

PHONE (808) 594-1888

FAX (808) 594-1865



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD13-6633

April 4, 2013

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

Re: Request for Archaeological Inventory Survey of TMK: 3-6-024:001 (9.53 Acres)

Aloha e Mr. Atta:

In response to beneficiaries concerns expressed to members of the 'Āina Haina Community Association (AHCA) and beneficiary residents of Wailupe Valley we are requesting that the City and County of Honolulu Department of Planning and Permitting (DPP) mandate that the developers of TMK: 3-6-004:001, Residences at 'Āina Haina LLC, conduct an Archaeological Inventory Survey of the complete 9.53 acre parcel prior to further development or land alteration. The parcel has undergone a proposed subdivision in the past on several occasions applied for by the current owner; and currently has an approved Sewer Connection Application (attached) for eight 3 bedroom single family dwellings and a current grading and building permit for two single family homes on 0.4 acres of the overall parcel. As the overall parcel contains cultural and historic properties significant to the community, including a trail providing access to the mauka region of Wailupe, we strongly advocate for the identification and documentation of all historic properties present on the 9.53 acre parcel prior to its incremental development. The ability to identify the locations of, and document, cultural and historic properties prior to the design and construction phase allows for appropriate planning and preservation of significant cultural and historic properties as well as avoiding costly construction delays for the developer when sites are identified inadvertently.

While we understand that the DPP maintains that they did not realize that historic properties were extant on the subject parcel, at the time of the issuance of the grading and

respective building permits. After investigation by staff from the State Historic Preservation Division (SHPD), and the Office of Hawaiian Affairs (OHA), on separate occasions in February, and March 2013, the DPP is now unequivocally aware that undocumented cultural and historic properties do exist on the subject parcel.

The property was proposed for development and subdivision several times in the last thirty to forty years and each time the proposed projects have been either denied or appear to have been abandoned. The 2006 application for subdivision received comments from the Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW), Nā Ala Hele (NAH) Trails and Public Access Program (attached). Per this aforementioned correspondence, the comments included provisions for the continued access to the Wailupe Trail. According to our records the Wailupe Trail runs across the subject parcel and provides access to the 'Āina Haina Nature Preserve and Honolulu Forest Reserve, located mauka of the parcel. The continued access to this trail is of critical importance to our beneficiaries and apparently the community as well. Mauka access provides cultural practitioners the ability to gather resources and to mālama cultural sites located on the subject parcel and within the 'Āina Haina Nature Preserve and Honolulu Forest Reserve. This access is vital to the perpetuation of cultural practices and the vitality of the contemporary Hawaiian population as confirmed in Constitutional and State law as well as judicial precedent.

While we believe that the DPP should have had some indication that historic properties and or cultural resources would likely have been located and identified within the subject parcel prior to the issuance of the subject permits, no such protective conditions were issued. These indicators are based on information which is readily available and includes; previous correspondence from the DLNR/DOFAW in relation to an earlier subdivision application which discussed mitigation for the Wailupe Trail (1996 and 2007 attached), the relatively recent designation of the 'Āina Haina Nature Preserve which surrounds the parcel and which is home to the endangered Hawaiian 'elepaio (*Chasiempis sandwichensis*) as well as other cultural resources, and the presence of Land Commission Awards (LCA's) in the direct vicinity of the property which are readily available via the State of Hawai'i Department of Accounting and General Services Land Survey website. These indicators should have alerted the DPP to the possible presence of cultural resources in the vicinity of the subject parcel. Had these indicators been heeded, for either the Sewer Connection Application and or the Grading/Building permit application, the permit would have been routed to the SHPD for appropriate review.

