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May 11, 2015

*Via e-mail to:*

Mr. Alan Downer  
Administrator  
Hawai'i State Historic Preservation Division  
Kakuhihewa Building  
601 Kamokila Blvd., Ste. 555  
Kapolei, HI 96707  
Alan.S.Downer@hawaii.gov

Ms. Mary Jane Naone  
Kaua'i Lead Archaeologist  
Hawai'i State Historic Preservation Division  
P.O. Box 1729  
Lihue, HI 96766  
Maryjane.naone@hawaii.gov

**RE: FRIENDS OF MAHA'ULEPU'S INITIAL COMMENTS ON HAWAI'I  
DAIRY FARM'S "ARCHAEOLOGICAL INVENTORY SURVEY OF 580-  
ACRES IN MAHA'ULEPU AHUPUA'A"**

Dear Mr. Downer & Ms. Naone:

This firm represents the Friends of Māhā'ulepu (hereinafter abbreviated as "FOM"). FOM is a grassroots, not-for-profit corporation dedicated to protecting and preserving the Māhā'ulepu Valley and Kaua'i. In furtherance of its mission, FOM hereby submits these initial comments concerning Hawai'i Dairy Farm's ("HDF") *Archaeological Inventory Survey of 580-Acres in Māhā'ulepu Ahupua'a, Koloa District, Kaua'i Island, Hawai'i* ("AIS") dated February 2015, in connection with its proposed dairy in Māhā'ulepu ("Proposed Dairy"). FOM is aware that on April 13, 2015, the State Historic Preservation District ("SHPD") asked HDF to revise its AIS for the second time. *Letter from S. Lebo, SHPD, to HDF*, Exhibit 1, attached hereto. Accordingly, FOM expressly reserves the right to submit further comments on any revised or "final" version of the AIS once published. These initial comments are submitted today out of an abundance of caution and in light of the SHPD's intake listing date of April 10 for the AIS; these comments may be modified or supplemented when any subsequent versions of the AIS are published for public review. FOM appreciates the SHPD's evaluation of HDF's AIS, and believes that after considering the historical and cultural significance of sites in and features of the Māhā'ulepu Valley, SHPD will agree that HDF's Proposed Dairy does not belong in this special, sacred place. The potential for harm to the many archaeological, historical, and culturally significant places within or near the Proposed

Dairy site far outweighs any of the alleged benefits of locating a 2,000-head dairy farm on Kaua'i.

FOM expressly adopts and incorporates by reference the comments on the AIS submitted to SHPD by other concerned citizens and entities, including, but not limited to, those by: Llewelyn (Billy) Kaohelauli'I, Moku for Kona District; Kalanikumai Ka Maka'uli'uli 'O Na Ali' i Hanohano (Branch Harmony), representative for the Aapuaa of Māhā'ulepu; Terrie Hayes; and Kawailoa Development, LLP. FOM adds or emphasizes certain issues, below:

1. Size and Scope of HDF's Proposed Dairy

In order to fully understand the impacts that HDF's Proposed Dairy likely will have on archaeological, cultural, and historic sites, the AIS must describe the Proposed Dairy's operations using the actual planned herd size of 2,000 dairy cows. The SHPD's April 13 letter indicates that the Proposed Dairy will house approximately 499 head of cattle. Exhibit 1 at p.1. In fact, the initial number that HDF claims it will house at the beginning of operations is actually 699, but it is clear from public statements<sup>1</sup> that HDF plans to house up to 2,000 dairy cows at full-scale operations. See EISPN at Section 2.3. While FOM believes that even 699 cows will cause significant damage at the site of the Proposed Dairy, the degree of difference in effects stemming from housing 699 dairy cows in a common area vs. 2,000 cows is substantial. More cows will generate more manure, which in turn contributes to a greater risk of surface runoff or groundwater contamination occurring to Māhā'ulepu's water, itself a significant cultural feature (see *infra*, at Section 4). The AIS should therefore ensure that the true size and scope of HDF's Proposed Dairy at its full operational capacity is used in evaluating the impacts to archaeological, historical, and cultural features.

