system that restricted various types of fishing and access at some times. There was a definite mo'o relationship with the people there and with it significant unique practices and traditions.

Impacts

Pua was definitely concerned about the impacts to fishing grounds and underground water systems that feed them Pua is concerned about. She understands that historically, because of less outfall points and the dry nature of the coastline, water quality was very clear and clean in the past. She is concerned that the development will further degrade and add to continued degradation of the water quality along the coastline.

Pua mentioned the potential impacts to a returning bird population and the stifling that these developments could result in for the restoration of these cultural sites and systems that the future bird habitat that could be restored in this area.

She was concerned about the potential for impacts to HAPA Trail, burial sites and caves and lava tubes which are hugely present in this immediate area and culturally significant burial sites and hiding locations historically. Pua discussed the presence of many in this area and their importance and her concern about them being damaged or impacted during works.



Having access to heiau, fishing sites, cultural practice sites and historical agricultural sites was some Pua was definitely concerned about the impacts to. Pua discussed the potential for future displacement and how families she knows are being impacted from surrounding existing development. She said these families who were caretakers for some of these heiau have been unable to access the sites and practice their kuleana to mālama them. She is concerned that the proposed development will negatively impact families who have a generational responsibility to care for these sites and restore them as they were tasked. Pua was specifically concerned with having access to these sites further limited or cut off altogether.

Pua mentioned the impacts around access but also stressed the impacts associated with the loss of these sites altogether. She described the overall impacts of the loss of these sites as generations who will lose their history and knowledge that was passed down from generations of her ancestors that practiced and lived in this area. She described the impacts of this loss as a loss of cultural identity, connection and family history. She is concerned about the loss of culture and knowledge should this important area continue to be developed for luxury homes and tourism.

Pua said she believes the place has reached maximum capacity and it's not beneficial to local families to proceed with these developments. She is worried about the overdevelopment for hotels and transient accommodation while the affordable housing crisis for local families worsens.

There are families that are now unable to access or use sites they were entrusted to care for. While legally Pua acknowledged that she knew she had a right to supposedly have that access and practice she pointed out that it doesn't feel that way, and it is not really enforced or allowed in many cases including some places in Kōloa.

There are reasons they were there. Within this small area there are a significant number of these important sites and stories which means this significant site meant a lot to our people. To me it's glaringly obvious that this site should not be used for luxury housing.

She sees the impacts as one of loss of generational history and knowledge, and a loss of cultural identity, connection and family history. Pua sees this as a potential significant loss of knowledge and cultural identity.

Mitigation Measures and Recommendations

Pua does not think the project should go ahead, and doesn't see reasonable mitigation measures that could be taken to avoid major impacts to the sites she is concerned about.



She did say should it proceed; her advice is that the right Hawaiian families need to be included in the conversation and the developer needs to be educated on the significance of the site and the necessary protections of all of the areas mentioned. She mentioned cultural monitors there as advisors and independent oversight to ensure that these sites are not being impacted and that the works respect the cultural significance of that area.

She talked about planning for any future development having the cultural significance built in with respect to its history and the traditional owners from the beginning.

She suggested that it was wrong to blast, crush or break through the rocks and recommended avoiding such works. She said overall that any development in this area would need to tread lightly and work around the many significant sites and cultural uses of this area.

She suggested working with the community, with the kahuna of the area and lineal descendants of Kōloa and she talked about the long-term responsibility to educate visitors and people that move to these sites about the rights, practices and significance of these areas to Hawaiians.



5.11 Responses from Roslyn Cummings

Pule, Prayer

E l'O mahalo no kēia lā, mahalo no kō mākou ola.

no kō mākou ea a kō mākou mana.

Aia no mākou i nei 'Āina 'O Kauai ke kū nei no ka palekana o nā iwi kūpuna, 'āina, na kamali'i, wahine, kane

He noi ha'aha'a kēia no kou palekana i luna o mākou pākahi a pau.

E mālama i ka pono ma ke aō a me ka pō.

E kōkua iā mākou e kū me ka ha'aheo no kō mākou kūpuna a no kō mākou lau manamana. Me ke aloha pau 'ole, 'āmama ua noa, 'amene.

Kou Inoa Manawaiakea, noho Kalaheo Ahupua'a, Kona Moku, Mokupuni Kauai (Manokalanipo, Kamawaelualani),

Wahine Maoli (Women) taught to me by my tutu Kane Kalani Pai'ea Wohi o Kaleikini Keali'ikui Kamehameha o 'lolani i Kaiwikapu kau'i Ka Liholiho Kūnuiākea he called me a- "Wahine Maoli"

Kuleana: Kahuna Papakulo, Mana Lomi, Kahea, Kea (Child of God) Alo to be present in Hā life essence as equals (not above, nor below) as equals

He āina Ha Wai 'I I am of Hawaii Home of our ancestors, those that walk before us.

Kou hanau Waimea, Kauai (Ka Ua 'I)

Hapai 'ia Pokiikauna, Kauai, Makaweli, Kauai, Ko'ula Kauai, Polihale Kauai, Nualolo Kauai, Lawai, Kauai, Kalaheo, Kauai, Kōloa, Kauai, Kailua-Kona, Hawaii

Ike Papalua

Kukuiula is a place where our ancestral burials and cave systems are so vast we hold near and dear the secrets of their passage. Palekana (DO NOT TRESPASS)

To forgive us our trespasses as we forgive those we trespass against us. Modern day Kukuiula is known for its reinterment site amongst high end luxury homes. Specifically the Kapu burials of our tutu wahine chiefess along with the burial that had been desecrated back in the 2000's of George Humehume our tutu kane through Eke, Ese Oponui. He aligns with the birthing place of Prince Kuhio the one of whom descends from those that are buried in these vast burial systems which hold a large amount of our wealth (waiwai) wai (waters) a large part of our sustenance. Without it we are malnourished. As our ancestors were in the times of disease



and famine. Bought to our lands by greed. The area host a large amount of spiritual, cultural, religious significance. To each a kuleana, to have respect and be responsible for. It seems that kanaka maoli in the past 50-60 years have failed their kuleana.

Kamakahelei would summon her warriors at the heiau of Kanaloa. A large voyaging Heiau dedicated to Kanaloa, redeficated to 'I'O 'I supreme, 'O earth, universe ever revolving. In the time of 'I'O, the great awakening, the reckoning (knowing what is right by doing what is right)

Amongst our Ali'i (Ali 'I) are the warriors and it's people. The villagers. Held in high respect, regard is the Ahupua'a. Where many thrived.

Koloa borders the ahupuaa of Lawai to the west and Weliweli to the east.

Developments are detrimental to our people, kanaka maoli. Its effects are felt for generations. I am here as you should be to stop the progress of DEVELOPMENT. Damaging our eco-system. Kukuiula as wetlands. Depleted by the unset of large luxury homes. Waste and Water usage damaging our waters from Mauka to Makai. Water needing to be diverted to feed into these man made systems what is protected under law! Effecting our wai. Our reefs which host a large amount of our healthy iron (limu) is being depleted on the entire coastline throughout Kona Moku.

We fish here, we gather here. We pray here. We visit our ancestral burials here.

The original name prior to Prince Kuhio Birthplace was Kualu a name carried down through my Great grandfather William Waikaka Kanakanui Kualu. A name Kapu to most. A name that came before our time. Since time immemorial- Kualukiniakua of the Mu, Kualunuikupaumokumoku of the Wao, and Kualunuiaola of the Menehune.

The developer, limited warranty deed holder Gary Pinkston if Meridian Pacific Ltd. A brand of MP Financial (Nevada based Corporation of investors) removed the surface layers of the seating house of Kualunuikupaukokumoku. He removed the birthing stone of Kamawaelualani son of Wakea and Papanuihanaumoku Haumea I am a descendant as we are, kanaka maoli.

Kiahuna in the 1950's it was shared that a mummified burial surrounded by shrunken skulls were found.

In Ike papalua that area from modern time going back in history: host a lot of our waiwai; collective. Kaikioewa the first governor of Kauai elected at the time by his hanai son Kauikeaouli is kanu in the proposed area we call Palikua lot. He is also known as Palikua.



There is a piko that is present day in that particular development. Where all souls exit when it leaves the outer islands. They enter through here. 'O oio spirit pathway. The heiau is shaped in the creation symbol. Like a labyrinth. On the west side of the fraudulent tmk is the cave system that has been collapsed during Kiahuna development. You can still see the tree trunk and the lauhala tree which sits in the collapsed cave, lava tube, cavern. Bars within tells-burials!

On the north side of the āina the Catholic Church built an altar right over a known cave, cave systems as shown in previous maps. To the east of said property there is also a preserve area. So, how can slap, dab in the middle not be significant as KAUAI COUNTY, DLNR, SHPD, and numerous Agencies have made claims to. Accountability goes a long way.

On the southwest you have Pa'u a Laka Heiau and to the southwest of that another preserved area. Both are surrounded by development. Homes of foreign investors.

I say foreign because there is no pilina in the area. It's culture and history. Not even to our practices. To the south there are the remnants of the Koloa field system of which Hallett Hammett of Culural Survyes Hawaii speaks so highly of and later claims "no significance". To whose belief?

Our people come from oral history. Āina is our foundation. You cannot build a house where one is already standing.

In the story of Kawelo whose villagers are buried kanu in these lands and its surrounding. The heiau is part of the Kiahuna development which the archeologists stated somewhere along the lines of- it's just landscape for the golf course. So, I ask- what was here first? Our ancestors the kanaka maoli or the golf course. There are many Kalweo make sure what you perceive comes from the source- lke papalua

Right above you have maulili a well known historical site of the legends of Kane and Kanaloa

There are waterways underground of this property and using our natural resource foreigners call Blue Rock. Again, depleting resources that do not belong to foreigners. Resources that need to be preserved and protected.

The blind eyed spiders and the amphipods they feed on are FEDERALLY protected species. U.S. Fish and Wildlife claim they do not have a full survey of the area. Then why is the County of Kauai, SHPD, and DLNR permitting projects over preserved lands. Lands that since the 1970's have been monitored and written about. Desecration of burials documented but controlled narratives. Large amount of burials have been taken out, destroyed and sold in the history of Kōloa!



Mainly, Ike papalua will share that these lands is a huge part of the battle, war in the time of Kukona and his son Manokalanipo. Why would we allow such history to be erased for modern day process by the hands of those who are greedy. Which only see on the surface. Not below nor above. They only see the view. Sooner or later we won't have the practice of papakulo if this does not stop.

Kauai cannot be another Oahu. These projects are a stem from Moana Corporation Kiahuna Land Commission Use. Where from the early 2000's through the mid 2015 lahui fought against development. Knudsen trust who in a 1970's newspaper article admitted to "stewards" of the land not ownership. Their title is held through a 1920's Anne Sinclair (Knudsen) land grant after the unlawful overthrow of our Hawaiian Kingdom Government. These people control our waters and sold our lands including our ancestral burials and artifacts.

