MANCINI, WELCH & GEIGER LLP

PAUL R. MANCINI 1198-0
JAMES W. GEIGER 4684-0
305 East Wakea Avenue, Suite 200
Kahului, Hawaii 96732
Telephone: (808) 871-8351
Facsimile: (808) 871-0732

Attorneys for Petitioners

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of: DOCKET NO. A15-798
WAIKAPU PROPERTIES, LLC; MTP ) DIRECT TESTIMONY OF LISA
LAND PARTNERS, LLC; WILLIAM S. ) ROTUNNO HAZUKA
FILIOS, Trustee of the William )
S. Filios Separate Property )
Trust dated APRIL 3, 2000; and )
WAIALE 905 PARTNERS, LLC, )
)
)
To Amend the Agricultural Land )
Use District Boundaries into )
the Rural Land Use District for )
certain lands situate at )
Waikapu, District of Wailuku, )
Island and County of Maui, )
State of Hawaii, consisting of )
92.394 acres and 57.454 acres, )
bearing Tax Map Key No. (2) 3- )
6-004:003 (por) and to Amend )
the Agricultural Land Use )
District Boundaries into the )
Urban Land Use District for )
certain lands situate at )
Waikapu, District of Wailuku, )
Island and County of Maui, )
State of Hawaii, consisting of )
236.326 acres, 53.775 acres, )
and 45.054 acres, bearing Tax )
Map Key No. (2) 3-6-002:003 )
(por), (2) 3-6-004:006 and (2) )
3-6-005:007 (por). )

235348pl

Exhibit 40 - Page1
DIRECT TESTIMONY OF LISA ROTUNNO-HAZUKA

I am Lisa Rotunno-Hazuka. I am an anthropologist and have been working on Maui since the late 1980s. I am the owner of Archaeological Services Hawaii, LLC (ASH).

I received a Bachelor’s of Arts degree in Anthropology from Texas A& M University in 1985.

After receiving my degree, I worked for Texas A&M University doing archaeological surveys and testing. In 1989, I took a position with The Bishop Museum in Honolulu. When I started with Bishop Museum, I was a part of the team that conducted the archaeological survey for the H3 highway construction project. When that work was finished, I conducted archaeological surveys for Bishop Museum on Maui. Some of the projects on which I worked were the Makena and Wailea golf course projects. I have been living and working on Maui in the field of archeology since 1990.

I served on the Maui Cultural Resources Commission for two terms, the most recent of which ended in about 2008.

I provided testimony on archaeological matters more than five times to agencies.

In 1991, Jeffrey Pantaleo and I formed ASH. Over the past 26 years, ASH has conducted over 100 archaeological surveys, prepared numerous archaeological monitoring plans for projects throughout Maui, and provided consulting services in...
the field of archaeology to private and public individuals, companies and groups.

ASH maintains an active license to provide archaeological services that is issued by the Department of Land and Natural Resources of the State of Hawaii. This requires ASH to have an archaeologist who is the principal investigator of any archaeological project.

The qualifications to act as a principal investigator include a graduate degree from an accredited institution in archeology or anthropology, at least one year of cumulative archaeological experience in Hawaii or the Pacific, at least four months of supervised archaeological field and analytic experience in Hawaii, at least one year of archaeological research, administration or management at a supervisory level with at least four months of field experience, a demonstrated ability to carry research to completion and a demonstrated knowledge of historic preservation laws, rules and guidelines.

ASH’s principal investigator is Jeffrey Pantaleo who has a Master’s Degree in Anthropology from San Diego State University.

In late 2012, ASH was hired to provide archaeological consulting services for a project called Waikapu Country Town. The objective of the work was to determine the presence/absence
of archaeological features or deposits on the surface and in the
sub-surface of the area in which the Project would be developed,
and, if present, to evaluate the significance of any
archaeological features or deposits that were found, and if
significant, to provide guidance on the preservation of such
features or deposits.

In performing the work, ASH first conducted a
historical background investigation. This involved reviewing
materials within ASH’s library as well as reviewing materials
held by other sources such as the Bishop Museum and the State
Historical Preservation Division of the Department of Land and
Natural Resources (SHPD), and Wailuku Agribusiness, the former
owner of the land. Research involving maps, land commission
awards, historical reference works, land grants and previous
archaeological reports in the area of the Project was conducted.
The purpose of this review was to gain an understanding on the
historical uses of the area of the Project so that ASH could
plan a field investigation that would provide the best
opportunity to find historical structures, features and
artifacts.

Since the land that ASH investigated was located in
several different TMKs, ASH divided the survey area into five
sections.

Following the sectioning of the Project area, ASH conducted a systematic walking survey of the property to determine the presence or absence of surface sites and to identify areas that would be appropriate for further testing and evaluation. Based on the review of the background materials, the acreage to be developed and the results of the pedestrian survey, locations were identified for the excavation of subsurface trenches to determine the presence/absence of subsurface cultural materials and/or structural remains.

With regard to this project, a number of Land Commission Awards were identified and it was determined that trenching should occur in those areas to search for existing structures or artifacts. Simply put, more trenches would be placed in areas in which habitation and/or agricultural activities were suggested due to the existence of Land Commission Awards or the observation of possible historical sites based on the pedestrian survey.

Although the area had been in cultivation for sugar cane and pineapple for a number of decades, experience has shown that those agricultural activities will disturb features and artifacts to a depth of 1 ¼ to 2 ¼ feet. However, features and
artifacts located more than 2 ½ feet below the surface may remain undisturbed by the farming activities. Accordingly, to determine whether some historical features or artifacts may exist even in areas that were heavily farmed, trenches were placed in a pattern that would provide coverage of the entire project area to be developed.

