

2020 JUL -7 P 1:21

OFFICE OF PLANNING
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Honolulu, Hawaii 96813
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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A02-737
)	
U OF N BENCORP)	OFFICE OF PLANNING'S
)	TESTIMONY ON
To Amend the Agricultural Land Use)	UNIVERSITY OF THE NATIONS,
District to the Urban Land Use District)	KONA, INC.'S MOTION TO AMEND
for Approximately 62 Acres, Tax Map)	FINDINGS OF FACT,
Key No.: (3) 7-5-010: 085 and 7-5-017:)	CONCLUSIONS OF LAW,
006 situated at Waiaha, North Kona,)	AND DECISION AND ORDER;
County and State of Hawaii)	CERTIFICATE OF SERVICE

**OFFICE OF PLANNING'S TESTIMONY ON UNIVERSITY OF THE NATIONS,
KONA, INC.'S MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND DECISION AND ORDER**

The Office of Planning ("OP") submits this written testimony in support of Petitioner's Motion to Amend Findings of Fact, Conclusions of Law, and Decision and Order on Docket No. A02-737 dated August 8, 2003, subject to revised conditions of approval. OP's testimony is based on information currently available, including the representations of U of N Bencorp ("Petitioner"), documents filed in these proceedings, coordination with the Petitioner and affected government agencies, and the statutes and regulations applicable to these proceedings.

PETITION OVERVIEW

General Information

The Petitioner requests that the Land Use Commission ("Commission" or "LUC") approve a revised project and modify and/or delete some of the original conditions within the original Petition Area of approximately 62 acres at Waiaha, North Kona, Island of Hawaii.

The Petitioner is the fee owner of the parcels, Tax Map Key No. (3) 7-5-010: 085 and 7-5-017: 006, being considered under this Motion.

Original Proposal of the Petition Area

Petitioner's original proposal was comprised of the Hualalai Village condominiums, the Cultural Center, and the Education Facility. The proposed condominiums were located on approximately 31 acres of the Petition Area. The Petitioner had proposed to construct about 297 units with a recreation center and exercise facilities.

The Cultural Center, proposed to be situated on approximately 26.5 acres of the Petition Area, was to be a visitor destination, presenting a history of the native Hawaiian culture and its interaction with Christianity. The Cultural Center was comprised of an outdoor performance area, enclosed auditorium, outdoor water feature, educational living museum complex, restaurant and shops. Parking areas that would accommodate 15 buses and up to 840 vehicles were also proposed. Petitioner was proposing to make these facilities available for community use.

Lastly, Petitioner had proposed to expand the existing educational facilities by 5.0 acres to be an extension of the existing University. According to the original Findings of Fact, Conclusions of Law and Decision and Order ("D&O") in Docket No. A02-737, the Village condominiums were to have been completed by about 2007. Subsequent to the construction of the condominiums, Petitioner was to begin construction of the Cultural Center. Construction for the 5-acre Educational Facility was scheduled to begin in 2005/2006.

Petitioner's Revised Project

According to the Motion to Amend Findings of Fact, Conclusions of Law, and

Decision and Order (“Motion to Amend”) dated March 23, 2020, Petitioner now proposes to use the entire 62-acre Petition Area to expand the existing educational facilities, delete the revenue-generating land uses, and requests approval of its 30-year development timetable. Exhibit 2 is a Master Plan that details the revised proposal. The Petition Area will include the following facilities in three (3) phases, with each phase projected to be completed in 10 years for a total of 30 years for completion of the revised project. The project details are listed in Petitioner’s Exhibit 3, University of the Nations, Kona 2020 Master Plan Update, Environmental Planning Report.

Phase 1-Within 5 to 10 years:

- A. Discipleship Learning Center with Chapel, Instruction building, student resident dormitory buildings, and parking areas;
- B. Athletic/Training Complex with Gym, practice field, and parking;
- C. Lower School improvements with instruction building, playground and parking area;
- D. Archaeological Preservation sites, including restoration of burial sites, Kuakini Wall dismantling and restoration plan, installation of rock walls, permanent preservation buffer areas, etc.; and
- E. Agricultural Exhibit areas, maintenance and storage facilities, roadways and pathways, open space and landscaping areas.

The Motion to Amend also indicates that the major roadway/utility corridor, known as the Spine Road, will be completed in its entirety in the first 10 years. This Spine Road located on the north side boundary edge of the Petition Area is proposed to be the main access/circulation roadway improvement servicing the entire Petition Area with infrastructure for drainage, water, sewer and communications.