2. Historic Use of Site as Burial Ground

The spiritual significance of nā iwi kūpuna to the Hawaiian people is well known; indeed, the SHPD maintains a website discussing the reverence and respect that Hawaiians have for the *iwi* of their ancestors. See [www.state.hi.us/dlnr/hpd/naiwikupuna.htm](http://www.state.hi.us/dlnr/hpd/naiwikupuna.htm) (hereafter cited as "SHPD Nā iwi kūpuna page"). As SHPD explains, "[n]ative Hawaiians believe that the *mana* or spiritual essence and power of a person resided in their bones, their *iwi*. For native Hawaiians, it was important for the bones of a deceased person to complete their journey and return to the ground to impart their *mana*." Native Hawaiians feel a sense of responsibility for the *malama* of their deceased ancestors, and the cultural connection between Hawaiians and the land containing their ancestors' *iwi* remains especially meaningful.

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<sup>1</sup> Environmental Impact Statement Preparation Notice ("EISPN,"), available at [http://oeqc.doh.hawaii.gov/Shared%20Documents/EA\\_and\\_EIS\\_Online\\_Library/Kauai/2010s/2015-01-23-KA-5E-EISPN-Hawaii-Dairy-Farms.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Kauai/2010s/2015-01-23-KA-5E-EISPN-Hawaii-Dairy-Farms.pdf), last accessed May 11, 2015

It is practically certain that the area within or adjacent to (and thus likely to be affected by) the Proposed Dairy historically was used as a burial ground and contains *iwi* of island residents' ancestors. Taro, or *kalo*, was cultivated on the Proposed Dairy site before the sugar plantations operated there. Traditionally, Hawaiians would bury the remains of their loved ones near their home (SHPD Nā iwi kūpuna page) and in the Māhā'ulepu Valley, this likely meant in or near the *kalo* fields. Hawaiians believe that the *mana* of their deceased family member gets taken up by the plants and provides continued protection and guidance. Thus, the spirits of their ancestors would live on in the *kalo* plants. The connection between the *kalo* plant and the identity of Hawaiian people is so strong that the word *'ohana*, or family, is derived from the Hawaiian word used to refer to the shoot of the *kalo* plant. Every part of the process of *kalo* cultivation—planting, tending, preparing, and ingesting—can therefore be considered a spiritual act, honoring ancestors and “Haloa,” a cultural deity, and these spiritual values would have been held and practiced by ancient and historic Hawaiians who lived in and near the Proposed Dairy site.

The AIS notes at least six Land Commission Awards (“LCAs,” discussed at AIS pp. 25-27), which signify historic habitation in the Proposed Dairy site and, relatedly, *iwi* kūpuna. This conclusion is supported by the depiction of a “house” in the middle of map in Figure 7, and the fact that petroglyphs and other significant historic areas have been found on and near the Proposed Dairy site. Even without evidence of habitation and likely presence of *iwi* kūpuna at the site, the prevalence of unidentified burial sites throughout Hawai'i is very high. SHPD acknowledges that “[u]nmarked Hawaiian burial sites can be encountered almost anywhere,” and that the locations of burial sites marked with stones were sometimes “lost as surface areas were graded and cleared for agricultural activities.” SHPD Nā iwi kūpuna page. Further, burial locations were frequently a secretive cultural tradition and not easily revealed to outsiders. *Id.* Therefore, the locations of *iwi* kūpuna within the Proposed Dairy site are likely not obvious and will require some effort to discover.

The current AIS does not indicate whether any effort already has been undertaken to identify individuals or *'ohana* of ancient Hawaiians who may be buried in the area within or adjacent to the Proposed Dairy site, nor does it indicate whether any effort was made to identify any persons who may have connections to the LCAs. The revised AIS should describe the good-faith efforts made to identify and contact any descendants of the LCA recipients and possible *iwi* kūpuna at the Proposed Dairy site, in addition to discussing the affects and disturbance that the operation of the Proposed Dairy would cause.

