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From: Kaaina Hull <khull@kauai.gov>
Date: Tue, Sep 19, 2023 at 10:54 AM
Subject: RE: Koloa Mill Violations
To: Dei Encarnación <dencarna1211@gmail.com>

Thank you for your communication,

An investigation has been initiated for this site, and we will file this additional communication with our enforcement team for their review. Mahalo.

Ka`āina Hull
Director of Planning
County of Kaua`i
4444 Rice Street, Suite A473
Līhu`e, Hawai`i 96766
(808)-241-4050

From: Dei Encarnación <dencarna1211@gmail.com>
Sent: Monday, September 18, 2023 6:28 AM
To: Kaaina Hull <khull@kauai.gov>
Subject: Koloa Mill Violations

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Dear Ka`āina Hull:

I am writing to you in order to address the unpermitted industrial activities that have been taking place within the former Koloa Sugar Mill on the island of Kaua`i (see attached photos). The mill sits on agricultural land that has been repurposed by HPM Building Supply for construction equipment-related purposes that are not agricultural in nature and that do not commercially support agriculture. HPM had recently been denied permits to develop on an adjacent parcel, and the move into the Old Koloa Sugar Mill has bypassed the environmental impact process and is completely without permits.

The Old Koloa Sugar Mill has been recorded as SHPD Historic Site #30-10-9302, and is a National Historic Landmark listed on the National Register of Historic Places (#66000296). The primary features of the site are the Old Sugar Mill chimney and foundation located at the intersection of Koloa Road and Maluhia Road, however the standing ruins of the mill buildings are a contributing factor to the overall integrity of the site and are a feature on the Koloa Heritage Trail (Ka Ala Hele Waiwai Ho`oilina o Kōloa). Impacts to the former mill buildings result in an indirect effect to these primary features.

The lack of an archaeological inventory survey or other proper procedures prior to the commencement of work is in direct violation of Section 106 of the NHPA, which mandates effects of undertakings on “historic properties” and seeks to avoid, minimize, or mitigate any adverse effects on such properties (36 CFR 800.1(a)).

As you are aware, the use of the site without an AIS or proper permits is in further violation of Chapter 6E of the State of Hawaii Revised Statutes, which states that “before any construction, alteration, disposition or improvement of any nature, by, for, or permitted by a private landowner may be commenced which will affect an historic property on the Hawaii Register of Historic Places, the landowner shall notify the department of the construction, alteration, disposition, or improvement of any nature and allow the department opportunity for review of the effect of the proposed construction, alteration, disposition, or improvement of any nature on the historic property. The proposed construction, alteration, disposition, or improvement of any nature shall not be commenced, or in the event it has already begun, continue, until the department shall have given its concurrence or ninety days have elapsed.” The landowner has neither received permits from the Kaua’i Planning Department nor notified SHPD of the work currently being done at the site.

HPM has altered the appearance of the Old Koloa Sugar Mill site, by painting former sugar mill buildings and placing signs in direct conflict with the historical integrity of the property (see attached photos). To date, no assessment of the current condition or integrity of the mill site has been conducted, and the use of the site by HPM for industrial purposes continues. As an archaeologist and advocate for historic preservation, I am requesting an investigation into the unpermitted development and use of Site #30-10-9302, in an effort to protect the heritage of the town of Koloa and the State of Hawai’i.

Sincerely,

D. Encarnación, M.A.