



Āina Haina Library
5246 Kalanianaʻole Highway
Honolulu, Hawai'i 96821

Wayson Chow
President

Anson Rego
Vice-President

Art Mori
Treasurer

Jeanne Ohta
Membership Secretary

Directors At Large:
Gregg Kashiwa
Melia Lane-Kanahele
Chien-Wen Tseng
Devon James

Ex Officio
Lenore Johnson

March 6, 2013

Via Facsimile (808) 587-0390 and Mail

William J. Aila, Chairperson
Department of Land & Natural Resources
Kalanimoku Building
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813

Dear Mr. Aila:

Address: 1031, 1055 & 1057 Hao Street, Wailupe
(Āina Haina), Honolulu, Hawaii 96821
TMK: 3-6-02-4001
Subject: Request for DLNR Cease and Desist/Stop Work
Order Request to City Dept of Permitting &
Planning.

The Āina Haina Community Association (AHCA) respectfully requests your assistance in promptly seeking a Cease and Desist/Stop Work Order from the City Department of Planning & Permitting's (DPP) Acting Director Jiro Sumada/Director Nominee George Atta. It is our understanding that DPP is waiting for a formal Cease & Desist/Stop Work Order Request from you, before DPP can immediately issue a Stop Worker Order regarding on-going bull-doing, grading and grubbing on the above-mentioned Upper Wailupe Valley 9.5 acre parcel.

Secondly, several AHCA Board members including myself, would like to meet with you, as soon as possible to discuss the present Hao Street bull-doing and grading and the destruction of ancient Hawaiian Cultural Sites, and that your Department of Planning & Permitting promptly issue and transmit to a formal Cease and Desist Order directly to City Department of Planning & Permitting Acting Director Jiro Sumada/Director Nominee George Atta.. This emergency suspension of bull-doing, grading, and grubbing, should be immediately implemented to minimize future destruction of additional archaeological sites, pending completion of an Archeological Inventory Survey and related AIS proceedings, to discuss Developer's restricted access to a hiking trail---a trail that has been used for decades by hikers, hunters and families to enter into City and State preservation and conservation lands, respectively.

Enclosed is the AHCA's March 1, 2013 Letter to City Dept of Planning & Permitting's Director Nominee George Atta, requesting DPP's prompt issuance of a Stop Work Order, to protect Wailupe Valley's ancient Wailupe Valley Ahupua'a Trail as well as culturally significant archaeological sites at 1031 Hao St., 1055 Hao St., and 1057 Hao St., at the mauka end of Hao Street, in upper Wailupe Valley.

William J. Aila, Chair
March 6, 2013
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Please let us know at your earliest convenience what date and time would best fits with your busy schedule. Please contact me as soon as possible, concerning scheduling the above-mentioned meeting with you, at your earliest convenience, given the current continuing grading and grubbing, and the on-going destruction of significant cultural sites, and the Developer's continual blocking of the public access to the ancient Wailupe Valley Ahupua'a Trail, at 1131 Hao Street, 1155 Hao Street and 1157 Hao Street in Upper Wailupe (Aina Haina) Valley, via telephone (808) 599-8844, email: waysonc@gmail.com, or by facsimile (888) 461-4884.

Sincerely,



Wayson Chow
President, AHCA

Encl.: AHCA's March 1, 2013 Letter to DPP Director
Nominee George Atta, Exhibits "1"- "3"

Cc: Kamana'opono M. Crabbe, CEO,
Office of Hawaiian Affairs



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March 1, 2013

Via E-MAIL gatta@honolulu.gov

George I. Atta, Director-Designate
Department of Planning and Permitting
City and County of Honolulu
650 S. King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Atta:

Re: Development of TMK 3-6-024-001, Hao Street, Aina Haina
1031 Hao, 1055 Hao and 1057 Hao Street
Wailupe (Aina Haina) Valley, Honolulu, Hawaii 96821

The `Aina Haina Community Association (AHCA) was heartened to read your recent "Island Voices" commentary (Star-Advertiser, 2/27/2013) describing your belief that "the health and safety of the public, along with private property rights, are a top priority" for the City & County of Honolulu Department of Planning and Permitting. In this spirit, the AHCA is writing concerning substantial and imminent threats to health (physical and cultural) and safety risks arising from the current grading and development activities on the above mentioned property, located at 1055 Hao and 1057 Hao Street.