### 3. Presence of Historical Trails

Given the fact that the Māhā'ulepu Valley was home to an estimated 108 to 138 persons in the mid-19th century (AIS at p. 25), the existence of historical valley trails should be accepted as a near certainty. Such a trail system would have been essential for valley residents to access important resources, such as water, medicinal plants, and salt ponds, and available evidence supports the existence of historical trails in the Valley.

The presence of Keolewa Heiau, on Ha'upu Ridge, and a former heiau, Hanakalauea Heiau, within the valley, suggest that historical trails may have connected the site for the Proposed Dairy and the upper ridgeline. Figure 7 in the AIS refers to a "path." The discussion of LCA 6667, on page 28 of the AIS, notes that Mika's testimony discussing cultivation of food crops, raising fish, and growth of *wauke* for *kapa* cloth production was a "classic example of Traditional Hawaiian life." AIS at p. 28. A village whose residents were actively engaged in these classic examples of "traditional" life would have utilized some type of trail system to support these activities.

While the AIS acknowledges that the present-day trails commonly regarded as animal and hunting trails may have, at one time, been traditional pre-Contact/Historic era trails (AIS at p. 135), it also concludes that "there was no evidence on the ground for any trails." This conclusion seems to contradict the acknowledgement that trail usage may have changed over time. The final AIS should describe attempts to consult with community members who may possess knowledge of historical trails and describe the impacts that HDF's Proposed Dairy operations would have on those trails. Due to the surficial nature of trails, it is possible that some of HDF's site work has already disturbed the traditional paths. This fact should be considered when interviewing community members and examining their descriptions of the locations of traditional trail systems in the Valley.

Finally, FOM learned, just today, of the existence of a map dating to approximately 1835 and depicting historical trails through the Māhā'ulepu Valley. FOM anticipates receiving a copy of this map soon and plans to review and discuss the map in connection with its supplemental or subsequent comments on the revised AIS. FOM will provide a copy of the map to SHPD to ensure that impacts to any trails depicted in the map are considered in the adequately evaluated in the revised AIS.

#### 4. Need to Consider Water as Independent, Culturally-Significant Feature

In traditional Hawaiian culture, natural resources and cultural resources are considered one and the same. A spiritual connection exists between people and their surroundings, including the land, water, and sky. Elements of the natural environment, such as mountains, coastlines and ocean, or groves of trees, are often considered to be the embodiment of deities and regarded as collective cultural properties of the Hawaiian people. Kāne, the highest of the major Hawaiian deities, is associated with natural forces such as sunlight and fresh water. It is Kāne's relationship with other gods that brings for life. For example, together with Lono, god of agriculture, Kāne ensures healthy and abundant crops, and with Kanaloa, god of the sea, Kāne provides plentiful fish and sea creatures. Kāne's most important *kinolau*, or form, is fresh, life-sustaining water.

The National Park Service has recognized the hydrologic connection that exists between the various waters within the Māhā'ulepu Valley, noting that the Wai'opili

stream<sup>2</sup> “emerges in more natural form near Makauwahi Cave at the south end of the study area, where it joins forces with a natural spring and a remnant of the once much larger Kapunakea Pond.” *Māhā’ulepu, Island of Kaua’i, Reconnaissance Survey*, National Park Service, U.S. Dept. of the Interior (February 2008), available at [http://www.nps.gov/pwr/upload/mahaulepu\\_final.pdf](http://www.nps.gov/pwr/upload/mahaulepu_final.pdf) (last accessed May 11, 2015). Therefore, surface runoff or manure contamination that impacts even one waterbody threatens to reach the entire system within the Māhā’ulepu Valley watershed, up to and including the coastline and ocean. Aside from the obvious risks to public and environmental health, any contamination to ground and surface waters caused by the dairy also constitutes harm to their shared cultural property. In particular, local community members recall hiking trails to collect water in the Māhā’ulepu Valley because it is considered especially healthy and pure; this will not be the case if HDF’s Proposed Dairy operates and dramatically alters the area. Secondary cultural harms may also result from water pollution at the Proposed Dairy site; for example, the ability of individuals to grow or gather traditional plants or access historical trails or other significant sites may be impaired. The availability of water in Waita reservoir will decrease greatly if HDF uses reservoir water for Proposed Dairy operations. The AIS should therefore recognize the archaeological and cultural significance attached to the subsurface and surface water and carefully identify and evaluate the negative impacts to area water that likely will result from HDF’s Proposed Dairy.