Phase 2-Approximately 10 to 20 years:

- A. Discipleship Learning Center with student resource center, instruction building, student dormitory buildings and parking;
- B. Athletic/training Complex with soccer field, courts, building and locker room, and pool;

- C. Discovery Center with Exhibit building, driveway and parking area;
- D. Lower school improvements with instruction buildings and field;
- E. Middle School with instruction buildings, field and courts, parking area;
- F. High School with instruction buildings and Gym/Cafetorium, field and courts, and parking area;
- G. Youth camp cabins;
- H. Maintenance and storage facilities, garage, food and supply storage warehouse; and
- I. Roadways and Kuakini Highway access, open space and landscaping.

Phase 3-Approximately 20 to 30 years:

- A. Discipleship Learning Center, with instruction buildings, café, outdoor gathering space, student dormitory buildings, parking areas;
- B. Aquatic Center with Pool and parking;
- C. Discovery Center exhibit buildings;
- D. Youth camp cabins;
- E. Vocational Training and future Expansion area;
- F. Roadways and pathways; and
- G. Open space and landscaping.

DISCUSSION OF ISSUES OF CONCERN TO THE STATE

The following discusses Project impacts and recommendations to avoid, minimize, or mitigate reasonably foreseeable impacts caused by the proposed Project with respect to areas of State concern under Hawaii Revised Statutes ("HRS") §§ 205-16 and 205-17.) These are discussed in terms of the Petitioner's proposed modification and deletion of conditions in its Motion to Amend, and includes other issues identified by the OP as part of its review and consultation with State agencies.

Archaeological and Cultural Resources

Petitioner proposes to revise Condition No. 6 Archaeology and No. 7 Cultural,

Historical, Customary and Traditional Rights and Resources. Petitioner also proposes to delete Condition No. 11 Cultural Center, and No. 12 Ka Haka Ula O Keelikolani, College of Hawaiian Language at University of Hawaii-Hilo.

In an email dated June 19, 2020, the Office of Hawaiian Affairs (“OHA”) indicated the following concerns regarding Petitioner’s proposed revisions. See OP Exhibit 1.

“OHA believes the D&O should be re-evaluated by the LUC in consultation with the State Historic Preservation Division, Hawai`i Island Burial Council and OHA to ensure existing mitigations for preserved archaeological sites (i.e., SIHP# 50-10-28-23681 and -6032) and protected burials (SIHP#s 50-10-28-23683, 23684, and 23685) are adequate based on the modified scope of work.

An onsite archaeological field inspection should be conducted to assess the current condition of archaeological sites and burials and verify the accuracy of their plotted locations as it has been many years since the completion of the archaeological inventory survey work and burial treatment plan in 2003.

Given that preservation sites and burials are on property, OHA believes archaeological monitoring is warranted. In review of the current language for condition #6 and proposed amendments, there is already a requirement for an archaeological monitoring plan (AMP) that is set to remain. OHA further recommends strengthening the language in condition #6 to require archaeological monitoring for all ground disturbing work pursuant to that AMP and to ensure appropriate protections are in place.”

The State Historic Preservation Division (SHPD) submitted comments by email dated July 2, 2020, and transmitted to OP a letter dated September 18, 2018 to the County of Hawaii Planning Department indicating that Petitioner had submitted a Data Recovery Plan for the Petition Area, and that SHPD has approved the Data Recovery Plan. Based on this information, OP recommends revising Petitioner’s proposed revision of Condition No. 6. See OP Exhibits 4 and 5.

Condition No. 6 Archaeology: OP recommends revising Petitioner’s proposed revision as follows: (OP’s modifications in bold font)

- a. Petitioner shall submit **an Archaeological Monitoring Plan** ~~a complete-inventory survey report of the Reclassified Area for the review and approval of the State Historic Preservation Division of the Department of Land and Natural Resources (“DLNR-SHPD”).~~ Petitioner shall prepare and implement

a data recovery plan, a preservation plan, a burial treatment plan, and **monitoring plan** to be reviewed and approved by the State Historic Preservation Division of the Department of Land and Natural Resources (“DLNR-SHPD”). The submittal of these plans shall be accompanied by the design plans for the Project to facilitate the development of appropriate mitigation measures. **Mitigation commitments** The approved plan shall be monitored by the “Waiaha Community Advisory Committee” (“WCAC”) as described below.