Identifying sites early in the historic preservation review process allows for both the developer and the community who value these resources to conduct planning and consultation early in the process which can avoid project delays and allows for preservation of important cultural resources and historic properties. As it appears in the East Honolulu Sustainable Communities Plan (EHSCP) the subject parcel lies outside of the areas demarcated for urban expansion. This project area has been demarcated for preservation for some time, and contains resources valuable to the beneficiary community and worthy of preservation. This plan was developed with vast community input and adopted in 1999 for the betterment of all of East Honolulu residents and includes measures to protect cultural and natural resources important to the area's history and provides for a sense of place. Section 2.1.1 of the vision statement of the EHSCP, and which pertains to the Protection of Community Resources, provides a vision for preservation, conservation, and enhancement of these valuable community resources. The vision

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for the EHSCP to *Preserve Cultural and Historic Resources* states that “These resources will be preserved by retaining visual landmarks and significant views, and by **preserving significant historic, cultural, and archaeological features from east Honolulu’s past**”. (emphasis added)

As the parcel is subject to further development, based on an approved application for sewer connection for eight single family dwellings and a Soils Engineering Report, prepared by Shinsato Engineering Inc.’s (September 9th, 2012 attached), and submitted to the DPP, and which depicts the proposed development of eight residences (Plate 2 attached) we believe that the entire 9.53 acre parcel should undergo an Archaeological Inventory Survey to identify and document all cultural and historic properties within the parcel early in the development process and allow for appropriate mitigation strategies to be developed.

We look forward to your response. If you have any questions, please contact Lauren Morawski at (808) 594-1997 or laurenm@oha.org.

‘O wau iho nō,



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

KMC:lm

Enclosure – 2011 Approved Sewer Connection Application for TMK: (1) 3-6-024:001
April 25, 1996 Letter from DLNR to Department of Land Utilization
May 24, 2007 Letter from DLNR/DOFAW to Department of Planning and Permitting
Plate 2 Shinsato Engineering Inc. Report Soils Investigation Proposed ‘Āina Haina Development TMK: (1) 3-6-024:001

C: William Aila Jr.-State Historic Preservation Officer
Pua Aiu- Administrator, State Historic Preservation Division
Susan Lebo- O‘ahu Archaeologist, State Historic Preservation Division
Wayson Chow- President, ‘Āina Haina Community Association
Jeff and Lorrie Stone- Residences at ‘Āina Haina LLC.



DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
 650 SOUTH KING STREET * HONOLULU, HAWAII 96813
 Phone: (808) 768-8209 * Fax: (808) 768-4210

SEWER CONNECTION APPLICATION

APPLICATION NO.: **2011/SCA-0211** STATUS: **Approved**
 DATE RECEIVED: **04/06/2011** IWDP APP. NO.:
 PROJECT NAME: **2011/SCA-0211 Eight new single family dwellings**

\$38,787.00
Estimated Wastewater System Facility Charge*

LOCATION:

Zone	Section	Plat	Parcel		
3	6	024	001	1031 HAO ST	415,213 Sq. Ft.

SPECIFIC LOCATION: **1031 Hao Street**

APPLICANT: **Armstrong Design, Ltd.**
Gary Herald
 80 Sand Island Access Road #209
 Honolulu, Hawaii 96819

DEVELOPMENT TYPE: **Dwelling, Single-family** SEWER CONNECTION WORK DESIRED:

OTHER USES:

NON-RESIDENTIAL AREA: s.f. APPROXIMATE DATE OF CONNECTION:

<u>PROPOSED UNITS</u>	<u>EXISTING UNITS</u>	<u>UNITS TO BE DEMOLISHED</u>
No. of New Units: 8	No. of Existing Units: 0	No. of Units to be Demolished: 0
Studios:	Studios:	Studios:
1-Bedroom:	1-Bedroom:	1-Bedroom:
2-Bedroom:	2-Bedroom:	2-Bedroom:
3-Bedroom:	3-Bedroom:	3-Bedroom:
4-Bedroom:	4-Bedroom:	4-Bedroom:
5-Bedroom:	5-Bedroom:	5-Bedroom:
6-Bedroom:	6-Bedroom:	6-Bedroom:

