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3 8. **What does an archaeology and historic preservation specialist do?**

4 Study the past and address historic preservation laws. Investigate the presence/absence of
5 archaeological features on the subject parcel, and if found, assess feature function, construction
6 methods, associated cultural deposits, and site significance.

7 9. **Please describe the type of work you perform at Scientific Consultant Services, Inc.**

8 As a Principal Investigator, I oversee much of the field and laboratory work conducted by
9 SCS employees on all islands for SCS's archaeological projects, which include archaeological
10 assessments, inventory surveys, data recovery, burial treatment, traditional cultural properties
11 studies, cultural resources management, and general archaeological consultations.

12 10. **Have you ever been qualified as an expert witness in archaeology and historic**
13 **preservation before the Land Use Commission?**

14 Yes. I appeared as an expert approximately four times before the State Land Use
15 Commission.

16 11. **Are you familiar with the proposed Pu'unene Heavy Industrial Subdivision**
17 **("Project") and the Petition Area?**

18 Yes. I understand that the Project located within the approximately 86 acre Petition Area
19 located in Pulehunui, Wailuku, Maui, at tax map key no. (2) 3-8-008: 019, is proposed to be
20 developed as a heavy industrial subdivision.

21 12. **Are you familiar with the archaeological, historical and cultural resources within**
22 **and around the proposed Pu'unene Heavy Industrial Subdivision ("Project") and the**
23 **Petition Area?**

24 Yes. SCS was retained by Petitioner CMBY 2011 Investment, LLC to prepare certain
25 studies and plans for the Project.

26 I prepared a study titled "An Archaeological Inventory Survey of an Approximately 917
27 Meter (3,007.8 feet) Long Alternative Access Road and an 86.029 Acre Property in Puunene,
28 Pulehu Nui Ahupua'a, Wailuku District, Island of Maui" dated September 2011 ("AIS"). A copy

1 of that AIS is included as Appendix I of the Environmental Assessment that was prepared by
2 Chris Hart & Partners, which I understand was filed as Petitioner's Exhibit 1.

3 My colleague at SCS, Dr. Robert Spear, prepared a study titled "A Cultural Impact
4 Assessment Report for Approximately 86 Acres, Lands of Pulehu Nui, Wailuku District, Maui,
5 Hawaii" dated September 2011 ("CIA"), a copy of which is appended to the Final EA as
6 Appendix K. I am very familiar with the contents of the AIS, as well as with the contents of the
7 CIA.

8 **13. Did you rely on any other studies or consultations in drawing your conclusions and**
9 **making your assessment of the Project?**

10 Yes. Prior to the current AIS, a large portion of the Petition Area had been previously
11 surveyed by International Archaeological Research Institute, Inc. in 1999. The IARII survey
12 identified two archaeological sites within the Petition Area (State Site 50-50-09-4164, which is
13 the former Pu'unene Naval Air Station, and State Site 50-50-09-4801, which consists of two post-
14 World War II cattle ranching sites). Those Sites were relocated under the current AIS. I also
15 referenced a number of studies listed under the References section of the studies.

16 Similar studies and communications with organizations and persons knowledgeable about
17 the area where consulted during the CIA process. Those are listed in the CIA.

18 **14. Did these studies or consultations form the basis for your opinions?**

19 Yes.

20 **15. Please summarize the scope of the AIS.**

21 The purpose of the AIS was to investigate the presence/absence of archaeological features
22 on the subject parcel, and if found, assess feature function, construction methods, associated
23 cultural deposits, and site significance. Fieldwork was conducted between June 27 and 30, 2011
24 in the Petition Area.

25 **16. Please describe the methodology used to conduct the AIS.**

26 We conducted a pedestrian survey in order to identify archaeological sites and assess the
27 geographical/physiological features of the Project area. Transect spacing was between twenty
28 meters for high visibility areas to ten meters or less in areas with lower visibility. Sites were

1 noted on standard graphing paper, and also documented with digital photography. Each site was
2 given an SCS temporary site designation (e.g., T-1) and plotted on a United States Geological
3 Survey map with a handheld Garmin GPS Map 60 CSx global positioning system unit.