#### 5. Recognition of the Public’s Stated Concern for the Preservation of Māhā’ulepu

Besides the National Park Service Survey, discussed *supra*, other public entities have recognized and memorialized the public’s concern for the protection and preservation of Māhā’ulepu. Kaua’i County includes an entire chapter entitled “Caring for Land, Water, and Culture” in its General Plan (“Plan”). County of Kaua’i General Plan, available at <http://www.kauai.gov/Portals/0/planning/Ch3.PDF> (last accessed May 11, 2015). Section 3.6, “Native Hawaiian Rights,” includes a policy statement that “[t]he County recognizes the rights of native Hawaiians...[and] [n]o County ordinance or rule shall modify or diminish these rights[.]” The Plan then identifies certain water, fishing, access, and burial rights, and rights to preservation of certain historic and archaeological resources. Plan, Section 3.6.1.

In 2001, the Kauai County Council adopted Resolution No. 2001-25, entitled “Resolution Supporting Future Preservation of Māhā’ulepu.” Resolution No. 2001-25 (hereafter “Resolution”) attached hereto as Exhibit 2. The Resolution provides that “Māhā’ulepu is a heritage landscape where it is possible to preserve and restore diverse significant natural, scenic, cultural, archaeological, historic, scientific, and recreational resources,” and that “Māhā’ulepu is a living cultural landscape and a place sacred to many Native Hawaiians, particularly those of the Kōloa area whose ancestral remains are buried at Māhā’ulepu.” Exhibit 2. That same year, the Hawaii House and Senate similarly supported the preservation of Māhā’ulepu by passing similar resolutions. S.R.

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<sup>2</sup> The Wai’opili stream is already contaminated, and FOM has taken action to try to protect this vulnerable waterbody.

No. 97, S.D. 1, Supporting the Future Preservation of Māhā’ulepu, Twenty-First Legislature, 2001; H.R. No. 91, H.D. 1, Supporting the Future Preservation of Māhā’ulepu, Twenty-First Legislature, 2001. More recently, in February of 2015, many community members attended a meeting with HDF representatives where the public interest in protecting and preserving the Māhā’ulepu area was expressed and emphasized.

These resolutions, comments, and concerns from the community reflect a strong public interest in the cultural significance of the Māhā’ulepu Valley and Proposed Dairy site, and such interest should properly be considered in the final AIS.

6. Process and Mitigation

Finally, the AIS should be completed according to applicable statutes and regulations, and ensure that any necessary mitigation is thoroughly explained. Where a proposed project may affect “historic property...or a burial site,” the approving agency must advise the SHPD and allow the SHPD an opportunity for review and comment on the effect of the proposed project on those sites. Hawai’i Rev. Stat. § 6E-42. Here, however, it appears that HDF has already received certain approvals from the State and County of Kaua’i, and has undertaken ground disturbing activities even though a final AIS remains to be completed. HDF should comply with all mandated processes, and the final AIS should include an explanation of its compliance. As part of this process, clarification as to the Proposed Dairy site title and ownership (and supporting documentation) should be reviewed and confirmed. Additionally, the AIS should include a commitment to and explanation of any mitigation measures that HDF would implement or has implemented in connection with its Proposed Dairy. Such a commitment enables the public to meaningfully evaluate the AIS and determine its accuracy.

### CONCLUSION

As stated above, FOM explicitly reserves the right to supplement these comments upon publication of HDF’s revised, final AIS. After SHPD has an opportunity to review HDF’s revised AIS and fully consider the number and degree of negative consequences of the Proposed Dairy on archaeological, historic, and cultural sites, FOM believes it will agree that the threatened harm to these sites is significant. In keeping with stated public interest, the lands and waters within the Māhā’ulepu Valley should be preserved and protected, and not irreparably harmed by an industrial dairy.

