

MCCORRISTON MILLER MUKAI MACKINNON LLP

ATTORNEYS AT LAW

June 6, 2017

Land Use Commission
State of Hawaii
235 South Beretania Street, Suite 406
Honolulu, Hawaii 96813
Attention: Mr. Daniel Orodener
Mr. Bert Saruwatari

2017 JUN -6 P 1:51
LAND USE COMMISSION
STATE OF HAWAII

Re: LUC Docket No. A-94-706

Messrs. Orodener and Saruwatari:

This letter is intended to respond to the questions raised by Bert Saruwatari in his two emails to Catherine Taschner dated February 14, 2017. The questions are set forth in bold print below, followed by our respective responses thereto.

- 1. The document does not make clear why many of the individuals sought to be interviewed were never interviewed. For each of these individuals, is there a reason why they were not interviewed? How many times were each of them contacted?**

Scientific Consultant Services, Inc. (“SCS”) conducted interviews with all of the people who responded to SCS’s requests for an interview.¹

The individuals and organizations listed on page 32 of the Supplemental Cultural Impact Assessment dated March 2017 (“SCIA”) are those that SCS believed may have information about traditional cultural activities (previously or currently) conducted in the project area and the greater ahupua`a, or may know the names of such individuals. SCS contacted some of the individuals by telephone, but most of the individuals and organizations received initial letters of inquiry. The inquiry letter generally described the Pi`ilani Promenade project, mentioned the Honua`ula Offsite Workforce Housing Project, advised the recipient that two, separate CIAs were being prepared, discussed the purpose of a CIA. The letter specifically requested: “any information that you or other individuals have which might contribute to the knowledge of traditional cultural activities that were, or are currently, conducted in the vicinity of the two proposed project areas[.]” and further stated: “We are also asking for any information pertaining to traditional

¹ Additionally, the initial Cultural Impact Assessment, dated December 2013 (“ICIA”) is appended to the Supplemental Cultural Impact Assessment, dated March 2017 (“SCIA”). The ICIA included summaries or transcripts of interviews with three people, as well as the transcripts of two cultural consultation meetings, dated February 25, 2014, and April 27, 2016. Eleven community members participated in the February 25, 2014, meeting; and five of those eleven participated in the April 27, 2016, meeting.

cultural activities or traditional rights which may be impacted by the proposed undertakings.” See SCIA at B-2 through B-4.

SCS answered all responses that it received. If an individual or organization provided the names of others who may have relevant information, SCS sent those people the initial inquiry letter.

Generally, if SCS did not receive a response to the initial letter, SCS sent a follow-up letter, or attempted telephone contact. An exemplar of the follow-up letter is included in the SCIS at C-2 through C-3. If an individual or organization did not respond to either letter, or to other contact efforts, SCS did not take any further action.

SCS received seven responses to its contact efforts. Three individuals who responded provided the names of individuals and organizations who/that may have relevant information. Ultimately, four people advised that they wanted to participate in the consultation process. As set forth in the SCIA at 32-33, SCS interviewed four individuals. At Mr. Liu’s request, his testimony was not included in the SCIA.

2. The document includes summaries of the interviews with Joylynn Paman and Basil Oshiro and Sally Ann Oshiro. Do the transcripts of their interviews exist? The reason I ask is because the earlier interviews in the CIA included transcripts.

SCS has digital recordings of the interviews, but no transcripts. It is not the standard practice of SCS to include transcripts of interviews for CIAs. The Guidelines for Assessing Cultural Impacts, adopted by the Environmental Council in November 1997, and as set forth in Guide to the Implementation and Practice of the Hawaii Environmental Policy Act (2012 Edition) (“Guidelines”) do not suggest that the interview transcripts are to be included in a CIA. (For example, the initial CIA did not include transcripts of all interviews.) Notably, however, after each interview, SCS provided a summary of the interview to each person interviewed for their review. Before any summary interview information was included in the SCIA, the interview subject executed an Information Release Form, which stated in relevant part: “I have read the summary of the interview and the information is true and accurate to the best of my knowledge.” See, for example, SCIA at D-2 and D-3.

3. The document states that Eldon Liu did not want his interview included within the document. Why did he agree to be interviewed in the first place if his concerns would not be reported/acknowledged?

Mr. Liu explained his reasons to Cathleen Dagher of SCS in a private telephone conversation. As such, and without Mr. Liu’s express approval to discuss further his testimony or statements to Ms. Dagher, SCS does not believe it can make public either his testimony or the reasons for his decision to exclude his testimony from the SCIA.

4. Can the emails referenced on page 40 be included in the document?

It is not SCS's standard practice to do so, and the inclusion of such emails in a CIA is not indicated by the Guidelines. Further, two of the three emails referenced in the SCIA on page 36 contained personal telephone and email contact information for the individuals referenced in the emails. SCS does not believe that this personal contact information should be included in the public report. Finally, other than the personal contact information, the SCIA at page 36 sets forth the content of the emails virtually verbatim.

5. Is it also the conclusion of the consultants that there are no specific valued cultural, historical, or natural resources nor any traditional and customary native Hawaiian rights being exercised within the Honua'ula parcel?

Yes.

6. Will the SCIA be revised to include the Honua'ula parcel to be consistent with the CIA?

No. SCS prepared the SCIA specifically for the Pi'ilani Promenade project. See SCIA at Figures 1-3. The Applicant does not own the Honua'ula parcel; and that parcel is not included specifically in the SCIA. Please note, however, that SCS was retained to prepare a CIA for the proposed Honua'ula Offsite Workforce Housing Project. SCS has completed that CIA and reached the conclusion set forth in no. 5, above.

Very truly yours,

McCORRISTON MILLER MUKAI MacKINNON LLP



Randall F. Sakumoto
Lisa W. Cataldo

cc: Piilani Promenade North, LLC and Piilani Promenade South, LLC
RFS:dkc