4 Twenty trenches were excavated. Trenches were used to locate any associated subsurface
5 midden deposits. We documented soil stratigraphy encountered during excavation on metric
6 graph paper and United States Department of Agriculture (USDA) Munsell soil color charts.
7 Only one stratigraphic trench revealed the presence of subsurface architecture. This feature was
8 initially utilized as a military storehouse and converted for animal husbandry purposes.

9 All field notes, digital photographs, and collected archaeological materials were curated at
10 the SCS laboratory in Honolulu. Significant artifacts are scanned or photographed and classified
11 for qualitative analysis.

12 17. **Are the methodologies that you used consistent with generally accepted industry**
13 **standards?**

14 Yes.

15 18. **Are there government regulatory guidelines applicable to the AIS?**

16 Yes. The AIS was prepared to support the proposed Project's historic preservation review
17 under Hawai'i Revised Statutes ("**HRS**") Chapter 6E-8 and Hawai'i Administrative Rules
18 Chapter 13-275.

19 19. **Please describe the criteria for an archaeological site to be assessed as a significant**
20 **site.**

21 To be assessed as significant a site must be characterized by one or more of the following
22 five criteria:

23 (A) It must be associated with events that have made a significant contribution to the
24 broad patterns of our history, or be considered a traditional cultural property.

25 (B) It must be associated with the lives of persons significant in the past.

26 (C) It must embody distinctive characteristics of a type, period, or method of construction,
27 or represent a significant and distinguishable entity whose components may lack
28 individual distinction.

1 (D) It must have yielded or may be likely to yield, information important in prehistory or
2 history.

3 (E) Have important value to native Hawaiian people or other ethnicities in the state, due to
4 associations with cultural practices and traditional beliefs that were, or still are, carried
5 out.

6 20. **Did you identify any archaeological resources within the Petition Area?**

7 Yes. A total of 34 features were identified, of which 15 were previously unrecorded.
8 Thirty of those 34 features were associated with the Pu'unene Naval Air Station. The four
9 features not associated with the Naval Air Station were associated with the post-World War II
10 cattle ranching complex. No pre-contact archaeological sites were identified.

11 Fifteen of the features recorded by the AIS were evaluated and found to be significant
12 under Criterion D for their information content. The former Naval Air Station (State Site 50-50-
13 09-4164) was also been assessed as significant under Criterion A, as it yielded information
14 important to the history of Maui.

15 21. **What were the final recommendations under the AIS?**

16 The AIS recommended no further archaeological work for the Petition Area. However,
17 the AIS also determined that if the area designated as the "Alternate Access Road" was used for
18 access to the Project, archaeological monitoring should be conducted since that area was only
19 subject to a pedestrian survey. I understand, however, that Petitioner CMBY does not intend to
20 pursue the Alternate Access Road.

21 22. **Did you submit the AIS to the Department of Land and Natural Resources, State
22 Historic Preservation Division?**

23 Yes, the AIS was submitted to SHPD in September 2011. SHPD accepted the AIS by
24 letter dated June 18, 2012, a copy of which was filed as Appendix I-1 of the Final Environmental
25 Assessment (Petitioner's Exhibit 1). SHPD agreed with the AIS recommendation that no further
26 archaeological work is needed for the Petition Area.

27 23. **Have you prepared an Archaeological Monitoring Plan?**

1 Yes. I prepared a plan titled "Archaeological Monitoring Plan For a 917 Meter (3,007
2 Feet) Long Alternative Access Road and an 86.029 Acre Property in Puunene, Pulehu Nui
3 Ahupua'a, Wailuku District, Island of Maui, Hawaii" dated September 2012 ("**Monitoring
4 Plan**"). A copy of the Monitoring Plan is included as Appendix J of Petitioner's Exhibit 1.

5 24. **Has the Monitoring Plan been submitted to the Department of Land and Natural
6 Resources, State Historic Preservation Division?**

7 Yes, the Monitoring Plan was submitted to SHPD in October 2011, and by letter dated
8 August 24, 2012, SHPD accepted the Monitoring Plan. A copy of SHPD's letter was included as
9 Appendix J-1 of Petitioner's Exhibit 1.