History cannot repeat itself.

the Hawaiian Kingdom

On May 28, 1892, in her opening address to the last lawful Legislature, her Majesty Queen Liliuokalani declared her intentions and legislative agenda:

"...I shall firmly endeavor to preserve the autonomy and absolute independence of this Kingdom and to assist in perpetuating the rights and privileges of all who are subject to our laws and in promoting their welfare and happiness...'

On November 25, 1892 'An Act, To Reorganize The Judiciary Department' was enacted by the Hawaiian Kingdom Legislature, and became law on January 1. 1893:

'The common law of England, as ascertained by English and American decisions, is hereby declared to be the common law of the Hawaiian Islands in all cases, except as otherwise expressly provided by the Hawaiian Constitution or laws, or fixed by Hawaiian judicial precedent, or established by Hawaiian national usage, provided however, that no person shall be subject to criminal proceedings except as provided by the Hawaiian laws' [Section 5. Chapter LVII. An Act, To Reorganize The Judiciary Department, enacted on November 25, 1892, effect on January 1. 1893]

In no way can this interview over email be altered. In no way will it bring harm upon my 'Ohana. I pray this will help the next 7-21 generations in a way that they are provided a foundation of sustenance. An end to systematic failures upon our people. To our children I pray you find peace of what I am giving. To stand in protection of āina!

Aloha No,



Manawaiakea Roslyn Nicole Manawaiakea Malama mare Cummings General Delivery [Box 315] Kalaheo Station, [U.S.P.Z. Exempt- 96741] <u>roslyncummings@ymail.com</u> E Ola Kakou Hawaii

The United States of America must uphold:

On December 20, 1849, the Treaty between the United States of America and the Hawaiian Kingdom was concluded and signed in Washington, D.C. Ratifications by both countries were exchanged in Honolulu on the Island of O'ahu, on August 24, 1850. Article VIII of the treaty provides:

"...each of the two contracting parties engages that the citizens or subjects of the other residing in their respective States shall enjoy their property and personal security in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favored nation, but subject always to the laws and statutes of the two countries, respectively."

In addition, Article XVI of the said treaty provides that any:

"...citizen or subject of either party infringing the articles of this treaty shall be held responsible for the same, and the harmony and good correspondence between the two governments shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation."

Neither the United States nor the Hawaiian Kingdom gave notice to the other of its intention to terminate this treaty in accordance with the terms of Article XVI of the 1849 Treaty. Therefore, this treaty is still in full force and continues to have legal effect to date.



5.12 Interview with Rupert Henry Rowe

Interviewer: Fern Holland Interviewee: Rupert Henry Rowe Date: June 7, 2022 Location: Kapahi at his home on Kawaihau Rd

Biography

Rupert's lineage dates back to Wailuanuiahoʻāno, Koloa and Hulēʻia areas. He is 80 years old and is a retired fireman. Rupert was born at Kapiʻolani after traveling by steamer to Oʻahu from Kauaʻi while his mother was at full term. He was born an hour after arriving in Honolulu. Rupert was raised in Kōloa, Kauaʻi in his younger years but then in 1949 was sent to Oʻahu to learn the western ways. He spent most of his time in 'Iolani Palace until 1959. At the time his mom worked for the territory and his uncle was the genealogist for Hawaiian Homelands, which was in the basement of the palace. He did not officially move back to Kauaʻi until 1978. He now resides in Kapahi on the east side of Kauaʻi.

Rupert's relationship to the project area is one of deep cultural connection, ancestral lineage and past involvement intervening in previous developments and restoration works in the area, particularly for Kānei'olouma complex, which he began working to protect and restore in 1998. He is very familiar with longer term impacts and changes to this region and how past officials and the county have incorrectly built infrastructure and developments across important cultural sites in the past, some of which have still not been corrected or moved.

Overview

Rupert expressed concern with the amount of development in this area and referred multiple times to carrying capacity for both the island as a whole and as individual smaller sections, such as the south side or Koloa area. He is very concerned about the continued loss of identity that colonization results in and sees the project as a part of the ongoing process of displacement. Rupert mentions stories from kupuna that engrained common sense and respect for this place into him as a child.

General Discussion

Rupert shared that at some point in the 1990s he testified against land use changes for a rezoning attempt for 475 acres in this area. He spoke of the previous failures by planners and developers to provide drainage plans and adequate water and wastewater management for projects in the area.



He repeatedly shared his disappointment in government departments and land developers who approved and continue to approve these projects that result in the destruction of important cultural sites in Kōloa, for what he sees as simply greed and money. He described the immense loss to self-identity, important structural features, history and ancient knowledge that overdevelopment has caused in Koloa to date and sees the project as a continuation of this. Rupert described a lifetime of changes to this coastline and Hawai'i land use and management in general. He believes that some of these initial approvals and development plans came from as far back as 1962.

Rupert understands the hesitancy for Hawaiians to share their secrets about what is taken and used and from where because he feels it is often appropriated and used against them. He feels that sometimes the sharing of that culture helps to rob the self-identity of Hawaiians because those that come to get it try to become it and then it becomes a stranger to its original people and warped. He feels that this is a form of displacement in his own lands.

He mentioned the impacts on Hawaiians when archeologists check off boxes and make statements of no significance on places that Hawaiians know are important but that so much has been lost through the loss of language and cultural practice that sometimes it is hard to prove every time.

Cultural Resources

Rupert shared that there are lots of heiau in this area. He talked about the already impacted and destroyed sites, although believing with the right efforts some of them could be restored. He mentioned the Waiohai side of the Po'ipū Beach parking lot area was built in the fishpond that was a part of this larger system. He describes the larger Kānei'olouma complex as being from where Kalapaki Joes is today to Kiahuna down to the fence line to the Waiohai all the way back to Nukumoi Surf Shop and back up to Kalapaki Joes.

Rupert spoke of the cultural sites in this area that provide an important connection for him and other Hawaiians. He sees these as sites as important parts of self-identity and as important sites for us to restore and regain that connection to Hawaiian heritage and ancient knowledge. Rupert describes the cultural resources that this area had, and estimated roughly 70% are probably destroyed with only 30% remaining in this area. He feels the 30% remaining are more important than ever to protect and that their restoration is a way of reconnecting that Hawaiian cultural practice, land management knowledge and self-identity.

Rupert shared that the HAPA Trail, while commonly referred to as such, is actually the royal pathway with its own royal patent. He describes the extensive nature of that royal pathway that went all the way through Koloa Town to Lihue and beyond.

Rupert also mentions burial caves are located throughout the project area.



Rupert mentions the largely destroyed Koloa irrigation system that was coming down from Waita and the extensive nature of this system. While he said much of this has been destroyed, there are sections and areas that remain that can be protected and restored.

Rupert says this entire coastline was rich in resources but that most of those are gone due to impacted water quality due to development over the last 50 years.

Traditions and Customs

Throughout the interview Rupert mentions reference to Makahiki games and festivals that occurred in this area.

Rupert refers to the high population that resided in this area and the traditions and customs that were associated with their burial, food production, and unique traditions that went along with the unique structures and systems Koloa is known for.

There would have been specific fishing traditions and food production traditions associated with the fishpond(s) in the surrounding area also.

Impacts

Rupert mentioned that injury to 'āina anywhere feels like an injury to all kanaka because what we see today, we will not see tomorrow and once we lose these sites they are gone. He mentioned society's failure to appreciate the infrastructure and legacy laid down for the betterment of those that come after us. He felt that this project continues to impact all future Hawaiians. That mentality was ingrained in him growing up but he said seems largely forgotten.

Rupert spoke of the drastic changes he has seen in his life and was concerned that these were continuing to accelerate with this additional development.

He was concerned about the impacts of current and future injection wells in the Koloa area. He referred to the impacts of too many people being present in an area without the proper management of all forms of waste. He was particularly concerned about injection wells from the existing Kiahuna property.

He talked about the compounding impacts that we are not considering from climate change and rising sea levels. He questioned if we are thinking 25 years or so into the future about how we will deal with all of these impacts with the changes coming.



Rupert was particularly concerned about the solid waste concerns and where we will be putting all the waste coming out of these growing developments and pointed out there is no plan on how we will be dealing with our waste in the coming decades.

Rupert questioned the initial authorities that granted the right to develop this area and rezone these important agricultural systems for luxury and transient development and pointed out the impacts of these careless decisions as a form of genocide and an attempt to erase Hawaiian history and knowledge. He says he sees this as the result of intentional brainwashing that has happened in his lifetime to convince Hawaiians that the selling of their lands and tourism and western social structure were somehow going to provide a better life for them. He also said that 80 years later he sees that as a continued lie that has resulted in the displacement of Hawaiians from their own land and no one is better off, except those who have profited on the backs of these land grabs.

He mentioned Kiahuna had burial and cultural sites on their property, but the project pushed ahead and the continued pain that this causes for kanaka maoli. He described that these impacts of loss of identity happen when we lose language, cultural practice and important places and infrastructure such as what has happened and continues to happen in Kōloa.

Rupert mentioned that for anyone to recite specifics of the impacts to what burials and features is hard offhand and that there is so much has already been lost.

Rupert was concerned about the loss of cultural sites and the further loss of self-identity which he sees as a form of genocide and to him this project is a part of that perpetuated colonization which is to blame. He sees the impact as kanaka losing an understanding of where they come from and the connection to place. He sees these developments as also being a perpetuation of colonization with more foreigners moving here and changing the culture and impacting Hawaiian practice and way of life.

Rupert understands that if we mālama the 'āina and work with it, it will give back to us; but when we instead continue to just take whatever we can, we all lose. Hawaiian culture teaches us the land will reject us if we do not properly care for it.

Impacts to access were referred to as an ongoing struggle and Rupert mentioned that the system and processes as are clearly not functioning that are meant to allow Hawaiians access to important places and cultural sites.

Mitigation Measures and Recommendations

Rupert did not mention specific mitigation measures that can be taken but instead asked the larger questions relating to why this project was able to go ahead considering there are no



clear answers provided by developers. He feels that there aren't easy mitigation measures that could stop the problems happening with this project because no clear answers have been provided about the impacts and how the projects will deal with waste, carrying capacity for Koloa and other important planning issues and again mentioned climate change and the rising oceans as an added challenge.

Rupert feels that one of the sad parts of this is that royal patents are not given the respect they deserve. He describes the differences between royal patent land titles and corporate warranty titles and how this is part of the overthrow of Hawaiian lands and lifestyle by bringing in the American property ownership model. He does not feel that this westernized land ownership and management model is appropriate or sustainable for our small island.

He believes the mentality of our county employees and officials needs to change to value the true worth of sites like those in Koloa. He mentioned that previous county department heads and employees are hired by land developers and the concerns he has with the 'revolving door' on a local county level that sees people in important regulatory positions then go to work for developers and private interests. He mentioned the ongoing trust issues these patterns have created in the community and feels like it is a form of local corruption when conflicts of interest are ignored on this level.

Rupert mentions how overpopulation of this area and poor planning has resulted in excessive impacts already to this area and that he doesn't see ways that this area could cope with more development. Rupert suggested a plan for assessing how many people can this area, and others on our small island, responsibly handle. He referred to the loss of environmental quality and resources when development continues to not only destroy important ancient infrastructure but then fails to protect environmental quality. He pointed out there is no plan for how we can responsibly accommodate this kind of growth.