Please notify FOM when the revised AIS has been made available for public review and comment.

Sincerely,

/s/ Charles M. Tebbutt

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Charles M. Tebbutt

Law Offices of Charles M. Tebbutt, P.C.

charlie@tebbuttlaw.com

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

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CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

April 13, 2015

Hawaii Dairy Farms, LLC  
737 Bishop Street, Suite 2360  
Honolulu, HI 96813

LOG NO: 2015.01404  
DOC NO: 1504MN05  
Archaeology

Dear Mr. or Ms.:

**SUBJECT: Chapter 6E-42 Historic Preservation Review -  
Revised Archaeological Inventory Survey of 580 Acres in Māhā‘ulepū Ahupua‘a  
Māhā‘ulepū Ahupua‘a, Koloa District, Island of Kaua‘i  
TMK: (4) 2-9-003:001 por. and 006 por.; 2-9-001:001 por.**

Thank you for submitting the revised subject draft plan entitled *Archaeological Inventory Survey of 580-Acres in Māhā‘ulepū Ahupua‘a, Koloa District, Kaua‘i Island, Hawai‘i [TMK: (4) 2-9-003:001 por. and 006 por.; 2-9-001:001 por.]* J. Putsi., M. Ching, J. Powell, M. Dega, Ph.D. We received the initial draft on September 25, 2014, which was received on December 3, 2014 (*Log No. 2014.04405, Doc. No. 1410MN02*). We received the revised copy February 20, 2015, and apologize for the delay in review.

The archaeological inventory survey (AIS) of the 580 acre subject property was conducted at the request of the landowner, Hawaii Dairy Farms, LLC. The project area defined by the landowner includes the valley floor of Māhā‘ulepū Valley, a relatively level plain framed by Mt. Ha‘ūpu Ridge and Mountain to the north, and two ridges on the east and west, forming a large, natural amphitheater. The east and west ridges also serve as ahupua‘a dividing lines, with Kipu Kai to the east, and Pa‘a on the west. Based on the geological formation of the ridgeline framing the project area, the State Historic Preservation Division (SHPD) Kaua‘i section initially recommended that the project area be defined as the entire area from the ridgeline down. After subsequent negotiations, Scientific Consultant Services (SCS) and the landowner agreed to expand the project area approximately 100 meters upslope in all directions. SHPD continues to have concerns that the project area does not include indirect effects of the proposed dairy on historic properties upslope.

The commercial dairy will require the modification of existing dirt roads, grading of ground surfaces for the construction of buildings, the excavation of effluent ponds, and the excavation of pipelines for the watering of cattle. According to conversations with SCS staff, we understand about 499 head of cattle will be retained in the project area.

The AIS newly identified 16 historic properties within the project area, and relocated State Site 50-30-10-3094, a large boulder with at least 20 anthropomorphic characters represented, as well as two pecked “cups” or basins. The report states that SCS located a second petroglyph rock associated with Site 3094, which is identified in the report as Feature B. A third petroglyph boulder, referenced in the report as Feature C, is approximately 70 meters from Site 3094. Sites 2251 through 2262 are associated with plantation-era infrastructure and include irrigation ditches, two bridges, a reservoir, retaining wall, and sluice gates. Site 2250 is located on the slopes below Mt. Ha‘ūpu and included in the revised, expanded project area. The site is an enclosure which the report concludes is an agricultural *heiau* due to the absence of artifacts during subsurface testing, and proximity to LCAs associated with agricultural

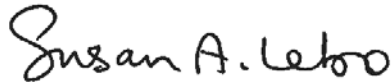
encampments. Seventeen backhoe trenches were excavated within various portions of the property and partly informed by consultation with SHPD; these included subsurface testing within previous known LCA encampments, and near Site 2250 and Site 3094. A single artifact was recovered, a chopper tool within Site 2250.