10 25. **Please summarize the scope of the CIA.**

11 The purpose of the CIA was to identify the possibility of on-going cultural activities and
12 resources within the Petition Area, or its vicinity, and then to assess the potential for impacts on
13 these cultural resources as a result of the development of the Project. The CIA is not intended to
14 be a document of in depth archival-historical land research, or a record of oral family histories,
15 unless these records contain information about specific cultural resources that might be impacted
16 by a proposed project.

17 26. **Please describe the methodology used to conduct the CIA.**

18 The CIA was prepared it in accordance with the suggested methodology and content
19 protocols in the Guidelines for Assessing Cultural Impacts (OEQC 1997). The CIA contains
20 archival and documentary research, as well as communication with organizations having
21 knowledge of the project area and its cultural resources. Individuals and organizations with
22 knowledge of cultural practices in, or in close proximity to, the Petition Area, traditional stories,
23 practices and beliefs associated with the Petition Area or historical properties within the Petition
24 Area were sought out for consultation and interviews.

25 Letters were sent to organizations whose jurisdiction included knowledge of the area,
26 consultation was sought from the following: (i) History and Culture Branch Chief of the SHPD;
27 (ii) Office of Hawaiian Affairs, Oahu Branch; (iii) Office of Hawaiian Affairs, Maui Branch; (iv)
28 Central Maui Hawaiian Civic Club; (v) Kimokeo Kapahuleua; (vi) Maui SHPD; (vii) Cultural

1 Resources Commission of the County of Maui Planning Department; and (viii) Hale Mahaolu. In
2 addition, a CIA Notice was published in The Honolulu Star Advertiser and The Maui News on
3 July 20, 21 and 24, 2012. Notice was also published in the August edition of the Office of
4 Hawaiian Affairs' newsletter, Ka Wai Ola.

5 27. **Are there government regulatory guidelines applicable to the CIA?**

6 Yes. Under Hawaii's Environmental Policy Act, found in HRS Chapter 343, part of the
7 environmental assessment process is to assess the potential impacts to cultural
8 practices and cultural features that may be affected by the development of a project that is subject
9 to HRS Chapter 343. Furthermore, Articles IX and XII of the State Constitution require
10 government agencies to promote and preserve cultural beliefs, practices, and resources of native
11 Hawaiians and other ethnic groups.

12 To that end, the Environmental Council developed protocols and specific content
13 requirements for a CIA. The protocols are as follows: (A) Identify and consult with
14 individuals and organizations with expertise concerning the types of cultural resources, practices
15 and beliefs found within the broad geographical area, e.g., district or ahupua'a; (B) Identify and
16 consult with individuals and organizations with knowledge of the area potentially affected by the
17 proposed action; (C) Receive information from or conduct ethnographic interview and oral
18 histories with persons have knowledge of the potentially affected area; (D) Conduct ethnographic,
19 historical, anthropological, sociological, and other culturally related documentary research; (E)
20 Identify and describe the cultural resources, practices, and beliefs located within the potentially
21 affected area; and (F) Assess the impact of the proposed action, alternatives to the proposed
22 action, and mitigation measures, on the cultural resources, practices and beliefs identified.

23 The content requirements for a CIA include the following:

24 A. A discussion of the methods applied and results of consultation with
25 individuals and organizations identified by the preparer as being familiar with cultural practices
26 and features associated with the project area, including any constraints or limitations which might
27 have affected the quality of the information obtained.

1 B. A description of methods adopted by the preparer to identify, locate, and select the
2 persons interviewed, including a discussion of the level of effort undertaken.

3 C. Ethnographic and oral history interview procedures adopted by the preparer to
4 identify, locate and select the persons interviewed, including a discussion of the level of effort
5 undertaken.

6 D. Biographical information concerning the individuals and organizations consulted, their
7 particular expertise and their historical and genealogical relationship to the project area, as well as
8 information concerning the persons submitting information or interviewed, their particular
9 knowledge and cultural expertise, if any, and their historical and genealogical relationship to the
10 project area.

11 E. A discussion concerning historical and cultural source materials consulted, the
12 institutions and repositories searched and the level of effort undertaken. This discussion should
13 include, if appropriate, the particular perspective of the authors, any opposing views, and any
14 other relevant constraints, limitations or biases.