REMARKS

APPROVAL DATE: **04/19/2011**

EXPIRATION DATE: **04/18/2013**

*Valid 2-years after approval date. Construction plans shall be completed and approved within this 2-year period. Construction shall commence within 1-year after approval of plans.
 * Applicable WSFC shall be collected at the prevailing rate in accordance with ROH 1990, Chapter 14, Sections 14-10.3, 14-10.4, 14-10.5 and Appendix 14-D.*

REVIEWED BY: **Tessa Ching**

Site Development Division, Wastewater Branch

SITE DEVELOPMENT DIVISION MASTER APPLICATION FORM

(REVERSE SIDE)

V. FOR TRENCHING INFORMATION ONLY

Work to be performed for: _____ Work to be done: Service Connection Repair

Estimated Dates: Start: _____ Completion: _____ Other: _____

Estimated Value of work: \$ _____ Dimensions: _____ ft. _____ in. _____ ft. _____ in. _____ ft. _____ in.

AGENCY CLEARANCES	SIGNATURE	DATE	ADDRESS	PHONE NO.
DPP, Wastewater Branch			650 So. King St., FMB, 1st Flr.	768-8210
DTS, Traffic Signal			650 So. King St., FMB, 2nd Flr.	768-8388
DDC, Street Lighting			650 So. King St., FMB, 9th Flr.	768-8431
BWS, Customer Care			630 So. Beretania St., 1st Flr.	748-5460
Hawaiian Electric, Construction Installation			820 Ward Avenue, 4th Flr.	543-5654
Hawaiian Telcom, Excavation			1177 Bishop St., Security Entrance Adams Lane	546-7746
Gasco., Inc., Maps & Records			515 Kamakee St., 1st Flr.	894-5575
Oceanic Cablevision, Engineering & Constr.			200 Akamalul St.	625-8443
<input type="checkbox"/> CHECK IF REQUIRED DFM, Division of Road Maintenance			99-999 Iwaena Street, #214	768-3600

DPP: Dept. of Planning and Permitting DTS: Dept. of Transportation Services DDC: Dept. of Design and Construction BWS: Board of Water Supply DFM: Dept. of Facility Maintenance

NOTE: The utilities listed above may not represent all underground utilities located within City rights-of-ways, nor do these utility clearances relieve the permittee from complying with all other applicable codes, rules, regulations, and/or permit procedures including, but not limited to, additional clearances and requirements for other utilities (i.e. irrigation, data transmission, etc.) located within City rights-of-ways. Pursuant to ROH 1990, Section 14-17.6, the permittee shall indemnify and save harmless the city for any injuries or damages to any person or property received or sustained by any person as a consequence of any act or acts of the permittee on work done under the trenching permit.

FOR DIVISION USE ONLY:

Date of Application: _____ Received By: _____ Application No.: _____

VI. FOR SEWER CONNECTION INFORMATION ONLY

To receive a response via e-mail, provide email address below and check box here:

Residential: No. of Proposed Units 8 (Provide breakdown below)

_____ Studios _____ 1 Bedroom _____ 2 Bedrooms 8 3 Bedrooms _____ 4 Bedrooms _____ Other

Non-Residential: (See attached sewer table for required category and quantity and provide any additional information in the remarks)

CATEGORY(IES)	QUANTITY(IES)	NEW WATER METER SIZE(S)
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Date of Connection: _____ (approximate) Connection Work Desired: Use Existing Lateral Other

Dimensions: _____ ft. _____ in. _____ ft. _____ in.