One of the things he specifically mentioned was solid waste concerns. He feels there are no good answers for how we will manage the increase in not just construction waste but the long-term waste production from these additional sites at a time when our solid waste situation is already dire. He does not see a responsible way we can continue to develop without first addressing our waste issue. He asked who is liable for the production and poor disposal of all the waste associated with these developments.

He also mentioned he did not see viable ways to avoid impacts when these condos continue to perpetuate colonization and the loss of local lifestyle and ways through displacement of Hawaiians. He sees the destruction as two-fold, both in the physical destruction but also in the destructive nature of the continued colonization by more foreigners coming here who then in turn change this place to be more like their home rather than Hawai'i. He sees this as further displacement and does not have a mitigation measure to address it.



Rupert sees the goal as one of restoring as many of these sites as possible. He sees the reconstruction training the next generation has undertaken as a path to not just protect these sites but to restore them and learn from them and he sees this revival in restorative knowledge as originating from Kānei'olouma protection and restoration efforts in the Kōloa area.



5.13 Responses from Blyth Kahokule'a Blake

- 1. 'O Blythe Kahokule'a Blake (hoku) ko'u inoa. my name is Blythe Kahokule'a Blake.
- 2. Full time mother, full time Hawaiian Studies student at Kaua'i Community College, Kia'l of Kōloa.
- 3. I was Born in Lihue at Wilcox Hospital, I was raised in Koloa.
- 4. Noho au ma Koloa. I live in Koloa
- 5. My association as Hawaiian practitioner who prays and teaches my keiki in these areas. E kala mai but I don't see how one questionnaire can answer for multiple projects as each area has different cultural purposes. I'll try my best but I believe there would need to be specific questions for each project separately.
- 6. Kiahuna -the upper part of Kiha Honua wasn't always easily accessible. Growing up, Kiahuna drive stopped at the golf course entry/ restaurant. My ohana used to go for brunch on the weekends so when the development for Pili mai and the housing started it was very obvious. I remember driving up as far as could go with my greatuncle Heartwel "Hanalei" Blake and my great-grandmother Thelma Blake, they spoke about how "back in the day" assuming pre-missionary contact, there was a village, an ohana system that belonged to this area, even a Heiau we could only see if we went in the golf course, Laka Heiau. I was also baptized at St.Raphael so I'm familiar with the church property and was told by my grandfather Dennis Blake when he was a kid they would walk down near the church, on Hapa trail to go to the beach. So being the curious kid I was I took my bike to the trail yet saw the pastures and gate up so I decided not to head down. It wasn't until my great-uncle Ted "teddy" Blake restored Hapa trail did I actually walk it. Talking about this area with my uncle Blake, he told me there is an ahu - Hawaiian altar, along the hapa trail. I asked him to take me but he didn't remember exactly where it was, being this was almost 30 years ago when he stumbled upon it.
- 7. Kiahuna- protocol is something that is done within these wahipana significant area, upon entry and before exiting. Protocol is when the person/persons offer an Olichant followed by their mo'okuauhau - genealogy, intention of why they are there is stated, ho'okupu may also be given, closed with an oli.
- 8. Kiahuna- or it's original inoa Kiha Honua, getting shortened over time by newcomers is believed to be a resting area of a Kihawahine, Mo'o goddess, with the cave system beneath kiahuna drive. (Along the shore front of this area there's a plaque dedicated to the "remaining" pohaku of a Heiau dedicated to her and a couple more gods. Yet it wasn't just the shore that was important. It was the whole surrounding area. Going inland There is Literally houses surrounding a Heiau. Surrounding Laka Heiau, in a very disrespectful manner). It is without a doubt to say this area in general is significant irregardless of the current development.



- 9. Pali Kua, Laka Heiau, hapa trail, the beginning of the sugar era, the blind spiders, the nene who call this area home, or did. Pueo, the aquifer beneath it, the cave system Pu'u wanawana is not even a mile away. The missing Heiau.
- 10.1 can't speak for three spectate areas in one.
- 11. The tradition of honoring the dead within this area will be lost. Honoring gods at their Heiau, teaching keiki of the wahipana, Hawaiians won't be able to access, let alone get near those sites, when it becomes occupied. We can't even get there now. This can all be prevented by bringing an immediate halt to the current plans of development.
- 12. There should actually be cultural monitors, burial council member present, on site the ENTIRE time of operation. I also believe The department of Land and Natural Resources should also be present considering the cave system. There also needs to be revised or simply new environmental impact reports. Let's not forget the brackish water or the redirection of Waikomo stream. There has always been nene around the kiahuna area, I would see many ohana and now just a few birds themselves. Their disappearance is obvious. Isn't it a law that any construction / development has to stop or isn't allowed in the nene's habitat, or does that not apply to multi million dollar companies.
- 13. The south side is already over developed and overcrowded with tourists. Where are the Kanaka maoli? Most of us got pushed out of the south side. Excluding myself I only know two other households in Koloa that are actually Hawaiian. The County of Kaua'i should be ashamed of themselves for putting visitors above residents. Putting visitors above the families who actually took care of this land so they the county can profit money. Not only is our community not built for this, where am I supposed to go for my cultural practices when access to those areas are being taken away? Where am I supposed to teach my kids how to be Hawaiian when there's nowhere to practice. Where are we all gonna do grocery shopping? Big save can barely keep the shelves full with the amount of people we have on the south side, right now. Sueoka's got sold and now Sells souvenirs, Kukujula store never has parking available (not the store's fault, just too many tourists). Where are all the cars gonna go? Anytime poipu road or Ala kalanikaumaka has work being done the cars are bumper to bumper. Where will my kids go to swim? I can't even put a mat down at poipu beach because there is simply no room let alone find a stall to park in. You can't even get a plate lunch in Koloa without waiting 30+ minutes because everywhere is always packed with tourists. There is simply no room and I refuse to be pushed out of my hometown.
- 14. There should be a survey done by residents within the south side, If we oppose or support these developments. Where was the public meetings, when do residents actually get to speak up without being dismissed as protesters?
- 15. The county of Kaua'i should listen to the people and not allow themselves to be bought out by companies who will displace the local community. The county of Kaua'i



should be protecting endangered species all over our island and not choose what species gets to be important and what gets to die off. The actions done by the county of Kaua'i and by the Kaua'i police department all contribute to the continues displacement of Kanaka Maoli and local residents. Their actions comite cultural genicide. Our Mayor Derek Kawakami is not fit to fulfil his duties and role of our leadership. He can put an end to all of this and his words were " when the bones are found, they'll stop". No they won't because if that was the case Pili mai wouldn't exist and neither would, Kōloa landing, Kuku'i'ula club, the Sheraton, the Hyatt, the point at poipu, whaler's cove, kiahuna, the Waioahi, all those rentals along Pe'e road. The Kōloa estates, or Kiahuna golf course. They are selling our culture while killing it off at the same time, where is the "paradise" going to be if it's all dug out.



5.14 Responses from Terry Kuribayashi

Interview Questions

- 1. Please provide your name.
- Terry Kuribayashi manager/ou 2. What is your profession?
- 3. Where were you born and raised?
- Kolog. porpu 4. Where do you live now?

5. What is your association, if any, with the Project Area(s)? Based on the provided map,

what place names do you know for the project area(s) or near the project area(s)?

6. Are you aware of any cultural resources in the Project Area(s) or near the Project Area(s)?

And have you ever accessed those resources?

7. Are you aware of any traditions or customs that may take place near the Project Area(s) or are otherwise associated with the Project Area(s)?

8. Is there anything about the project area that's particularly significant you would like to share? Where parcel It is where my inlaws there grocery store in the 60 9. Are there any stories associated with the project area we should be aware of? 60'5

10. The proposed project includes three new developments in Koloa. Are you aware of any resources that may be impacted by such a project or projects? What might those impacts be? Can you think of ways in which any potential impacts can be minimized, mitigated, or avoided?

11. Are you aware of any traditions or customs that may be impacted by such a project, including your ability to access cultural resources? What might that impacts be? Can you think of ways in which any potential impacts can be minimized, mitigated, or avoided? 12. Do you have any recommendations for conditions or best management practices for the project, should it proceed?

13. Is there anything else you would like to share?

14. Is there anyone else we should talk with about the projects or the Project Areas?

15. Is there anything in this interview you would like us to omit from the summary?



Hi 1) 6/12/22 To whom It may concern I have tried here all my life, por pr but years. for the last 25 had a little polary rutaiule harbon back ry st ne 60's are also the lest and pop mom a lot of changes here but all over the we store on eslan. P and Fist inst came to develop ed also and to als Le of the community w can and et that a couple of a your pla , a I and a restrace a this original plan it shopping an bunch mon tic now and increase llen non do nall 08 all of and profiese and Junderstand -that.

Cultural Impact Assessment, Ethnographic Survey and Ka Pa'akai Analysis for Three Development 147 Projects in Kōloa, Kaua'i



Dut now you want to have more of these projects which is chaftent definitely not at all for the community you have been delling all of the land to the people from out of state and purching local people out. honestly what kind of lagende tout do you thave? marke some of you dre already set in Dafe with Pand and a home but the prophe of the community who have strived so hered to barget somewhere and have strived for pomewhere and have strived for home have been buying from out of people have been buying from out of State as the second home (for investment) and building million dollar homes and when it doesn't suit them and when it doesn't suit them anymore they leave these million delle home and how can anyone dse be able to buy Do you think there could be a way where you could do a low if anyone to lives here for an K could purchase?

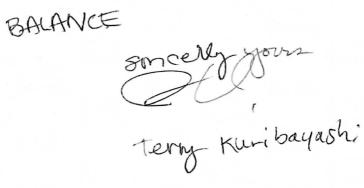
Cultural Impact Assessment, Ethnographic Survey and Ka Pa'akai Analysis for Three Development 148 Projects in Kōloa, Kaua'i



I honestly belive there is Vnoom for progress , but we also need a 3 balance of some kind. Do you honesty think that we need additional luxilry homes, condos, cottage. Killing almost everything that we We have a special culture contract they to keep most of cutture? people come here because they love the beauty the people and our culture please don't ruin-the important things that we treasure so, for The debalograns are laughing in our faces and saying the people in office on traveau can be so easily played and bought. all we have to do is show nonly in there faces and we can god y what we want the honestly how you want to 100le?



to this honesthy how you want (1) to be looked at we had more I honesthy thought we had more close and pride for who use are and you as our electwice were looking out for our community. all we are asking is balance for the island thank you so much !!