Last evening, AHCA received a copy of Kamana'opono M. Crabbe, CEO of the Office of Hawaiian Affairs (OHA) February 28, 2013 Letter to the DPP, attached hereto. AHCA fully concurs with OHA's CEO Crabbe's request for DPP Building Permit conditions clarification, for an Archeological Inventory Survey (AIS) on this parcel, and for immediate cessation of all ground disturbance activities until such AIS and SHPD approved mitigation has been completed.

We have watched, with dismay, the recent Hawaii News Now television news video, documenting specific warnings to the Developer, of imminent destruction and desecration of a significant archeological site (an ahu and a Sentinel Site overlooking Wailupe Valley) which would have been spared had the SHPD's and DPP's request for AIS and AIS probable mitigation efforts been completed. DPP and SHPD's mutual responsibilities to vigorously protect irreplaceable cultural sites such as the recently destroyed ahu, maintains our rich cultural heritage, which keeps Hawaii special.

The AHCA further joins OHA's request that DPP immediately stop the Developer's current grading activities, at the above mentioned sites, due to the Army Corp of Engineers needing the 1055 Hao Street and 1057 Hao Street property for expansion of the significantly undersized City owned Wailupe Stream debris basin, as part of the ongoing US Army Corp of Engineers (ACE) Wailupe Stream Flood Control Project.

For the past three plus decades, the AHCA has met with and had extended discussions with the US Army Corps of Engineers, about Wailupe Stream's significant flooding risks, to our community's health and safety. On Monday evening (February 25, 2013) the US Army Corp of Engineer's Wailupe Stream Flood Control Project Manager Athline M. Clark, City & County Design & Construction Dept's Project Engineer Dennis Toyama, State DLNR Project engineer Edwin Matsuda met with AHCA's Board of Directors to discuss what probable actions can the `Aina Haina community reasonably expect, given our limited resources and increased demands. When asked to choose one

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critical action among a list of critical Wailupe Stream Flood Control sub-projects necessary to protect the health and safety of Wailupe Valley residents and significantly reduce stream flooding risks, Ms. Clark stated that substantial expansion of the existing Wailupe Stream debris basin (which is seven to ten times undersized) was the single most cost-effective risk reduction measure, including expansion onto the adjacent 1055 Hao and 1057 Hao Street sites, that are currently being graded and developed. Ms. Clark also mentioned the ACE's plans included condemnation of the above-mentioned grading/construction sites, and distributed the Wailupe Stream Flood Control Project—Photo Log showing ACE's debris basin expansion plans, along with ACE's current 100 year Floodplain--Flooding Risks Map, both of which are attached.

In addition, the AHCA hereby requests that DPP promptly conduct a formal survey, of the forty four (44) foot wide public easement that runs the length of the above mentioned Developer's property and serves as access to the City's Aina Haina Nature Preserve and the State's public lands in the upper Wailupe Valley. An ancient ahupua'a trail reportedly runs alongside, and repeatedly crosses over this easement. Nevertheless, the above mentioned Hao Street Developer has sectioned off a portion of the roadway, which he now claims as "his" private property. To put to rest any and all claims by any private party to their allegedly exclusive rights to an ancient ahupua'a trail and a documented easement to public City and State Preservation lands, a formal survey must be promptly completed and widely distributed. The AHCA is also gathering and analyzing evidence to document the path of the public's mountain access trail, which is believed to follow the ancient trail. Both efforts, we believe, will serve to settle disputes, clarify the public's use of the area, and ultimately serve as a model for the rest of the County.

The AHCA likewise joins OHA in requesting that DPP stop the Developer's current DPP Grading activities, pending completion of the AIS, SHPD's continuous monitoring and approval of AIS mitigation activities, and completion of extended consultation and agreement, among the U. S. Army Corps of Engineers, DPP and the AHCA regarding the Wailupe Stream Flood Control Project's pending debris basin expansion.