15 F. A discussion concerning the cultural resources, practices and beliefs identified and for
16 resources and practices, their location within the broad geographical area in which the project is
17 located, as well as their direct or indirect significance or connection to the project site.

18 G. A discussion concerning the nature of the cultural practices and beliefs, and the
19 significance of the cultural resources within the project area affected directly or indirectly by the
20 proposed project.

21 H. An explanation of confidential information that has been withheld from public
22 disclosure in the assessment.

23 I. A discussion concerning any conflicting information in regard to identified cultural
24 resources, practices and beliefs.

25 J. An analysis of the potential effect of any proposed physical alteration on cultural
26 resources, practices or beliefs; the potential of the proposed action to isolate cultural resources,
27 practices or beliefs from their setting; and the potential of the proposed action to introduce
28 elements which may alter the setting in which cultural practices take place.

1 K. A bibliography of references, and attached records of interviews which were allowed
2 to be disclosed.

3 28. **Was the CIA prepared in a manner consistent with these protocols and content**
4 **requirements?**

5 Yes.

6 29. **Did you identify any cultural resources within the Petition Area?**

7 No, we did not identify any cultural resources or activities within the Petition Area. There
8 are no specific ongoing traditional cultural practices being exercised at the Petition Area. Based
9 on archival research and oral testimonies obtained from various individuals and government
10 agencies interviewed as part of the CIA, the Petition Area has not been used for traditional
11 cultural purposes within recent times.

12 30. **Are you familiar with the requirements imposed by the Hawaii Supreme Court in**
13 **the *Ka Pa'akai O Ka 'Aina v. Land Use Commission* decision?**

14 Yes. The Court ruled that the Land Use Commission must make specific findings and
15 conclusions related to cultural, historical, and natural resources and the associated traditional and
16 customary practices of a site prior to granting a reclassification.

17 Specifically, the Commission must have information on (i) the identity and scope of
18 "valued, cultural, historical, or natural resources" in the Petition Area, including the extent to
19 which traditional and customary native Hawaiian rights are exercised in the Petition Area; (ii) the
20 extent to which those resources – including traditional and customary native Hawaiian rights –
21 will be affected or impaired by the proposed action; and (iii) the feasible action, if any, to be
22 taken by the Commission to reasonably protect native Hawaiian rights if they are found to exist.

23 31. **In light of *Ka Pa'akai O Ka 'Aina*, do you feel that the AIS and the CIA were**
24 **sufficiently detailed to identify the cultural, historical and archaeological resources of the**
25 **Petition Area?**

26 Yes.

27 32. **Have you prepared any data recovery, preservation or burial treatment plans for the**
28 **Petition Area? If not, why?**

1 No, no such plans have been prepared because no burial sites were identified within the
Petition Area and no significant sites were identified within the Petition Area.

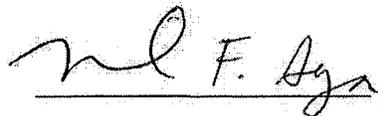
33.3 **In your professional opinion, will the development of the Project have an adverse
effect on any archaeological, historic, or cultural resources?**

5 No. With respect to archaeological and historical resources, the AIS prepared for the
Project, and which has been accepted by DLNR-SHPD, determined that no further archaeological
work is required for the Petition Area. No pre-contact archaeological sites were identified. Most
of the historic features within the Petition Area have been heavily impacted by modern
mechanical clearing and ensuing debris removal. Archival research indicated the northern half of
the Petition Area was used for hog farming and as a scrap metal storage site, while the southern
half of the Petition Area remained fallow. Therefore, in my professional opinion, it is unlikely
that the development of the Project will impact any archaeological or historic sites.

13 With respect to cultural resources, there are no ongoing traditional cultural practices being
exercised at the Petition Area. Based on the research conducted under the CIA, the Petition Area
has not been used for traditional cultural purposes within recent times. Therefore, in my
professional opinion, it is unlikely that the exercise of native Hawaiian rights related to gathering,
access or other customary activities will be affected by the development of the Project.

18
19 DATED: Honolulu, Hawaii, August 14, 2013.

20
21 Respectfully submitted,

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25 MICHAEL F. DEGA, Ph.D.

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