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5.15 Responses from Val Kane Turalde

URALDE IE 2. DVISOR TURDI 3 mSU econised 5 ot 3. OVV Kaalaea) MO 17 RAISEDA a aneohe; 4 WA 5, 73 MAKANANI 0 HES OSLE e ACHE -ALE hi o HUNG au fish) for



reich Crust 8. KOCOA ROLOA nding angi 8. M UNA SA une DO 13 W a 10 HELEN 4/ALEALE a ARO NAS HERE AFFER ING Comes Wan ATTEMPS HCHES + P la d to Drince Ruh 105 King Kanudanska Came on Quea Kamamalu's BARDGE; Brottime) He Wen People STRENGTH to OUR MAS of ING EAR TI TH MOLE MOUNTAINF RAIalea HE WOOT to WAL the Konne Reep tis 10 40 people fint 1 Hum #



KANG TURALDE 9, (Kamaulii Tived Wailna during the Summer * Waimen during the WINTER & 10, Recours impacted - WATER (need clean; Mar cartaminater)) FISHING: ROADS + TRAFFIC : NOISE + AIR; Beaches; HAPA TRAIL, ACCESS TO ALL OF THE A BOVE ; NATURAL FLABITATS ; LAWA TAPE CAVE KU DUNA INI ; PLANTS ; LAWA TAPE CAVE BY STEM. DRAINAGE SEWER RUNOFF MAPACIS DON'T DEVELOP - TURN All areas INTO PARKS & Natural FARMING AREAS 11) YES, ANUTHing in the areas (HEIAU; CAUES TO - DONT. DO ANYMUR DAMAGE - STOP the descereation + disrespecting the people of the Galture !! 12) E the Project! STOP 13 FRADITIONAL + CUSTOMARY PRACTICES Need to BE PRACTICED THE BY KUTTOWA MAT KNOWLENGEABLE PRACTIONERS 4 (Not just talked ABOUT) A THE PRESIDENT OF THE US; UNITED NATIONS; (Royal Unin of the PACIFIC KLATIONS Met Them in N.Z. 2009



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5.16 Responses and Documents from Llewelyn H. Kaohelauli'i

Questionnaire Responses of Llewelyn H. Kaohelauli1i (aka Billy)

Interview Questions

- 1. Please provide your name.
 - Llewelyn H. Kaohelauli`i (aka Billy)
- 2. What is your profession?
 - Retired Now Aha Moku Advisory Council Po`o for the island of Kauai appointed by the Governor. I also serve as the Kona Moku for AMAC.
- 3. Where were you born and raised?
 - Born Waimea, raised Koloa, Kauai
- 4. Where do you live now?
 - Koloa, Kauai on the coast of Poipu adjacent to the Kaneiolouma archaeologic site.
- 5. What is your association, if any, with the Project Area(s)? Based on the provided map, what place names do you know for the project area(s) or near the project area(s)? My mother and sister, Ella, walked to the San Raphael Church on Hapa Trail weekly. Ella would gather flowers (illima ginger for lei). We used the project area if a single sector of the san Raphael Church on Hapa Trail weekly.
 - Ella would gather flowers (ilima, ginger for lei). We used Hapa Road/Trail to get to Koloa and to school.
- 6. Are you aware of any cultural resources in the Project Area(s) or near the Project Area(s)? And have you ever accessed those resources?
 - Caves and the spiders are there, plants for Medicine and flowers for leis. Water, this was a major part of the awai network that was relied on for sweet potato and kalo.
- 7. Are you aware of any traditions or customs that may take place near the Project Area(s) or are otherwise associated with the Project Area(s)?

Fishing and throwing net, Brenenke coastline, Poipu, Waiohi, Lawai Beach and Iava rocks and Kukuiula boat harbor. There was also extensive farming (Mahiai), in the area and there was still evidence of sweet potato and kalo and the awai transport of water when I walked the property with Hal Hammett of Cultural Services Hawaii. Burials, Births, all scared which took place at heiau near and on the project site.

- 8. Is there anything about the project area that's particularly significant you would like to share?
 - Mauka to Ma`kai:
 - a. Transport of Clean water, cave tubing essential.

b. Sacred areas are being destroyed ie cave, burial sites, habitat for blind wolf cave spider revered by my ancestors as amakua.

- c. Awai system unique to Kauai Koloa aha pua`a Kona moku.
- 9. Are there any stories associated with the project area we should be aware of? Moho near the fishpond help clean the water. "Moho live in the lave tube!!"
- **10.** The proposed project includes three new developments in Koloa. Are you aware of any resources that may be impacted by such a project or projects? What might those impacts be? Can you think of ways in which any potential impacts can be minimized, mitigated, or avoided?

Yes, Water, Fisheries, Air, Roads and No Evacuation Plan!

11. Are you aware of any traditions or customs that may be impacted by such a project, including your ability to access cultural resources? What might that impacts be? Can you think of ways in which any potential impacts can be minimized, mitigated, or



Questionnaire Responses of Llewelyn H. Kaohelauli1i (aka Billy)

avoided?

Yes:

- a. Limit traffic and development
- b. Create evacuation plan
- c. Runoff and sewer and rubbish must be addressed immediately!
- d. Stop unnecessary over development
- 12. Do you have any recommendations for conditions or best management practices for the project, should it proceed?

The developer should meet with longtime residents and members of the community to fully appreciate the impact this dense development is likely to have. Reducing the number of units by 50% would be in keeping with the plan submitted to the LUC and the Kauai County Council resolution which expressly planned for no more than 144 units on the project parcel. See attached. Cultural consultant should always be present.

13. Is there anything else you would like to share?

Stop the dynamite NOW! Holes are spontaneously opening along Hapa Trail. The damage to any burials and endangered species can't be fixed, the blasting destroys any hope of finding kupuna burials, iwi or evidence of our amakua.

- 14. Is there anyone else we should talk with about the projects or the Project Areas? Kane Turalde, 'Branch' Kalanikumai Schimelpfenig, Rupert Rowe, Archaeologist, Burial Council
- 15. Is there anything in this interview you would like us to omit from the summary? $\underline{\rm NO}$



Kesolution

RESOLUTION RELATING TO LAND USE COMMISSION DOCKET NO. A76-418 MOANA CORPORATION

WHEREAS, the Kauai County Council has requested that the Land Use Commission of the State of Hawaii withdraw its conditions numbered 1, 2, 3 and 4 relating to housing as contained in the Decision and Order in Docket No. A76-418 dated July 7, 1977; and

WHEREAS, in lieu of the aforementioned conditions imposed by the Land Use Commission, the applicant, Moana Corporation, has agreed to contribute the sum of \$2 million to the County of Kauai for the purpose of implementing a County Housing Program; and

WHEREAS, Knudsen Trusts has agreed to sell to the County of Kauai approximately 28 acres of fee simple land abutting the Moana development to be used for low income housing; and

WHEREAS, the County Council intends to purchase the above-described 28 acres and market the housesites to be developed thereon primarily to Koloa residents provided that such preference or priority to Koloa residents is legally permissible; now, therefore,

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BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that upon withdrawal by the Land Use Commission of the above enumerated conditions and in consideration of the contribution of \$2 million by Moana Corporation to the County of Kauai as specified in Ordinance No. PM-31-79, the County Council will purchase and develop the 28-acre site abutting the Moana development for low cost housing.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Val Knudsen, Trustee for Knudsen Trusts, Clyde French, Vice President and Trust Officer of First Hawaiian Bank, Bob German, President of Moana Kauai Corporation and Teresa Tico.

> Introduced By: Approved :

Abopted

	Age	No	A/E
BAPTISTE			1
HEW			-
SARITA			-
TSUCHIYA			-
	1		

Me hereby certify that Resolution No. _____ was adopted by the Council of the County of Kanai, Tihue, Kanai, Matsaii, on



JUSTIFICATION SHEET

Title:

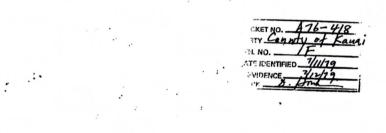
3

Ordinance Establishing Trust Fund for Contributions by Developers.

Purpose:

To establish a trust fund and to provide policies regard-ing the use of such fund.

Justification: Construction on Kauai has risen tremendously over the recent years, expanding the socio-economic impacts of such development throughout the island. This rapid growth has also placed an increased financial burden on the County, thus necessitating contributions from developers to partially alleviate the cost of infra-structures imposed by such developments. The Council feels that these contributions should be expended for housing or other related capital improvements on which the greatest impact is imposed. Therefore, a trust fund is urgently needed to ensure that these monics are utilized for the specific purpose of relieving impacts on the County created by developments.





6.0 Traditional or Customary Practices Historically in the Study Area and Surrounding Area

In traditional (pre-western contact) culture, named localities served a variety of functions, informing people about: (1) places where the gods walked the earth and changed the lives of people for good or worse; (2) heiau or other features of ceremonial importance; (3) triangulation points such as ko'a (fishing markers) for fishing grounds and fishing sites (4) residences and burial sites; (5) areas of planting; (6) water sources; (7) trails and trail side resting places (o'io'ina), such as a rock shelter or tree shaded spot; (8) the sources of particular natural resources/resource collections areas, or any number of other features; or (9) notable events which occurred at a given area. Through place names knowledge of the past and places of significance was handed down across countless generations. There is an extensive collection of native place names recorded in the mo'olelo (traditions and historical accounts) published in Hawaiian newspapers.

This is not intended to be a comprehensive list of all the practices that historically or contemporaneously occur in Kōloa. This is meant to show the range of traditional or customary practices that took place in the larger geographic extent. Many of these practices may not have taken place within the specific confines of the Project Area(s), and many of those that may have do not currently take place within the Project Area(s), although that may actively occur within the larger region.

6.1 Mo'olelo

Mo'olelo is the practice of storytelling and developing oral histories for the purpose of transmitting knowledge information and values intergenerationally. Mo'olelo are particularly critical in protecting and preserving traditional culture in that they are the primary form through which information was transmitted over many generations in the Hawaiian Islands and particularly in the Native Hawaiian community.

Storytelling, oral histories, and oration are widely practiced throughout Polynesia and important in compiling the ethnohistory of the area. The Native Hawaiian newspapers were particularly valued for their regular publication of different moʻolelo about native Hawaiian history. Were it not for the newspapers having the foresight to allow for the printing and publication of moʻolelo, far less information about the cultural history of the Hawaiian people would be available today.

There are numerous mo'olelo about Kaua'i and specifically the Koloa area. Two of these mo'olelo are provided in Sections 3.1 (Traditional Period). Additionally, multiple informants note that there are many, significant stories about the area.

6.2 Habitation

Hawaiians lived extensively throughout the islands. Handy, Handy, and Pukui (1991) identify how different kānaka and their 'ohana lived in accordance with what the authors termed "occupational contrasts" (286), meaning that based on occupation (i.e., planter or fisherman,

Traditional or Customary Practices



for example), habitation systems differed. They describe, "The typical homestead or *kauhale*... consisted of the sleeping or common house, the men's house, women's eating house, and storehouse, and generally stood in relative isolation in dispersed communities. It was only when topography or the physical character of an area required close proximity of homes that villages exist. There was no term for village. *Kauhale* meant homestead, and when there were a number of *kauhale* close together the same term was used. The old Hawaiians, in other words, had no conception of village or town as a corporate social entity. The terrain and the subsistence economy natural created the dispersed community of scattered homesteads" (284). Traditionally, as shown in historic maps and through ethnographic data, kānaka inhabited areas throughout Kōloa. Some of the informants still have lineal ties to their family's lands.