Lastly, the AHCA requests that a DPP representative attend the Kuli'ou'ou—Kalani Iki Neighborhood Board #2 meeting on March 7, 2013, 7 p.m., at the 'Aina Haina Public Library. Issues relating to this Hao Street development, will be on the NB#2 agenda, including additional details of our health and safety concerns. We respectfully request and would greatly appreciate your response to our above-mentioned concerns, by Thursday noon, March 7, 2013. If you desire additional information, please contact me via email (waysonc@gmail.com) and/or by phone (808) 599-8844.

Very truly yours,

/s/ Wayson Chow

AHCA President

PHONE (808) 594-1888

FAX (808) 594-1865



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPĪOLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD-13-6633

February 28, 2013

Mr. Jiro Sumada
Acting Director
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawai'i, 96813

Re: Permit Approval for TMK: 3-6-02:4001 Concerns about Cultural and Historic Properties that are Located on the Parcel and Apparent Desecration of Previously Unidentified Historic Properties.

Aloha e Mr. Sumada:

It has been brought to our attention that previously unidentified cultural and historic sites identified by knowledgeable community members have been desecrated on a property located in Wailupe Valley/Aina Haina TMK 3-6-02:4001. It is our understanding that the permit was issued earlier in 2013 and that the State Historic Preservation Division (SHPD) had previously reviewed the permit and issued a "no effect" letter based on a previous archaeological reconnaissance survey of the property conducted in the 90's. It is also our understanding that the community expressed that there were cultural and historic sites on the property prior to the commencement of construction and that the SHPD responded by requesting that an Archaeological Inventory Survey (AIS) be conducted on the parcel prior to construction activities. It is our understanding that an important cultural property was destroyed by grading and grubbing activities on the parcel prior to the completion of the AIS. Photographs with a GPS location were taken by community members and will be provided to the Department of Planning and Permitting (DPP) upon receipt.

While we understand that a review letter may have been received by the DPP indicating that no cultural sites or historic properties were identified on the property, once knowledgeable community members come forward to identify cultural properties we perceive that their

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comments and recommendations be taken into consideration and that the permitting process has the ability to attach conditions to the permit based on these new developments.

We request clarification from the DPP on whether the issued permit has provisions on the landowners responsibilities are in the case of previously unidentified historic properties (inadvertently discovered) within the project area. It is our sincere hope that there are provisions in the permit for this situation and that they require the landowner, or responsible party; to stop all ground disturbing work in the area, notify the SHPD, and develop appropriate mitigation strategies for the now identified historic property(s). If these conditions exist they would provide the most immediate and appropriate actions at this time.

We believe that an AIS should be conducted of the entire parcel, based on information provided by knowledgeable community members and that appropriate mitigation strategies be developed prior to the implementation of the parcels development. At this time all ground disturbing activities on the parcel should cease until such a time that approved mitigation measures, developed after the AIS is completed and consultation has occurred, for identified cultural sites are in place. We respectfully look forward to your response on this important matter. If you have any questions, please contact Lauren Morawski at (808) 594-1997 or laurenm@oha.org.