Existing Structures/Dwellings on Property: (Provide breakdown below)

TYPE (i.e. Single Family)	QUANTITY(IES)	REMAIN	DEMOLISH
None			

Remarks: (Provide any additional information on the lines provided). If response box is checked above, provide email address here: gary@armstrongbuilders.com

FOR DIVISION USE ONLY:

Date of Application: _____ Received By: _____ Application No.: _____

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P.O. BOX 821
HONOLULU, HAWAII 96809

APR 25 1996

MICHAEL D. WILSON
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY
GILBERT S. COLOMA-AGARAN

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT
WATER RESOURCE MANAGEMENT

Mr. Patrick T. Onishi
Department of Land Utilization
650 South King Street
Honolulu, HI 96813

Dear Mr. Onishi:

Subject: Proposed subdivision located in Aina Haina-Hind Iuka Drive area, owner
Volumms Co. LTD

I apologize for the late comments and recommendations. The Department of Land and Natural Resources (DLNR) Division of Forestry and Wildlife's (DOFAW) Na Ala Hele (NAH) Trails and Access Program has been working with the Volumms Co. in establishing public access to the Honolulu Forest Reserve via Wailupe trail (OAL5009) which traverses a section of Volumms property.

DOFAW staff has reviewed the tax map key (TMK 3-6-04:01), forestry boundary and trail inventory maps and visited the location with Keith Kurahashi, of Kusao & Kurahashi, Inc. On April 17, 1996 NAH staff met with representatives from Volumms Co. and discussed some possibilities which are outlined in the following comments and recommendations below.

Comments:

1. The proposed subdivision located Aina Haina-Hind Iuka Drive (TMK 3-6-04:01) overlaps the Wailupe gulch trail head (OAL5009) which is located on the West side of the lower Wailupe portion of the Honolulu Forest Reserve. The subdivision also overlaps access to the east side of the lower portion of the reserve. (see attached map). Therefore the proposed subdivision request must comply with Honolulu City and County Ordinance 4311.
2. Access to the Wailupe Gulch trail needs to be maintained for hiking and hunting but also for management purposes - such as wild-land fire suppression.
3. Access to the east side of the Honolulu Reserve needs to be maintained for management purposes - such as wild-land fire suppression.

[Handwritten signature]

LINDA LINGLE
GOVERNOR OF HAWAII



ALLAN A. SMITH
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

PETER T. YOUNG
DEPUTY DIRECTOR - WATER

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813
TEL (808) 587-0166 FAX (808) 587-0160

May 24, 2007

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

RECEIVED
MAY 31 10:18
2007/5/31-87

Mr. Henry Eng, FAICP, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, HI 96813

Dear Mr. Eng:

Subject: Proposed Subdivision – TMK: 3-6-024: 001.

Your request to Alan A. Smith, Interim DLNR Director to determine whether this proposed subdivision requires the applicant to provide public access to the mountains was referred to the DLNR, Division of Forestry and Wildlife. The response to Mr. Patrick T. Onishi, Director, Department of Land Utilization on April 25, 1996 from DLNR, Chairperson Michael D. Wilson remains relevant to this request. The attached correspondence is provided for your reference. In addition, we request a provision to include a five car parking area at the end of Hao Street for hiker parking and any over-spill parking will be allowed along either side of this street.

We encourage the developer/applicant to work with DLNR to provide appropriate access amenities to public lands mauka of this proposed subdivision. Please call Mr. Aaron Lowe, Oahu Trails and Access Manager at 973-9782 if you have questions regarding our review of this subdivision request. We appreciate the opportunity to comment on your request.