6.3 Travel and Trail Usage

The ability to travel was essential to Hawaiians and enabled their sustainability. Travel, and the freedom to move throughout different areas, had different names, including huaka'i, ka'apuni, or ka'ahele. Traveling by sea had distinct names as well, like 'aumoana. Traveling through the mountains was sometimes referred to as hele mauna. Travel, and moving throughout various places and regions was an essential practice and way of life in traditional Hawai'i.

The freedom to travel safely was so important that Kamehameha I would come to pass a wellknown law protecting travelers, Ke Kānāwai Māmalahoe (The Law of the Splintered Paddle). It is explained by the William S. Richardson School of Law as follows:

As a young warrior chief, Kamehameha the Great came upon commoners fishing along the shoreline. He attacked the fishermen, but during the struggle caught his foot in a lava crevice. One of the fleeing fishermen turned and broke a canoe paddle over the young chief's head. The fisherman's act reminded Kamehameha that human life was precious and deserved respect, and that it is wrong for the powerful to mistreat those who may be weaker.

Years later when Kamehameha became ruler of Hawai'i, he declared one of his first laws, *Ke Kānāwai Māmalahoe* (the Law of the Splintered Paddle), which guaranteed the safety of the highways to all. This royal edict was law over the entire Hawaiian kingdom during the reign of Kamehameha the Great. Considered one of the most important *kānāwai* (royal edict), the law gave the Hawaiian people an era of freedom from violent assault (William S. Richardson School of Law 2021).

The kānāwai (law) reads:

E nā kānaka

0 my people

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E mālama 'oukou i ke akua A e mālama ho'i Ke kānaka nui a me kānaka iki E hele ka 'elemakule Ka luahine, a me ke kama A moe i ke ala A'ohe mea nana e ho'opilikia Hewa no, make Honor thy god Respect alike, the rights of All men great and humble See to it that our aged, Our women, and children Lie down to sleep by the roadside Without fear of harm Disobey, and die

The law would have such long-lasting resonance that it would be expressly incorporated into the Hawai'i State Constitution.⁴

As traveling through traditional trails was the primary means by which people traveled on land throughout most of Hawaiian history, the traditional trail system is particularly important throughout the Hawaiian Islands. Throughout the islands, there were numerous trails that allowed for people to access different locations. This trail system was critical not only for maintaining a healthy population and managing this population, but it was also important for the traditional economic system of bartering. The trail system allowed for different localized communities to engage and interact. This also allowed for the trade of goods throughout island communities.

Traditionally, trails were widely used, as there was no other means of land transportation. This meant that these trails were essential to the ability of different ahupua'a communities to interact. There were also important to allow for the governance of different ahupua'a by konohiki and ali'i.

From the historic maps provided in Section 3.1, it is clear that kānaka traveled extensively throughout this area. Figures 6-9 in particular show trails that routed through Kōloa. Additionally, Hapa Trail, State Inventory of Historic Places (SIHP) # 50-30-10-00992, is immediately east of Lot 4 of the Kauanoe o Kōloa development. Multiple interviewees spoke to the cultural importance of this site and its continued usage.

The historic trail was previously known as Hapa Road and was the government road that connected Koloa and Poipu.

⁴ Article IX. Section 10 of the Hawaii State Constitution reads: "The law of the splintered paddle, mamala-hoe kanawai, decreed by Kamehameha I--Let every elderly person, woman and child lie by the roadside in safety--shall be a unique and living symbol of the State's concern for public safety."



6.4 Ceremonial Practices

There are numerous heiau located in Kōloa. While numerous heiau were destroyed following foreign contact, there are also contemporaneous efforts to protect and preserve heiau in the region. Numerous informants identified the importance of heiau in Kōloa. Some even identified their ongoing work on heiau, specifically Kamalo'ula and Kānei'olouma heiau.

In this area, there are numerous preservation and restoration activities associated with Uhau Humu Pōhaku, as this region of Kaua'i enjoys numerous practitioners skilled in this traditional practice. There are numerous practitioners in this area, some of whom were interviewed for this survey, who are familiar with the customary practices associated with building and consecrating traditional structures.

6.5 Farming and Fishing

Since poi was the staple food for Native Hawaiians, it was of the utmost priority for the first settlers to establish lo'i. Kalo's prominence in the Hawaiian diet derived from its nutritional value, but even more so from its mythological significance. According to Hawaiian traditions, the first human (male) was born from the taro plant:

The first-born son of Wakea and Papa was of premature birth and was given the name Haloa-naka. The little thing died, however, and its body was buried in the ground at one end of the house. After a while, a taro plant shot up from the child's body, the leaf of which was named lau-kapa-lili, quivering leaf; but the steam was given the name Haloa.

After that another child was born to them, whom they called Haloa, from the stalk of the taro. He is the progenitor of all the peoples of the earth. (Malo 1951:244)

As discussed in **Section 3.1 (Traditional Period)**, the area has an extensive history of farming that extends well back into the pre-European contact era. Informants also identified important fishing practices in the coastal waters off Kōloa.

6.6 Traditional Clothing (Clothes Making, Dyeing, and Lei Making)

Kapa (commonly known as bark cloth) was the traditional material made through a traditional method of gathering, treating, and beating plant fibers, often, but not limited to, wauke (*Broussonetia papyrifera*) to make fabric that was used to make lole (clothing). Pacific and Hawaiian kapa was known for its wide range of colors and the application of watermarks.

One article describes the process for making kapa:

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The finest kapa came from the paper of the mulberry tree. These trees were cultivated on plantations and grew to heights of more than twelve feet. As the tree grew, the branches were nipped off along the main trunk, ensuring a long piece of bark which was easily peeled from the tree.

The manufacture of kapa was an important occupation for women. After the bark had been peeled from the tree, the inner bark was separated and soaked in sea water to make it soft and pulpy. The softened bark was placed on an anvil and beaten with a cylindrical wooden beater. The first beating separated the fibers and produced strips about eight or nine feet long and ten to fourteen inches wide. These strips could be dried and stored until needed. When needed, the strips were soaked in water, placed in layers between banana leaves, and left for about ten days to mature by "retting" which is the decomposition and removal of softened tissues, leaving the finer fibers. These partially decomposed layered strips were beaten a second time with specially carved four-sided beaters. The patterns carved on the beaters were functional as they produced the necessary characteristics in the kapa for its end use. These carved designs left the equivalent of a watermark on the kapa.

Kapa which was to be extremely soft and pliable, such as that used for the malo or loincloth, was subjected to an additional softening process. This process, which produced a finely ribbed fabric, was done by dampening the cloth, stretching it over a grooved board, and running a wooden grooving tool along the indentations in the board. When the cloth dried, permanent ribs remained. The hand was very similar to our crinkle gauze of today (Furer 1981:109-110).

Hawaiians were skilled at utilizing plants and materials to dye their clothing and other materials. Different methods would be employed to hō'awa, extract dye colors from their source material(s). These dyes would be placed in a cup, known as a kā kāpala. Even foreign or exotic plants were utilized for this practice. Hawaiians used different words for the various types of dyeing activities and methods.

- We'a a red dye or to print or dye red
- Hili bark dye, as hili kukui, hili kolea, hili noni; also kapa dyed with bark or the name for dyeing with the use of bark
- Kūhili to dye (or stain) by soaking in water containing mashed bark, such as used for nets; also mulberry bark before it is beat into kapa
- Kūpenu to dye by dipping material
- Ki'olena to dye kapa
- Holei native tree (Ochorosia compta) related to the hao (Rauvolfia), which yields a yellow dye for kapa

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• Kīhe'ahe'a pala'ā – dye made from the pala'ā (Sphenomeria chinensis syn. chusana) fern; pala'ā also references a kapa made from the māmaki (*Pipturus spp.*) bark which is then dyed a brownish-red with pala'ā fern

Hawaiians also had a lexicon for the various colors that could be achieved through this traditional practice.

- 'Ōlenalena yellow
- Hili Dark-brown dye made from bark
- Puakai red
- Nao dark red
- Pokohukohu color made from the noni (Morinda citrifolia) root
- 'Ākala color made from raspberry or thimbleberry juice
- 'Ōma'oma'o light green color made from ma'o leaves

Similarly, lei making was a regular occurrence in traditional Hawaii. Anderson-Fung and Maly (2009) write about the traditional practice:

In old Hawai'i, lei could have important ceremonial functions, such as in religious offerings and for chiefly regalia, but lei were also enjoyed as personal adornment by Hawaiians of all levels of society. The ali'i (chiefs) and the maka'āinana (the common people who tended the land) all wore lei. Even the akua (gods, deities, spirits), it was believed, sometimes wore lei when they walked the land in human form. The following observation by the French botanist Gaudichaud, who visited the islands in 1819, paints a picture of Hawai'i as a place where the lei was an integral part of everyday life:

"It is indeed rare to encounter one of the natives of this archipelago who does not have an ornamental plant on his head or neck or some other part of his body...[The] women ... change [the plants they wear] according to the seasons, [and for them] all the fragrant plants, all flowers, and even the colored fruits, serve as attire, one after another. ...The young girls of the people, those of the island of Hawai'i especially, seem to be fond of the [kou, Cordia subcordata], a tree very abundant in all the cultivated areas... The young girls of the mountains, who live near the forests, give their preference to the flowers of the [Erythrina (wiliwili) and a species of Canavalia, called 'awikiwiki], the lively color of which makes magnificent garlands. Such natural attire is much more rich, much more striking, than all the dazzling creations of the elegant European ladies."

This account and others like it suggest that lei worn for personal adornment were fashioned from the favorite plant materials that were readily available and abundant in the lei maker's environment (4).

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Lei making continues as an important practice today, as the making and giving of lei as an expression of aloha to loved ones still regularly occurs throughout the Hawaiian Islands. Practitioners of these crafts actively practice in the project area, especially hula practitioners who use the forest to gather plants for their ceremonial purposes. In the ethnographic data, informants also identified lei making as a practice that occurs in the area.

Additionally, historic records show that these ethnobotanical practices occurred in the Kōloa ahupua'a. Bernice Judd's 1936 piece in the *Forty-Fourth Annual Report of the Hawaiian Historical Society for the Year 1935* clearly states, "The Hawaiians planted pia (arrowroot) as well as wauke (mulberry) in patches in the hills wherever they would grow naturally with but little cultivation. In the uplands they also gathered the leaves of the hala for mats and the nuts of the kukui for light" (Judd 1936: 53).

6.7 Haku Mele, Haku Oli, and Hula

This practice is related to the composition of song and chants. this is a practice that has existed for many centuries in the Hawaiian culture. When the Hawaiian culture primarily relied on an oral tradition to pass on knowledge and information, the ability to create songs and chants was essential to pass information from one generation to the next. As Donaghy (2013) notes, Hawaiians had hundreds of terms associated with this practice.