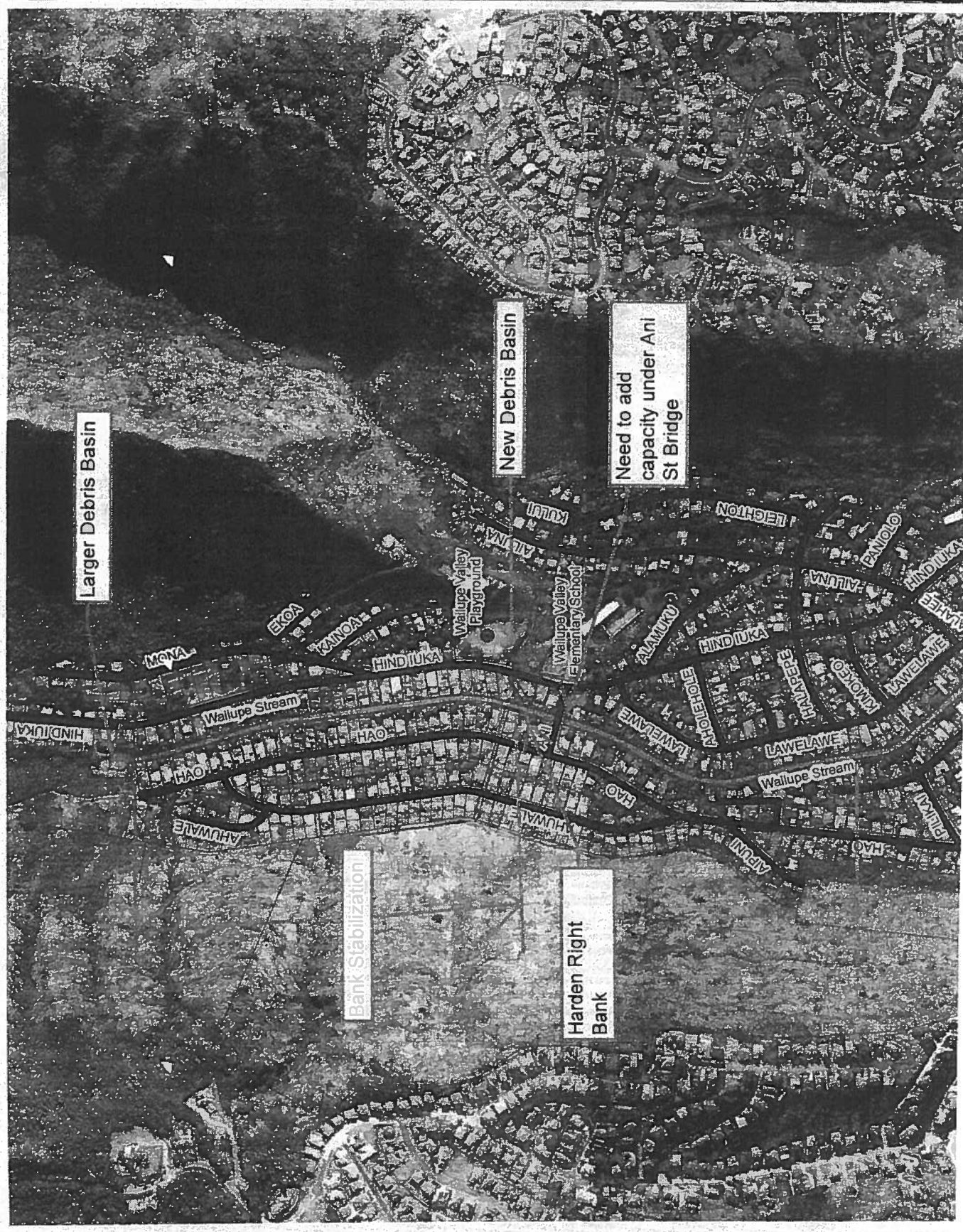
'O wau iho nō me ka 'oia'i'o,



Kamana'opono M. Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer

KMC;lm

C; Pua Aiu- Administrator State Historic Preservation Division
Susan Lebo-O'ahu Archaeologist SHPD