The plantation-era sites are assessed for significance under Criteria “d” of HAR §13-284-6, with potential to yield data important for research on prehistory or history, and Sites 2250 (a ceremonial enclosure) and 3094 (petroglyph boulders) are recommended as significant under Criteria “d” and “e,” which states the Site (s) “has an important value to the native Hawaiian people or to another ethnic group of the state due to associations with cultural practices once carried out, or still carried out, at the property or due to association with traditional beliefs, events or oral accounts – these associations being important to the group’s history and cultural identity.” Sites 2250 (Enclosure) and 3094 are recommended for preservation, with preparation of a preservation plan, and Sites 2251-2262 are recommended for “no further work.” In addition, the report states that “no archaeological monitoring is recommended” during any ground altering work in the project area.

**Additional revisions are necessary to meet the requirements of HAR§13-276 prior to approval of the AIS.**

Māhā‘ulepu ahupua‘a remains culturally significant and contains unusual pre-Contact sites (the petroglyph boulders) as well as several *heiau*, although most have been destroyed. The Office of Hawaiian Affairs has produced documentation referring to Mt. Ha‘upu as a traditional cultural property (TCP), and numerous individuals have provided consultation to the cultural importance of this area. Please expand on this in the discussion and conclusion. In addition to the recommendations for preservation, please provide potential mitigations for indirect effects of the proposed dairy on these sites. Attached please find a list of revisions or requests for clarification prior to the acceptance of the AIS. An electronic revised copy may be submitted to the Kaua‘i section. Please contact Kaua‘i archaeologist Mary Jane Naone at (808) 271-4940 or [Maryjane.naone@hawaii.gov](mailto:Maryjane.naone@hawaii.gov) if you have any questions regarding this letter.

Aloha,



Susan A. Lebo, PhD

Oahu Lead Archaeologist

Acting Archaeology Branch Chief

cc. Mike Dega, Scientific Consultant Services ([mike@scshawaii.com](mailto:mike@scshawaii.com))



## ATTACHMENT

Comments and Questions: Revised *Archaeological Inventory Survey of 580-Acres in Māhā‘ulepū Ahupua‘a, Koloa District, Kaua‘I Island, Hawai‘i [TMK: (4) 2-9-003:001 por. and 006 por; 2-9-001:001 por.]*  
J. Putsi., M. Ching, J. Powell, M. Dega, Ph.D.

### Introduction

1. Starting with cover, revise throughout to present TMK in numerical order to facilitate filing which is by TMK; TMK: (4) 2-9-001:001 por., 2-9-003:001 por., 2-9-003:006 por.
2. The landowner must be identified, pursuant to HAR§13-276-5(a)(2). The last copy stated that Hawaii Dairy Farms, LLC (HDF) was leasing the property; this copy refers to HDF as the landowner. Please verify in the final copy.

### Traditional and Historic Setting

3. Were any historic photographs located for the project area?
4. The assertion that “pre-Contact sites have been most commonly identified in coastal or near coastal areas, locations removed from intensive sugar cane production” is misleading. As stated in our previous request for revisions, Kaua‘i contains a multitude of inland pre-Contact sites that defy this assertion: including extensive agricultural complexes inland in areas such as Waimea Canyon and Makaweli, inland habitation sites, Heiau at significant locales on the interior of the islands, and numerous loko wai and loko i‘a-kala, inland fishponds. In fact, sugar cane cultivation often followed cultivation of previous crops dating back to pre-Contact times. There is not sufficient data to analyze archaeology within areas of intensive sugar cane cultivation, particularly in Kaua‘i, where previously cultivated fields have been largely un-surveyed, based on the assumption that there’s nothing there. In addition, if coastal sites have been more commonly identified, it’s likely a result of modern land use (coastal areas being more desirable for development) rather than an indication that pre-Contact peoples did not use the interior or the island. The text illustrates this later – in the section “Site distribution and chronology” (pg 41).