Songs and chants are largely influenced by the environment around them. As a pedagogical device it was important if not imperative that these songs or chants effectively captured data from the environment around the composer and passed on this information for others to utilize when managing natural resources. In a very real sense, the land and natural resources act as a muse for composers. The category of songs that provide information on or speak to natural resources are called mele 'āina (songs of the land). As shown in the previous section, there are numerous traditional chants and songs about the area.

Much like mele and oli, hula serves as a way of both honoring place and telling the story of place. Many hula, especially those based on mele 'āina, require intimate understanding of the place where the mele was composed, including the natural elements of that 'āina. Hula hālau will regularly take huaka'i, or journeys, to visit and honor the place a particular mele speaks of. The ability to visit the place and learn about it is important to the practice of hula. Hula, as well as mele or oli, are also offered as gifts to kupuna or gods. This practice also requires access to traditional sites. Associated with hula would have been the practices of lei making and the use of plants to dye clothing (see Section 5.6 for additional information on ethnobotanical practices related to clothing, weaving, and lei making).

Section 4.3.2 provided mele that were composed for Koloa or in part for Koloa. Additionally, the area enjoys haku mele (composers) who contemporaneously write mele for Kaua'i.



As previously mentioned, CIAs are not required for the applicant's Project Area(s) as the environmental impact statements completed for the Kiahuna Development area – that encompasses applicant's Kauanoe o Kōloa project - and the Kukui'ula Development area – that encompasses applicant's two Kukui'ula projects - was completed in 1976 and 1989, respectively, prior to the passage of Act 50. Nonetheless, this CIA is being prepared under applicable regulatory standards.

When the Hawai'i State Legislature passed Act 50 in 2000, the purposes of the Act were clear: "1) Require that environmental impact statements include the disclosure of the effects of a proposed action on the cultural practices of the community and State; and 2) Amend the definition of "significant effect" to include adverse effects on cultural practices" (Act 50, SLH 2000).

HRS 343-2, as amended per Act 50, defines an "Environmental impact statement" as "an informational document prepared in compliance with the rules adopted under 343-6 and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic welfare, social welfare, and *cultural practices of the community and State*, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects" (emphasis added) (HRS Chapter 323-2).

Under the same part, "Significant effects" is defined under state law as "the sum of the effects on the quality of the environment, including actions that irrevocably commit a natural resource, curtail the range of beneficial uses of the environment, are contrary to the State's environmental policies or long-term environmental goals as established by law, or adversely affect the economic welfare, social welfare, or *cultural practices of the community and State*" (emphasis added) (HRS Chapter 323-2). Therefore, an adverse effect to cultural practices of the community or State constitutes a "significant effect" under Chapter 343.

Any tangible or physical impacts to historic sites are addressed in the work completed for HRS Chapter 6E by Cultural Surveys Hawaii and as reviewed by SHPD and are not covered by this CIA. This separate review is necessary to meet both the statutory requirements of HRS Chapter 6E and the conditions set forth by the County of Kaua'i.

Similarly, any tangible physical impacts to flora or fauna are address in the biological section of the SMA application and other entitlement processes and not covered by this CIA. This CIA focuses on affects to cultural practices of the community.



The role of this assessment is to primarily identify effects of the proposed action on cultural practices. Cultural practices historically and contemporaneously associated with the project area fall into three general eras: a traditional pre-contact era, a historic post-contact era (i.e., plantation era), and a contemporaneous era during which these lands have been under primate ownership.

As shown through the preceding discussions regarding traditional and customary practices, the project area saw different cultural practices through the different eras. During the traditional era, cultural practices would have only been limited by the kapu system. The kapu system was the widely employed political system that allowed for chiefs to oversee their people and manage resources. Under the kapu system, access to and use of the resources in the project era were generally allowed under Kaua'i chiefs. The area would have also enjoyed extensive traditional habitation, due to its abundance of fresh water. The Hawaiian Kingdom would undergo a series of significant changes after foreign contact in 1778. From the unification of the Kingdom under Kamehameha I to the end the kapu system. Once foreigners arrived, changes came quickly.

Liholiho's reign, while significant for the end of the kapu system, would ultimately be short, as he and his wife, Kamāmalu, would succumb to the measles while visiting London in 1824. His younger brother Kauikeaouli, Kamehameha III, succeeded Liholiho as mō'ī (high chief or king). It was under the rule of Kauikeaouli that the Kingdom became a constitutional monarchy with the promulgation of the 1840 Constitution. Further changes under his governance included changes to the land title system. A land commission that served to quiet land titles was first formed in February of 1846. The Māhele, which occurred in 1848, "was a division of nearly all the lands of the Hawaiian Kingdom" (Beamer 2014: 142). Beamer further explains, "The Māhele – which established distinct land bases for the moī, the government, and the chiefs and ultimately made large-scale private ownership possible – was nevertheless still subject to the rights of maka'āinana to make their claims for land" (Beamer 2014: 142). Many native tenants failed to make successful claims for their ancestral lands, and this would open the door to land ownership by foreigners.

Changes in cultural practices within the project area pre-dated the political changes that would take place within the Kingdom in the 19th century. As discussed in Section 3.2, and in more detail in Section 3.2.1, of this assessment, sugar and the plantation economy would move into Kōloa in the early 1800s. This would have a significant impact on the area, as it would change land ownership, land and resource management, water usage, and the demographics of the area.

In Hawaiian culture, natural and cultural resources are largely viewed as being one and the same. Without the resources provided by nature, cultural resources could not and would not be procured. From a Hawaiian perspective, all natural and cultural resources are interrelated,



and all natural and cultural resources are culturally significant. Ethnographer and Hawaiian language scholar Kepā Maly observed, "In any culturally sensitive discussion on land use in Hawaii, one must understand that Hawaiian culture evolved in close partnership with its natural environment. Thus, Hawaiian culture does not have a clear dividing line of where culture ends and nature begins" (Maly, 2001:1).

The kinship between Hawaiians and their land extends back across many generations, and it was the depth and intimacy of this relationship that enabled Hawaiians to thrive sustainability in the islands for hundreds of years prior to the arrival of Westerners. Therefore, Hawaiians are entitled to the pain and anguish they feel at the loss of their lands and resources. There is no gain from ignoring the fact that the acquisition of lands by foreigners, including the U.S. Military, has caused and continues to cause Hawaiians pain and even trauma.

This loss lies at the heart of Hawaiian struggles for traditional or customary access. Therefore, the obligation of the state to ensure that these rights are protected is much more than a legal obligation, as such rights are a necessity of indigenous human life. Recognition and respect for these rights also enables a more mutually respectful and beneficial relationship between the military and Hawaiians.

Act 50 was passed by the State recognizing:

... the past failure to require native Hawaiian cultural impact assessments has resulted in the loss and destruction of many important cultural resources and has interfered with the exercise of native Hawaiian culture. The legislature further finds that due consideration of the effects of human activities on native Hawaiian culture and the exercise thereof is necessary to ensure the continued existence, development, and exercise of native Hawaiian culture (Act 50, SLH 2000).

Despite Act 50 not be applicable in to this project, the legislative intent quoted above is critical to the due consideration of the effects the proposed action has and will have on cultural practices, because it specifies the importance of ensuring "the continued existence, development, and exercise" of culture. This recognizes that culture is not static; it is dynamic. It changes over time. And Act 50 specifically calls for consideration of the effects a proposed action may have on the continued "development" of native Hawaiian culture. Which means it is insufficient to simply look back to historic practices. Considering effects to the continued development of culture means the State, specifically the County of Kaua'i in this case, must contemplate how an action may affect a culture's ability to evolve, innovate, and develop.

Additionally, OEQC offers specific guidelines for what elements and issues a CIA should address. They are detailed in Table 4, and the section of this CIA which addresses that element is also provided.



Table 4. Table listing OEQC compliance requirements and their corresponding sections in this assessment

OEQC notes that in addition to the content re- impact statement, which are set out in HAR § concerning cultural impacts should address, following matters:	11-200.1 et seq., the assessment
A. A discussion of the methods applied and results of consultation with individuals and organizations identified by the preparer as being familiar with cultural practices and features associated with the project area, including any constraints or limitations which might have affected the quality of the information obtained.	A detailed methodology section is provided in Section 2.
B. A description of methods adopted by the preparer to identify, locate, and select the persons interviewed, including a discussion of the level of effort undertaken.	A discussion of the effort to gather into from persons familiar with the area or other stakeholders is provided in Section 2.5.
C. Ethnographic and oral history interview procedures, including the circumstances under which the interviews were conducted, and any constraints or limitations which might have affected the quality of the information obtained.	A discussion of procedures, including constraints or limitations, is provided in Section 2.5.
D. Biographical information concerning the individuals and organizations consulted, their expertise, and their historical and genealogical relationship to the project area, as well as information concerning the persons submitting information or interviewed, their particular knowledge and cultural expertise, if any, and their historical and genealogical relationship to the project area.	Biographical information was provided in and through the surveys in Section 5.0.
E. A discussion concerning historical and cultural source materials consulted, the	A discussion of the materials consulted are provided in Section 2. An extensive cultural



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institutions and repositories searched and	and historical overview, which uses both
the level of effort undertaken. This	Hawaiian and English language resources is
discussion should include, if appropriate,	also provided in Section 2.
the perspective of the authors, any	
opposing views, and any other relevant	Stakeholders are given significant
constraints, limitations or biases.	consideration. Petitions and other materials
	by project opponents are included in the
	appendices and are addressed in the
	context of this assessment.
F. A discussion concerning the cultural	In addition to the cultural and historical
resources, practices and beliefs identified,	overview, an extensive discussion
and, for resources and practices, their	concerning cultural resources, practice and
location within the broad geographical area	beliefs are provided throughout the
in which the proposed action is located, as	document, specifically in Section 6.0.
well as their direct or indirect significance	
or connection to the project site.	
G. A discussion concerning the nature of	A thorough discussion concerning the
the cultural practices and beliefs, and the	nature of traditional or customary practices
significance of the cultural resources within	and the significance of the cultural
the project area affected directly or	resources affected directly or indirectly by
indirectly by the proposed project.	the proposed alternatives are provided in
	Section 7.0 and Section 8.0.
H. An explanation of confidential	There has no confidential information
information that has been withheld from	withheld from public disclosure, except for
public disclosure in the assessment.	personal emails, addresses, or phone
	numbers.
I. A discussion concerning any conflicting	There was no conflicting information
information regarding identified cultural	regarding cultural resources, practices, or
resources, practices and beliefs.	beliefs.
J. An analysis of the potential effect of any	Thorough analyses are provided in Section
proposed physical alteration on cultural	7.0 and Section 8.0.
resources, practices or beliefs; the potential	
of the proposed action to isolate cultural	
resources, practices or beliefs from their	
setting; and the potential of the proposed	
action to introduce elements which may	
alter the setting in which cultural practices	
take place.	
K. A bibliography of references and	References are included in Section 9.0
attached records of interviews which were	
allowed to be disclosed.	