Larger Debris Basin

New Debris Basin

Need to add capacity under Ani St Bridge

Bank Stabilization

Harden Right Bank

MOA

EQOA

KANOA

HINDIUKA

Wallupe Valley Playground

Wallupe Valley Elementary School

ALAMUKU

HINDIUKA

HAHEHE

OHONOY

LAWELAWE

HINDIUKA

Wallupe Stream

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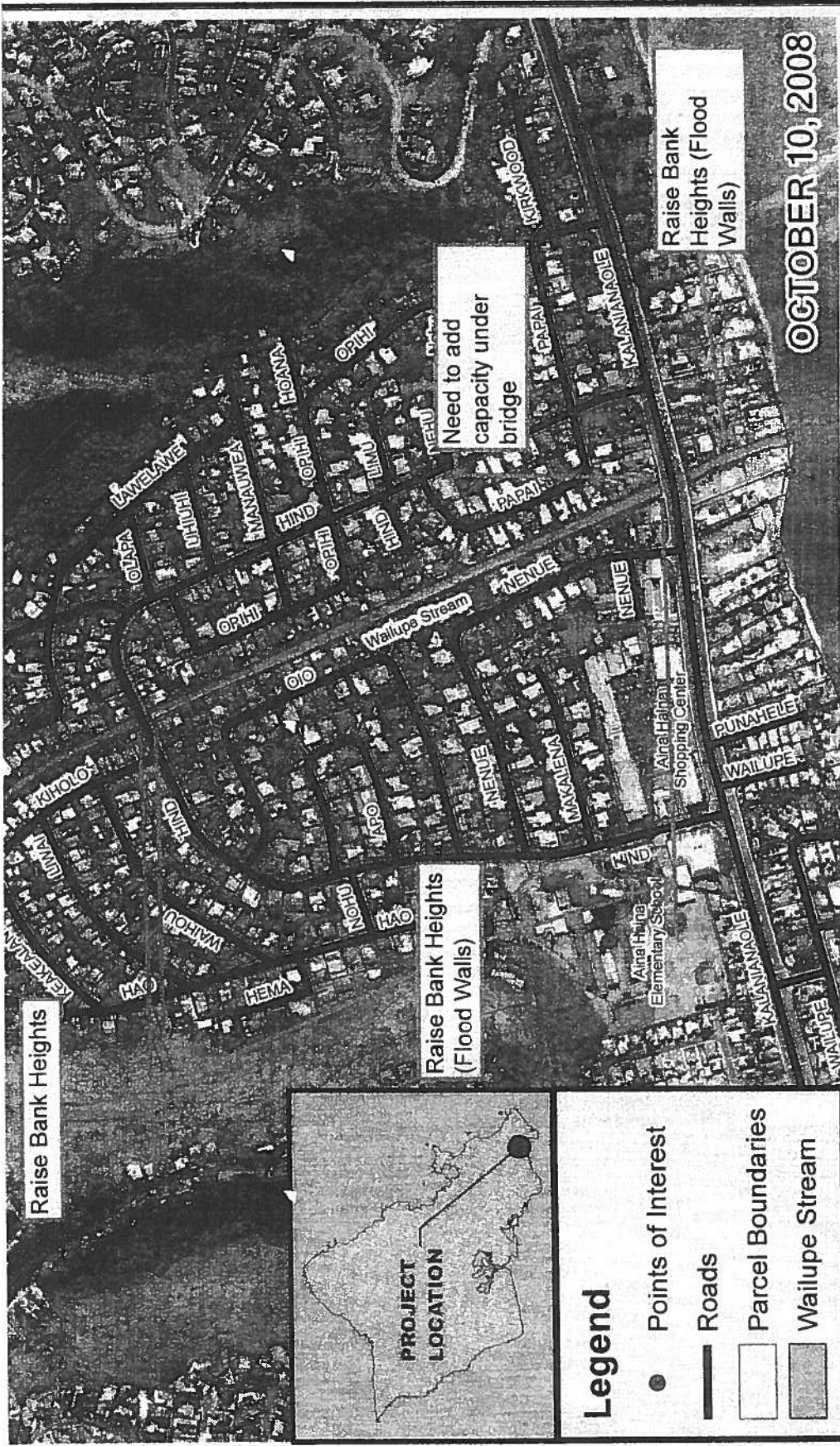
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OCTOBER 10, 2008

Raise Bank Heights

Raise Bank Heights (Flood Walls)

Raise Bank Heights (Flood Walls)

Need to add capacity under bridge



Legend

- Points of Interest
- Roads
- Parcel Boundaries
- ▨ Wailupe Stream

Wailupe Stream Flood Control Project - Photo Log



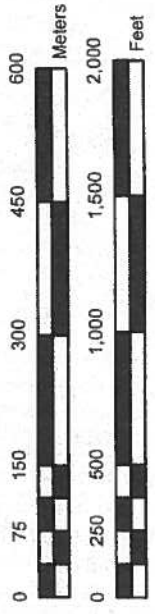
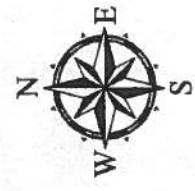
U.S. ARMY CORPS OF ENGINEERS
HONOLULU DISTRICT