### Previous Archaeology

5. The description of Site 3094 within this section refers to a large boulder sitting “isolated” in a pasture. Actually, two additional boulders containing petroglyphs are within the immediate area.
6. Please provide a graphic within this section to show the relationship of the sites identified within the project area to the larger landscape.
7. Please provide a graphic or table showing the location of previous studies nearby the project area.

### Consultation

8. Please list the several people that Milton Ching conducted consultation with.
9. Is Kalani Pike the correct name? I’ve seen Kalanikumai, Branch Harmony, or Zachariah Harmony. All of the individuals that have provided insight on the AIS should be included within the consultation section.

### Archaeological Inventory Survey Results

10. On page 45, the text notes that Site 3094 and Site 2250 occur “off-site”, but the Site description for Site 2250 says that the site occurs in Paddock P-163.
11. Please include Sites 2250 and 3094 within the maps showing the locations of historic properties.
12. When consulted over the placement of test units within the structure, believed originally to be a kauhale, SHPD Kaua‘i Lead Archaeologist agreed that 2-3 shovel test pits were appropriate for assessing subsurface stratigraphy and the presence or absence of cultural deposits. An increase in the number of test units should have been informed by SHPD; a 1x1 test unit can be perceived as “data recovery” and is not appropriate for an archaeological inventory survey, unless explicitly agreed upon.
13. Please provide some context for the interrelation of the irrigation ditches. Are historic maps or photographs showing the ditches available? How would the ditch configuration provide irrigation to the project area, and if the ditch segments connected continuously over time, or were used differently during various periods of cultivation. A map of the project area, overlaid with the actual course of the irrigation ditches, would provide context for their historical use.
14. Please provide plan view drawings for the features within Site 2252, in accordance with HAR13-276-5 (4) f.
15. As previously noted, there is no photograph or site map for Site 2253.
16. Please describe the size of the rocks within the dry set features, and the number of courses.

17. There is no attempt to specifically provide context for either the reservoir, the bridges or the irrigation ditches. One of the bridges has been altered from its original construction in 1908, and the bridges contain hand rails made from iron, narrow gauge rails from the previous cane railroad. When were these constructed, and by whom? Who constructed the reservoir, and why?
18. The site description for Site 2258 (the reservoir) lacks a description of the construction and other basic information stipulated in §HAR13-276-5(4).
19. Site 2262 has no photograph or map, and features an irrigation flume, as well as two sluice gates, one which has incorporated part of a former railroad rail. Please provide photographs and maps for the features.
20. Feature 3 of Site 3094 is 70 meters away and no rationale is provided justifying its inclusion in Site 3094. Please prepare a site number request, GIS coordinates, and site description for Feature 3 and include the new site number in the revised copy, as a separate site.
21. Site 3094 Feature 2 was not included in the site requests that SCS made for this project. Please prepare documentation and provide GIS coordinates for Feature 2 and submit to SHPD. Please provide sufficient rationale for why Feature 2 is associated with Feature 1 and belongs to the same site.

### **Discussion and Conclusions**

22. During consultation throughout this project, the Kaua'i archaeologist emphasized the need to consider potential trails to the ridgeline, as well as discuss the cultural importance of the ridgeline, which was deemed a traditional cultural property (TCP) in an Office of Hawaiian Affairs (OHA) letter report included in the National Park Service survey of the Māhā'ulepu coast (2008). We recommended contacting OHA to get more information about the report, as well as sources for this information. We understand SCS will be preparing a cultural impact assessment, but please provide additional discussion of these aspects of the project area and what your findings were in the conclusion.
23. These statement is incorrect "Most *heiau*... consist of multiple courses of rocks piled many meters high, and which stand out in complexity and breadth". While it's true many Heiau have those characteristics, there are also many examples of Heiau throughout Hawaii that do not fit these criteria (reference "The Significance of Heiau Diversity in Site Evaluations", C. Cachola-Abad, *Cultural Resource Management* Volume 19, No 8, 1996).
24. Please include a brief description of the sole artifact and its relationship to Site 2250.