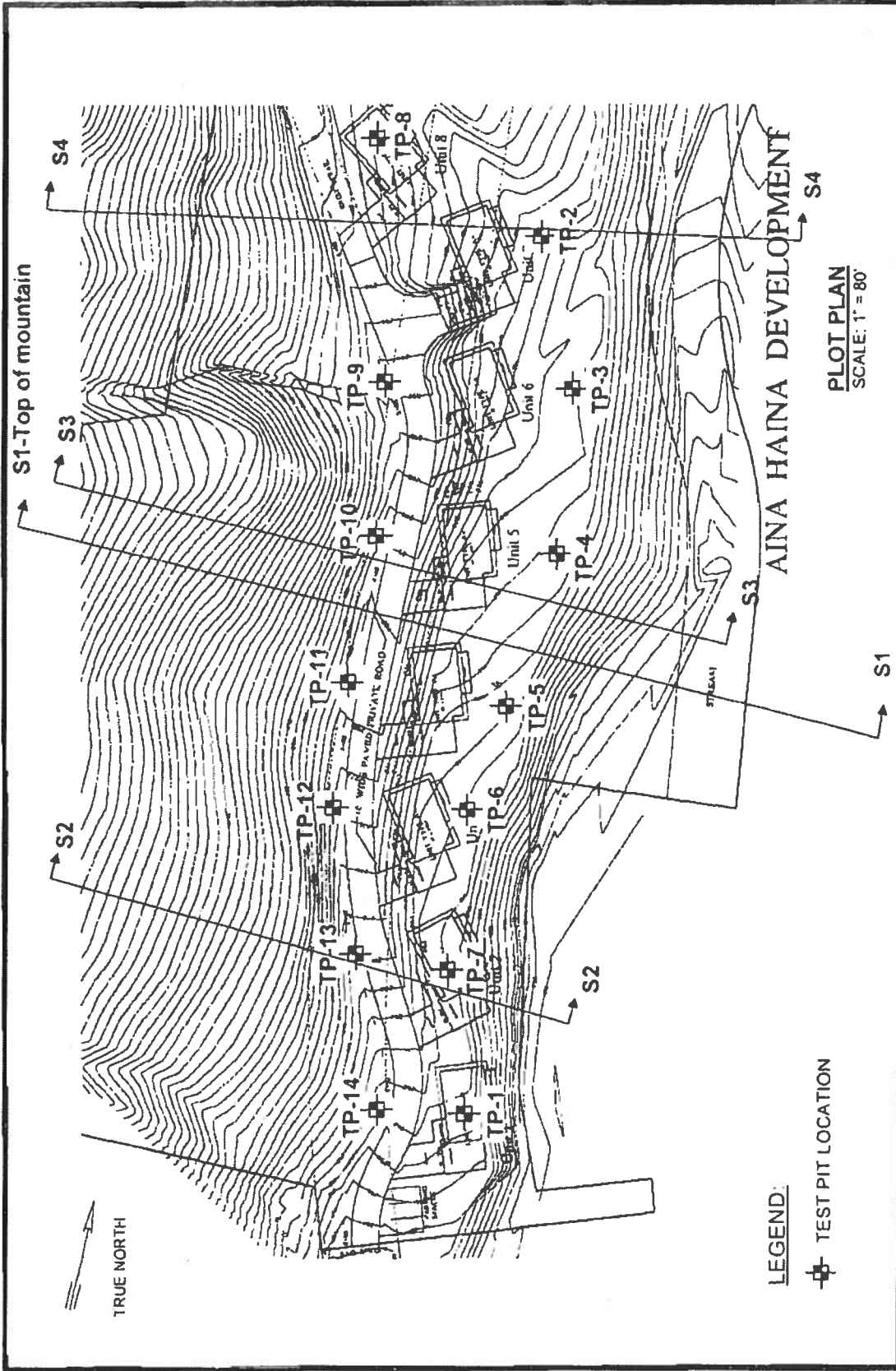
Sincerely yours,

Paul J. Conry
Paul J. Conry
Administrator

C: Aaron Lowe, Oahu DOFAW

Attachment

Post-it® Fax Note	7671	Date	5/31/07	# of pages	▶ 3
To	CRAIG OYADOMARI	From	JEFF LEE		
Co./Dept.	HIDA OKUMOTO	Co.	DPP		
Phone #		Phone #	768-8099		
Fax #	947-7546	Fax #			



PLOT PLAN
SCALE: 1" = 80'

PLATE
2

SHINSATO ENGINEERING, INC.
CONSULTING GEOTECHNICAL ENGINEERS
98-747 KUAHAO PL., #E PEARL CITY, HI 96782

Project: RESIDENCES AT AINA HAINA
1031 HAO STREET
Project No.: 11-0087