STATE OF HAWAII
DEPT. OF LAND & NATURAL RESOURCES



CITY & COUNTY OF HONOLULU



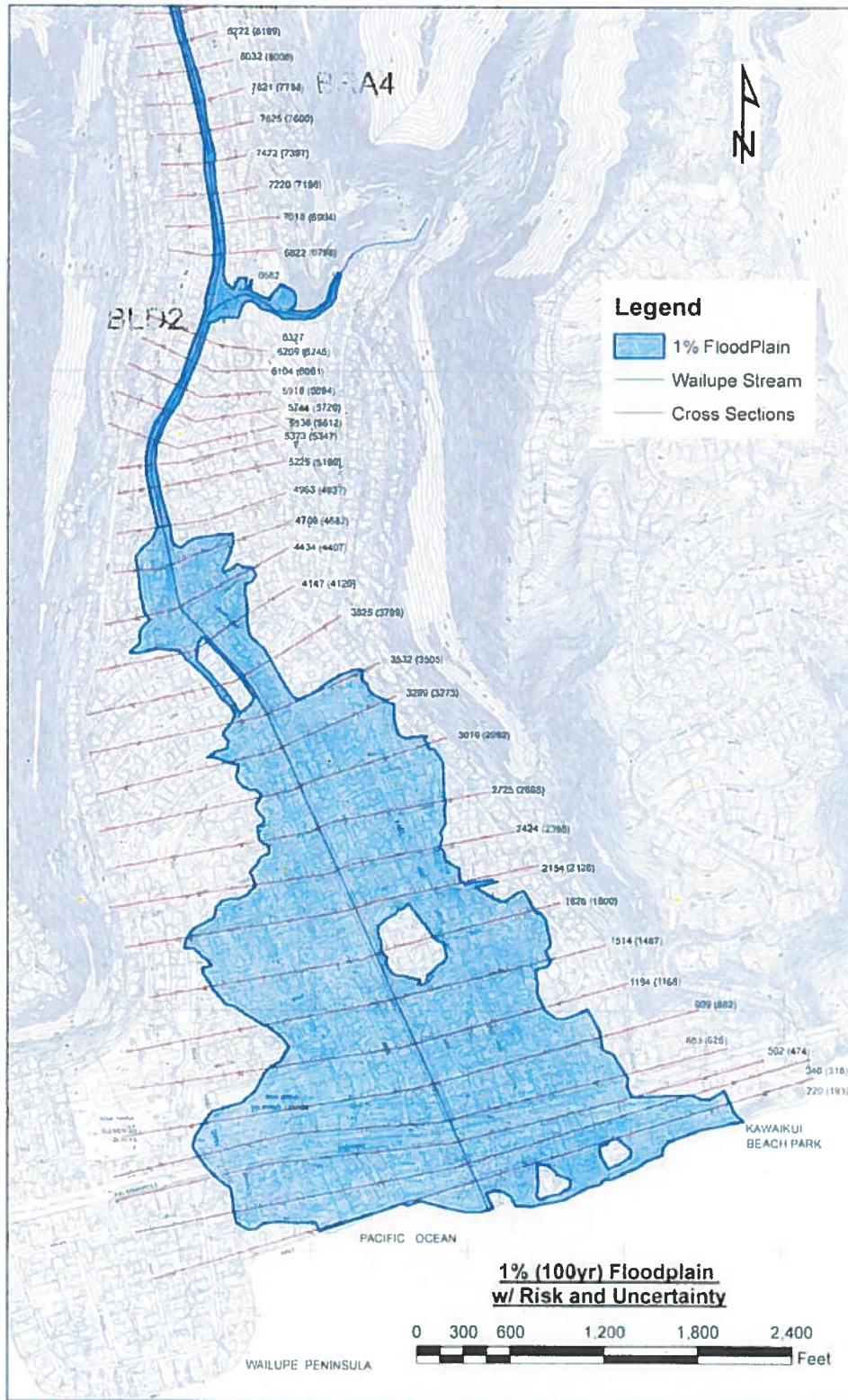


Figure 7. 100-Year Floodplain