### **Recommendations**

23. The recommendations section states that Sites 2250 and 3094 should be preserved via a preservation plan. Please provide information on what is being proposed for the remainder of the sites. Will these be "passively preserved", or are they slated for alteration, modification or destruction? What affect will the proposed dairy have on these sites? Please indicate if the reservoir and traditional irrigation systems will be used by the dairy, and how.

COUNTY COUNCIL  
COUNTY OF KAUAI

# Resolution

No. 2001-25,  
Draft 1

## RESOLUTION SUPPORTING THE FUTURE PRESERVATION OF MĀHĀ'ULEPŪ

WHEREAS, Māhā'ulepū is a heritage landscape where it is possible to preserve and restore diverse significant natural, scenic, cultural, archaeological, historic, scientific and recreational resources; and

WHEREAS, Māhā'ulepū is a living cultural landscape and a place sacred to many Native Hawaiians, particularly to those of the Kōloa area whose ancestral remains are buried at Māhā'ulepū; and

WHEREAS, it is in the economic and social interest of the County of Kaua'i to conserve its valuable natural and cultural resources and to create parks and preserves for the future; and

WHEREAS, the ahupua'a of Māhā'ulepū is also directly adjacent to Kīpū Kai, an entire ahupua'a which is a future State land preserve; and

WHEREAS, the unique opportunity to apply the ahupua'a framework of care-taking and management of watersheds from mountain peak to the ocean exists at both Kīpū Kai and Māhā'ulepū; and

WHEREAS, landowners should receive fair value for land dedicated or sold for public purposes; and

WHEREAS, the Kaua'i General Plan states that Māhā'ulepū needs a community-based planning effort that engages the landowner and local community interests, drawing upon the County government, the State Department of Land and Natural Resources (DLNR), and various professional experts, as needed; NOW, THEREFORE:

BE IT RESOLVED, that the Council of the County of Kaua'i supports and is willing to participate in collaborative planning efforts to explore options for the preservation of Māhā'ulepū that would make it possible to preserve the irreplaceable natural and cultural resources of Māhā'ulepū, and to sustain the experience of this place as an undeveloped area with compatible uses.

BE IT FURTHER RESOLVED, that the Council of the County of Kaua'i extends its mahalo to the Grove Farm Company, Inc., for continuing to keep Māhā'ulepū open to the public, both residents and visitors.

BE IT FURTHER RESOLVED, that the Council of the County of Kaua'i thanks Governor Benjamin J. Cayetano for his declaration of support for preservation of Māhā'ulepū and asks the Governor to continue his leadership towards preservation of Māhā'ulepū.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Honorable Benjamin J. Cayetano, Governor of the State of Hawai'i; the Honorable Mazie Hirono, Lieutenant Governor of the State of Hawai'i; the Honorable Maryanne W. Kusaka, Mayor of the County of Kaua'i; State Senator Jonathan Chun; State Senator Avery B. Chumbley; State Representative Ezra R. Kanoho; State Representative Bertha C. Kawakani; State Representative Hermina M. Morita; Ms. Lynn P. McCrory, State Board of Land and Natural Resources Kaua'i Member; and Mr. David W. Pratt, President and Chief Executive Officer, Grove Farm Company, Inc.

INTRODUCED BY:

/s/ RON KOUCHI  
 /s/ BILL "KAIPO" ASING  
 /s/ BRYAN BAPTISTE  
 /s/ GARY HOOSER  
 /s/ DARYL KANESHIRO  
 /s/ JAMES KUNANE TOKIOKA  
 /s/ RANDAL VALENCIANO

	Aye	Nay	Exc.
Asing	X		
Baptiste	X		
Hooser	X		
Kaneshiro	X		
Kouchi	X		
Tokioka	X		
Valenciano	X		
TOTAL	7	0	0

CERTIFICATE OF ADOPTION

We hereby certify that Resolution No 2001-25, Draft I, adopted by the Council of the County of Kauai, State of Hawaii, Lili'uokalani, Kauai, Hawaii, on April 11, 2001.

  
 County Clerk

  
 Chairman & Presiding Officer

Dated 4/12/2001