It has long been the law of the land that the State of Hawai'i has an "obligation to protect the reasonable exercise of customary and traditionally exercised rights of Hawaiians to the extent feasible" *Public Access Shoreline Hawai'i v. Hawai'i County Planning Commission ("PASH")* 79 Hawai'i 425, 450 n. 43, 903 P.2d 1246, 1271 n. 43 (1995). In 2000, in the *Ka Pa'akai* decision, the Court established a framework "to help ensure the enforcement of traditional and customary Native Hawaiian rights while reasonably accommodating competition private development interests." 94 Hawai'i 31, 35, 7 P.3d 1068, 1972 (2000). This analysis is used here to fulfill the goals of this survey and assessment (Section 1.4).

Based on the guidelines set forth in *Ka Pa'akai*, the Hawai'i Supreme Court provided government agencies an analytical framework to ensure the protection and preservation of traditional and customary Native Hawaiian rights while reasonably accommodating competing private development, or other, interests. The Court has stated: "that in order to fulfill its duty to preserve and protect customary and traditional Native Hawaiian rights to the extent feasible, as required by Article XII, Section 7 of the Hawai'i Constitution, an administrative agency must, at minimum, make specific findings of fact and conclusions of law as to the following:

- 1) The identification of valued cultural, historical, or natural resources in the project area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the project area.
- 2) The extent to which those resources—including traditional and customary Native Hawaiian rights—will be affected or impaired by the proposed action; and
- 3) The feasible action, if any, to be taken to reasonably protect Native Hawaiian rights if they are found to exist. Ka Pa'akai, 94, Hawaii at 47, 7 P.3d at 1084. Cited in Matter of Contested Case Hearing Re Conservation District Use Application (CDUA) HA-3568 for the Thirty Meter Telescope at the Mauna Kea Science Reserve, Ka'ohe Mauka, Hāmākua, Hawai'i, 143 Hawai'i 379, 431 P.3d 752 (2018) ("Mauna Kea II")."

In order to complete a thorough analysis that complies with statutory and case law, it is necessary to fully consider information available from, and provided by, Native Hawaiian cultural practitioners and cultural descendants from the Project Area(s).

The *Ka Pa'akai* analysis is largely a legal analysis, as the applicable tests are legal standards. Therefore, a strong analysis will be conducted by someone with sufficient legal training. Additionally, at the core of a thoughtful *Ka Pa'akai* analysis is a comprehensive understanding of traditional and customary practices. In breaking down the Court's tests, it is important to the different elements that contribute to each test.



8.1 Identify whether any valued cultural, historical, or natural resources are present within the project area, and identify the extent to which traditional and customary Native Hawaiian rights are exercised

In addition to the language taken from the *Ka Pa'akai* decision, the County also identifies additional criteria for review:

- Describe the project area in relation to traditional and customary practices that occurred in the region or district.
- Describe the extent that traditional and customary practices were practiced in the ahupua'a and project area.
- Describe the community members you consulted with including their genealogical ties, long-standing residency, and relationship to region, ahupua'a and project area.
- o Describe the Land Commission Awards provided on the property?
- o Describe the prior archaeological studies that were conducted for the property.
- Are you aware of any resources that found any evidence of subsurface habitation or excavation on the property?
- o Does the property contain any evidence that trails were in existence on the property?
- o Have any individuals ever requested access to the property for any reason?

The first part of the *Ka Pa'akai* test – "The identification of valued cultural, historical, or natural resources in the project area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the project area" – actually consists of two separate elements.

The first element is the simple identification and existence of valued cultural, historical, or natural resources. These resources are tangible in nature. They can include sacred places, culturally valuable plants, or a religious or historic site. This assessment sought to exhaustively identify the multitude of resources that may exist in the Project Area(s) or adjacent areas.

As to this test, and as to the County's inquiries: 1) "[d]escribe the project area in relation to traditional and customary practices that occurred in the region or district", and 2) "[d]escribe the extent that traditional and customary practices were practiced in the ahupua'a and project area," this assessment shows there are potentially resources within or immediately outside the Kauanoe o Kōloa and Parcel H project areas. Interviews indicate that practitioners made use of the plants in the Kauanoe o Kōloa area for lei making, specifically "mauna loa and black-eyed Susan" (see Section 5.4). Neither of these plants were identified in the biological assessment as being in the Kauanoe o Kōloa Project Area, but it does not mean that these resources are not in the surrounding region.



A full listing of community members consulted and their biographies are included in Section 5.0, meeting the county requirement to: "Describe the community members you consulted with including their genealogical ties, long-standing residency, and relationship to region, ahupua'a and project area."

The second element of the first part of the *Ka Pa'akai* framework is access. There are two critical components of access. One is the existence of a resource. Whether a plant, an animal, a place, or site, the resource must exist in order for a practitioner to access it. The second component is physical access. This includes, but it is not limited to, the ability to physically access a plant, animal, site, or location associated with a particular practice. This can also include the traditional and customary route or path taken to access the resource. This can also include cultural protocols that existed in accessing a resource. These are often temporal, in that access protocols can be at a certain time of day or year. Makahiki would be a good example of a traditional custom that has specific cultural protocols associated with access. In the case of Makahiki, the custom takes place at a certain time of year.

Therefore, the first element under *Ka Pa'akai* should include not only a listing of resources, but the identification of ways in which those resources are accessed and utilized in association with a traditional and customary practice. In this case, the resources include access to the ocean and the various plant resources utilized by practitioners located on property. One informant identified that they access the area for prayer: "Yes prayer and spiritual practice took place on subject property daily. Many cultural practitioners access this site prior to development happening." (responses from Elizabeth Okinaka).

Okinaka also claims there are numerous significant resources in the Project Area(s):

This entire parcel is significant. The birthing stone, the alter which I visited daily and prayed at is now destroyed. The burial sites and chiefs sitting area are now being destroyed. Chief Palikua is buried underneath this property within a burial cavern and a part of the cave system. Laka heiau and the cave directly behind this property shows the lack of preservation for this entire area. This property has lava tubes and caves exposed since blasting which developer is denying. 3 caves were destroyed in Wainani subdivision which is directly next to this lot. The developer of Wainani admitted to the LUC and there are LUC records that confirm the destruction of the 3 caves in Wainani, destroyed with bulldozers during development. See attached. The developer of Pili Mai, the parcel just below the project area, had problems with its foundation as it was also built over a cave system. There are at least 3 designated habitat caves in the area immediately adjacent to the project site and knowing about the caves under Wainani and Pili Mai, it is unlikely that they are not also under the project area. Hal Hammett and Cultural Survey's Hawaii advertise the use of ground penetrating radar (GPR) on their website and claim to have trained personnel with the technological ability to use



GPR. Yet no GPR was used on the project area prior to extensive grading, excavating, blasting and filling with dozens of truckloads of dirt and rock being delivered to the project area (responses from Elizabeth Okinaka).

It is understandably concerning that an area that once enjoyed: "583 interconnected archaeological features were identified, including 175 stone enclosures, 108 stone house platforms, ten habitation caves, a *heiau* extensive '*auwai* networks, ponded fields, terraced plots, and mounds" appears to now be entirely absent significant historic sites. While the myriad of surveys and reports done over the last 40+ years might not yield an easily-traceable record of the small subset of these sites that were directly within the boundaries of the Kauanoe o Kōloa project area, nor when, how and why they were removed, the surveys and reports do reflect that none remained on Lot 1 of the Kauanoe o Kōloa project area as of 2013.

The complexities of the administrative history of the Kukui'ula and Kiahuna Developments, given the massive archive of archaeological work that has been done for numerous developers in these areas for the past 40+ years, was a concern for respondents. Mason Chock noted his disappointment that we cannot have better smoother communications relative to the surveys and assessments that are used to determine impacts in the area. Peleke Flores mentioned that he wished he had the time, in addition to what he is already doing with his full-time job, volunteer positions and family responsibility, to check all those records and resources himself.

There is no doubt that there were extensive archaeological features throughout the Kōloa area. There is also no doubt that many of these sites have been destroyed over time, particularly those that were not slated for preservation, which includes all of those that were located within the applicant's Project Areas. In its March 1, 2022 letter to the County, SHPD concurred with the findings of the December 2021 LRFI, stating:

The Folk et al. (2021) archaeological literature review and field inspection (LRFI) report prepared in support of the proposed development of Lot 1 indicates that previous archaeological studies within the (Lot 1) project area and vicinity include Hammatt et al. (1978), Hammatt (1989), and Hammatt et al. (2003, 2004, 2005). Hammatt et al. (1978) documented 583 interconnected archaeological features were identified, including 175 stone enclosures, 108 stone house platforms, ten habitation caves, a *heiau* extensive 'auwai networks, ponded fields, terraced plots, and mounds. These features were recognized as an intensive pre-Contact and early post-Contact Hawaiian settlement with a focus on irrigated and dryland agriculture; together they reflected "a complex Hawaiian adaptation of intensive agriculture and settlement to a dry, rocky leeward environment" (Hammatt et al. 1978:vii) now referred to as the Kōloa Field System; notably absent are human burials.



Folk et al. (2021) LRFI report indicates that previously recorded sites within the Lot 1 project area are: Site #50-30-10-3857 (complex) which includes Site #50-30-10-3656 (agricultural field), 50-30-10-3657 (C-shaped temporary habitation), 50-30-10-3658 (temporary habitation enclosure), 50-30-10-3659 (C-shaped temporary habitation), 50-30-10-3764 (permanent platform habitation), 50-30-10-3789 (field catchment basin), 50-30-10-3841 (permanent platform habitation), 50-30-10-3851 (two agricultural mounds) and 50-30-10-3853 (cattle wall system). None of these sites were recommended for preservation by Hammatt et al. (1978) or subsequent survey and/or testing studies.

The Folk et al. (2021) LRFI included a 100-percent coverage pedestrian survey which occurred on February 22 and March 20, 2021 and documented that the archaeological sites previously recorded within the southeastern portion of Lot 1 had been destroyed by bulldozing and other ground disturbing activities that occurred over the last several decades. Nine surface features were identified during the field inspection: three remnant sections of ranch walls, two bulldozed boulder piles, one pile of asphalt debris, and one pile of concrete debris, and two outcroppings of boulders in the southeast corner (likely associated with the leveled fill where a former trailer and shed roof structure were visible in a 2013 aerial photo). The three remnants of the cattle walls no longer have integrity except in location, and the seven other features are modern remnants of previous grubbing and bulldozing activities in the project area since the 1990s. The bulldozed and dispersed rock and rock piles may have been portions of some of the previously recorded historic properties within the project area. The cattle wall remnants were not assigned site or feature numbers.

Based on the field inspection findings, Folk et al. (2021) recommend no further archaeological work within Lot 1. Additionally, the USDA (Foote et. al 1972) identifies the soils within Lot 1 as Waikomo very rocky silty clay (Wt), and Waikomo extremely rocky silty clay (Wu). Low potential exists to encounter subsurface historic properties (SHPD 2022: 2).