Trenching involved the use of a backhoe in which a scraping of six to eight inches is made and the materials removed and inspected. The trenches were excavated to a depth of about 5.0 feet unless subsurface features were encountered or bedrock was reached. In the event that intact subsurface archaeological features or deposits were observed during the excavations, trenching was halted and hand excavation was implemented. After trench excavations were completed, the trench walls were examined and observations made during the trenching were recorded.

After the field work is completed a report is prepared.

A copy of the ASH report that was prepared in 2013 is attached as Appendix E to Exhibit “25.”

Although ASH and Petitioners sought SHPD comments to the Archaeological Inventory Survey dated September 2013, no
comments were received until August, 2017. Based on comments
received from SHPD, ASH prepared a revised report dated
September 2017. A copy of the ASH Revised Archaeological
Inventory Survey is Exhibit “32.” The report is substantially
the same as the earlier report with the following difference.
At the time of the 2013 report, it was not clear if sites that
were found to exist would be preserved. SHPD requested
additional information about the preservation of the sites,
together with clarification on the methodology used to determine
trenching locations. The Revised Report provided the
information requested by SHPD and the Revised Report was
approved by SHPD in September, 2017. A copy of the SHPD
approval letter is Exhibit “33.”

The conclusion of the report was that the proposed use
of the land with the implementation of an archaeological
monitoring plan and an archaeological preservation plan would
not have an impact on the historical sites within the Petition
Area that were identified by the Archaeological Inventory
Survey.

I would like to review some notable items in the
report with you.

First, four historic sites that had not been
identified by previous studies were found. These sites, which were given SHPD designations 50-50-04-7881 through 7884. Site 7881 had 19 subcomponent features. The features were principally related to sugarcane cultivation and consisted of plantation era water diversion and transportation features such as concrete lined irrigation ditches, sluice gates and dirt culverts with concrete lined headwalls.

Site 7882 is a disturbed, historic L-shaped retaining wall. The rock retaining wall supported a soil terrace, indicative of historic farming practices and which may or will yield information pertaining to the history of the area. The site is located at the edge of the Petition Area and the Petitioners have indicated that the site is not within the area that will be developed by the Project.

Site 7883 is a World War II aerial observation bunker. Constructed in the 1940s, the bunker is associated with events that contributed to broad patterns of history and may represent a distinct type of construction. Petitioners have indicated that the bunker will be preserved in place.

Finally, Site 7884, which has three marginal subcomponent features, are scatters of secondarily deposited materials such as broken glass fragments, ceramic plate shards,
porcelain bowl sherds, a fragment of a comb and a bottle glass base fragment. These items may or will yield information pertaining to the history of the area.

The second item I would like to review is the number of trenches that were excavated. One hundred fifty trenches were placed throughout the project which was about 500 acres. The trenches were primarily negative for cultural remains.

Although the majority of the project area has undergone compounded surficial disturbances from commercial and small scale agricultural, the area was intensively settled from the pre-Contact period through the historic era. The goal of the backhoe trenching was to test a representative sample of the project area with a focus on areas that contain Land Commission Awards and Grants.

ASH divided the project area into five sections. In the first section that was located in the northwest portion of the project area, a total of 15 trenches were excavated. This area was the subject of a 2007 archaeological study conducted by Scientific Consultant Services which excavated 31 trenches in the area and found no surface historic features or structures and no buried cultural remains. In order to complete the coverage of the first section, the trenches excavated by ASH
were located outside the area of the previous archaeological
study and within the proposed development area. Except for a
single bottle glass fragment, no buried cultural remains were
identified in this section.

In the second section of the project area, a total of
forty-two trenches were excavated with twenty-seven trenches
located mauka (west) of Waihe`e Ditch (Site 5197) and fifteen
trenches excavated makai (east) of the ditch. No buried
cultural remains were identified in any of the forty-two
trenches.

A total of twenty-six trenches were excavated in the
third section of the project area. The trenches were negative
for buried intact cultural remains.

In the fourth section of the project area, which
included the Maui Tropical Plantation, a total of twenty-five
trenches were dug. With the exception of one trench, no buried
cultural remains were found. The exception was a trench in
which buried historic refuse (Site 7884) consisting of glass
fragments from a beverage bottle and a few pieces of ceramics and
metal in association with charcoal were found.

In the last section of the project area, a total of
forty-two trenches were excavated. No cultural materials were
recovered and the testing noted several areas containing alluvial deposits (water affected) likely from the meandering Waikapu Stream.

Finally, I would like to address mitigation measures to be undertaken in connection with the archaeological features and items found in ASH’s study. Based on the proposed development plan, the historic scatters will be adversely affected during development. These historic properties have been adequately documented and require no further work beyond construction monitoring.

Archaeological monitoring will be performed initially full-time for all proposed development areas until the nature of the subsurface conditions are assessed. After the assessment is complete, monitoring procedures may be adjusted; however, no changes to the scope of the monitoring procedures may be implemented without the prior consultation with and the approval of SHPD. Prior to the commencement of construction, an Archaeological Monitoring Plan (AMP) detailing the localities to undergo monitoring procedures will be prepared and submitted to SHPD for review and approval.

To summarize, ASH’s Archaeological Inventory Survey found limited archaeological structures and deposits and we do
not believe that development of the Project will have an impact on significant historic sites in the State of Hawaii if the fou:
sites found in our Survey are preserved as recommended in our report.

I thank you for the opportunity to address you.


LISA ROTUNNO-HAZUKA