Similar to the what the archaeological record for Kiahuna reveals regarding remaining sites in the vicinity of the Kauanoe o Kōloa project area, many of the previously identified sites in Kukui'ula were not slated for preservation and no longer exist. In its January 21, 2022 letter to County of Kaua'i, SHPD concurred with the findings in the 2021 Field Inspection Letter Report for Parcell HH, stating:

An archaeological inventory survey (AIS) conducted for the Kukui'ula Bay Community (Hammatt et al. 1988) identified 58 archaeological sites, including 150 features within a 1,000-acre area from Poipu Rd. on the east to the edge of Lawai Valley to the west.



Three previously identified historic properties were documented in the western portion of the project area: a habitation and agricultural site (Site # 50-30-10-01947), and two habitation sites (Site # 50-30-10-01949 and Site # 50-30-10-01950). Additional work within the Kukui'ula development included data recovery (Hammatt 1998, Hammatt 1989) and the establishment of five archaeological preserves. No preserves are within the current Parcel HH project area. The three sites (Site #s 50-30-10-01947, 50-30-10-01949, and 50-30-10-01950) were not slated for preservation and the 2021 archaeological field inspection conducted in support of the current project (Hammatt, June 2021) indicates the three sites are no longer present and that they likely were removed during permitted mass grading activities in the 1980s. No historic properties are present in the current project area.

Similary, in its letter dated January 11, 2016, SHPD concurred with the *Final Archaeological* Assessment Report for the Kukui'ula Community Development Parcel H Project stating:

The AA is an Archaeological Inventory Survey with negative findings. The AA was conducted for 26 acres of the 270.1 acre property, and is not intended to represent the findings of the entire subject property, which contains historic properties. Dave Hutchinson and Lindsay Crawford of Kukui'ula Development Company contacted our office and clarified that the grading permit is for Parcel H - the 26 acres designated as the Kahela Subdivision. We have determined that no historic properties will be affected by the proposed grading.

In answering the first part of the *Ka Pa'akai* test: this survey finds there to be valued cultural, historical, or natural resources within the larger geographic extent of Kōloa. Ethnographic data shows that traditional or customary practices take place particularly around the Kauanoe o Kōloa Project Area and in the surrounding Kōloa ahupua'a. These specifically include Native Hawaiian beliefs, ceremonial practices, and ethnobotantical practices.

As to the remainder of the county's inquiries:

- o Describe the Land Commission Awards provided on the property?
 - This information is provided in the archaeological reports, although based on the LCA-related maps provided in Sections 4.1 and 4.2, there is only one LCA located within the entirety of the Project Areas, which is a portion of Land Commission Award 2668 R.A. Walsh for [Roman Catholic] Mission Church (Figure 20).



- o Describe the prior archaeological studies that were conducted for the property.
 - This information is provided in the archaeological reports.
- Are you aware of any resources that found any evidence of subsurface habitation or excavation on the property?
 - This information is provided in the archaeological reports.
- o Does the property contain any evidence that trails were in existence on the property?
 - o This information is provided in the archaeological reports.
- o Have any individuals ever requested access to the property for any reason?
 - Honua would not have knowledge of this information, it should be provided to the county by the project applicant.

8.2 Identify the extent to which the identified resources and rights will be affected or impaired by the proposed project

The second test – "The extent to which those resources — including traditional and customary Native Hawaiian rights — will be affected or impaired by the proposed action" – also looks at two separate elements. The first element seeks to determine whether the proposed action and its alternatives have an adverse impact on the existence of resources. This would include the alteration, destruction, modification, or harm of sites, including biological resources, sacred places, burial sites, etc. It also includes a loss of species. Any adverse impact or harm to resources is alone an affect or impairment caused by the proposed action.

Based on this test, should any of the tangible cultural resources identified by the practitioners be present in the Project Area(s) and impacted by the development, that would be an affect to traditional or customary practices. Additionally, should access be denied to practitioners for spiritual practices, include offering prayer, that would also constitute an affect to those traditional or customary practices that would require the County to identify feasible action that would reasonably protect these Native Hawaiian rights.

Many of the informants also spoke to how expansive development in Kōloa not only poses an immediate threat to traditional or customary practices, but poses a threat to the future restoration of practices. This is best addressed by the County through a holistic consideration of the applicant's proposed activities, which is why the transparent disclosure of all potential development proposed by the applicant for consideration is the appropriate approach under a *Ka Pa'akai* analysis.



8.3 Specify any mitigative actions to be taken to reasonably protect native Hawaiian rights if they are found to exist

The third part of the *Ka Pa'akai* test aims to identify "[t]he feasible action, if any, to be taken to reasonably protect Native Hawaiian rights if they are found to exist." Determining whether or not action is suitably "feasible" is a matter reserved by the Court as the exclusive jurisdiction of the State, or in this case, the County. Nonetheless, from the ethnographic data gathered for this assessment, the County would be justified in finding such action appropriate for the applicant's proposed project(s).

As to potential impacts to historic properties, appropriate mitigation would be determined jointly by the SHPD and County of Kaua'i under HRS Chapter 6E.

Such feasible action to mitigate impacts to traditional or customary practices could potentially include designated access areas and/or times to conduct traditionally or customary practices, including offering prayer. Additionally, feasible action could also include implementing best management practices and/or monitoring measures to ensure that cultural resources, including but not limited to plants, animals, or historic sites, in the Project Area are not adversely impacted by project activities. It is the responsibility of the County to identify these actions and properly implement them in their decision making.

The County should also carefully consider how development in Kōloa may cumulatively impact traditional or customary practices throughout the entire region. The ethnographic data showed a strong concern for how development may force kānaka out of the area. Therefore, in identifying feasible action to reasonably project Native Hawaiian rights in Kōloa, the County would be best served to consider a holistic approach that protects resources and practices throughout this entire region and significant cultural landscape.



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Glossary of Hawaiian Terms



Appendix I: Glossary of Hawaiian Terms

The following list of terms were used frequently throughout this report. All definitions were compiled using Pukui and Elbert's Hawaiian Dictionary (1986).

Ahupua'a	Land division usually extending from the uplands to the sea, so called
	because the boundary was marked by a heap (ahu) of stones
	surmounted by an image of a pig (pua'a), or because a pig or other
	tribute was laid on the altar as tax to the chief.
'Āina	Land, earth. Lit. That which feeds.
Akua	1. God, goddess, spirit, ghost. 2. Divine, supernatural, godly.
Ala	Path, road, trail.
Aliʻi	1. Chief, chiefess, ruler, monarch. 2. Royal, regal. 3. To act as chief,
	reign.
'Aumakua	Family or personal gods, deified ancestors who might assume the shape
	of sharks, owls, hawks, dogs, plants, etc. A symbiotic relationship
	existed; mortals did not harm or eat them, and the 'aumakua warned or
	reprimanded mortals in dreams, visions, and calls.
'Aumākua	Plural of 'aumakua.
'Auwai	Irrigation ditch, canal, waterway.
Hālau	1. Long house, as for canoes or hula instruction; meeting house. 2.
	Large, numerous; much.
Hale pili	House thatched with pili grass.
Heiau	Pre-Christian place of worship, shrine. Some heiau were elaborately
	constructed stone platforms, other simple earth terraces.
Hoʻi	1. To leave, go or come back; to cause to come back. 2. To enter, as an
	institution or last resting place. 3. A parting chant to which hula dancers
	dance as they leave the audience. 4. Marriage of a chief with the
	daughter of a brother or sister; to do so (a means of increasing
	offspring).
Hula	A Hawaiian dance form accompanied by chant or song.
ʻlli	Land section, next in importance to ahupua'a and usually a subdivision
	of an ahupua'a.
ʻlli kū	Shorted form of 'ili kūpono.
'lli kūpono	A nearly independent 'ili land division within an ahupua'a, paying tribute
	to the ruling chief and not to the chief of the ahupua'a. Transfer of the
	ahupua'a from one chief to another did not include the 'ili kūpono
	located within its boundaries. Sometimes shorted to 'ili kū.
Kanaka	Human being, person, individual, party, humankind, population; often
	used for man.
Kānaka	Plural of kanaka.

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Glossary of Hawaiian Terms



Kāno	Male husband male sweetheast many brothers is low of a surger
Kāne Kanikau	Male, husband, male sweetheart, man; brother-in-law of a woman. 1. Dirge, lamentation, chant of mourning, lament. 2. To chant, wail,
Natilinau	mourn.
Kapu	1. Taboo, prohibition. 2. Special privilege or exemption from ordinary
	taboo. 3. Sacredness, prohibited, forbidden, sacred, holy, consecrated.
	4. No trespassing, keep out.
Kuleana	Right, privilege, concern, responsibility, title, business, property, estate,
	portion, jurisdiction, authority, liability, interest, claim, ownership,
	tenure, affair, province.
Kupuna	Grandparent, ancestor, relative or close friend of the grandparent's
	generation, grandaunt, granduncle.
Kūpuna	Plural of kupuna.
Limu	A general name for all kinds of plants living under water, both fresh and
	salt, also algae growing in any damp place in the air, as on the ground,
	on rocks, and on other plants; also mosses, liverworts, lichens.
Loʻi	Irrigated terrace, especially for taro, but also for rice and paddy.
Loko i'a Makai	Traditional Hawaiian fishpond.
	On the seaside, toward the sea, in the direction of the sea.
Mālama	To take care of, tend, attend, care for, preserve, protect, beware, save, maintain.
Mauka	Inland, upland, towards the mountain.
Mele	1. Song, anthem, or chant of any kind. 2. Poem, poetry. 3. To sing, chant.
Mele māka'ika'i	Travel chant.
Mōʻī	King, sovereign, monarch, majesty, ruler, queen.
Moku	1. District, island, islet, section, forest, grove, clump, fragment. 2. To be cut, severed, amputated, broken in two.
Moʻo	Lizard, reptile of any kind, dragon, serpent.
Moʻolelo	Story, tale, myth, history, tradition, literature, legend, journal, log, yard,
	fable, essay, chronicle, record, article.
Moʻowahine	Female lizard deity.
Nī'aupi'o	Offspring of the marriage of a high-born brother and sister, or half-
	brother and half-sister.
'Ōlelo no'eau	Proverb, wise saying, traditional saying.
Oli	Chant that was not danced to, especially with prolonged phrases
	chanted in one breath, often with a trill at the end of each phrase; to chant thus.
Pi'o	Marriage of full brother and sister of nī'aupi'o rank, presumably the
	highest possible rank. Their offspring had the rank of naha, which is less
	than pi'o but probably more than nī'aupi'o. Later pi'o included marriage
	with half-sibling.

Glossary of Hawaiian Terms



Pueo	Hawaiian short-eared owl (Asio flammeus sandwichensis), regarded
	often as a benevolent 'aumakua.
ʻŪniki	Graduation exercises, as for hula, lua fighting, and other ancient arts (probably related to niki, to tie, as the knowledge was bound to the student).
Wahi pana	A legendary place; a place made special celebrated in stories associated with it. Often sacred.
Wahine	Woman, lady, wife; sister-in-law, female cousin-in-law of a man, female.
Wao	1. Realm. 2. A general term for inland region usually forested but not precipitous and often uninhabited.

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