- b. Should any previously unidentified human burials, archaeological or historic sites such as artifacts, marine shell concentrations, charcoal deposits, stone platforms, paving or walls be found, Petitioner shall stop work in the immediate vicinity and the DLNR-SHPD shall be notified immediately. The significance of these finds shall be determined and approved by the DLNR-SHPD. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that mitigative measures have been implemented to its satisfaction. Petitioner shall also comply with all applicable statutory provisions and administrative rules regarding inadvertent burial finds within the Reclassified Area. Any mitigation and preservation shall be monitored by the KWC WCAC as described below.
- ~~e. The proposed mitigation commitments for all identified sites with burials shall be submitted to the DLNR-SHPD for review and comment. A burial treatment plan for those sites, to include without limitation Sites 23683, 23684 and 23685, shall be approved by DLNR-SHPD, and a certified copy of said plan shall be filed with the Commission prior to any land alteration in the vicinity of these sites. Mitigation commitments shall be monitored by the Kahu Waiaha Committee (“KWC”).~~
- d. For all sites approved by the DLNR-SHPD to undergo archaeological data recovery, an archaeological data recovery plan (scope of work) shall be prepared by Petitioner. ~~This plan c. A certified copy of The Archaeological Data Recovery Plan shall be approved by the DLNR-SHPD and a certified copy of said plan shall be filed with the Commission prior to any land alteration in the vicinity of these sites. The approved plan shall be monitored by the KWC.~~
- ~~e. For all sites approved for preservation by the DLNR-SHPD, to include without limitation the Great Wall of Kuakini (Site 6302), the papamu or rough square game board (Site 23682), the agricultural heiau (Site 23681), and after completion of the finished grade for the area, at least one of the alignments for the ancient trails (Site 23679 or Site 23680), a preservation plan shall be prepared by Petitioner. (Burial sites are covered under the burial treatment plan.) This Plan shall include buffer zones/interim protection measures during construction, where appropriate). The plan shall include input from the KWS and relevant Hawaiian groups. The plan shall be approved by the DLNR-SHPD and a certified copy of said plan shall be filed with the Commission prior to any land alteration in the vicinity of these sites.~~

~~The approved preservation plan shall be monitored by the KWC.~~

- f. d. Petitioner shall preserve the approximate alignment of at least one of the mauka-makai trail segments. Due to the difficulty of development on this site, the grading would occur first, then Petitioner shall reestablish a minimum of one of the two trail segment, Site 23679 (20 meter segment) or Site 23680 (ten meter segment), at a mutually agreeable site, giving allowances for building footprints, on finished grade, in consultation with the Office of Hawaiian Affairs.
- e. **Petitioner shall implement the archaeological monitoring plan, data recovery plan, preservation plans, and burial treatment plan, in accordance with SHPD comments and approvals, prior to any construction, earth moving and/or land alteration activities in the vicinity of these sites.**

Condition No. 7: OP supports and has no changes to Petitioner's proposed revisions to Condition No. 7 regarding Cultural, Historical, Customary and Traditional Rights and Resources:

- a. Petitioner shall initially establish the Waiha Community Advisory Committee ("WCAC") ~~and annually provide reasonable operating and capital expenditure costs or facilities through revenues from the Project, the KWC composed of but not limited to:~~ (1) a person of Native Hawaiian ancestry ~~who is a lineal descendant and knowledgeable regarding the type of cultural resources and practices within the Reclassified Area, as selected by the Executive Officer of the Commission from a list of three names based on a review of their resumes,~~ and (2) a management member knowledgeable regarding the type of cultural resources and practices within the Reclassified Area, as selected by the Petitioner. The individuals making up the WCAC shall operate on an equal vote basis.
- b. The WCAC ~~KWC~~ shall be established by Petitioner no later than six months from the issuance of this Amended Decision and Order. Upon establishment of the WCAC ~~KWC~~, Petitioner shall provide a written report to the Commission, the Office of Planning and the County of Hawaii with details as to its composition, and structure, ~~operating costs and compensation for members and staff,~~ procedures and plan of action.
- c. The WCAC ~~KWC~~ shall jointly decide, on an equal basis, monitoring and dispute resolution decisions related to the protection of native Hawaiian practitioners' exercise of customary and traditional practices and rights within the Reclassified Area; the availability of natural and cultural resources for present and future generations; and appropriate access within the Reclassified Area to the extent that these rights are protected by PASH vs Hawaii County Planning Commission, 79 Haw. 425 (1995), in perpetuity. In the event that the ~~two person~~ WCAC ~~KWC~~ cannot agree on a specific decision, they shall jointly

- select a third person to break the tie. A certified description of any action requiring selection of a third member of the WCAC ~~KWC~~ shall be filed with the Commission.
- d. The WCAC ~~KWS~~ shall monitor the quality of the Petitioner's action to provide access to and/or preserve and maintain traditional and customary native Hawaiian practices and cultural resources. The WCAC ~~KWC~~ shall provide recommendations consistent with this Amended Decision and Order to the Commission with respect to maintenance and/or preservation of those traditional and customary native Hawaiian practices and cultural resources.
 - e. The WCAC ~~KWC~~ shall provide reports to the Commission on an annual basis describing items and issues covered in their deliberations and any other findings and recommendations.
 - f. Petitioner shall preserve and protect rights to gathering for cultural purposes including religious practice, by providing appropriate access to burial sites and other archaeological sites within the Reclassified Area consistent with this Amended Decision and Order. Petitioner shall adhere to prevailing and/or published protocols of the DLNR-SHPD where these sites are found to exist, as monitored by the WCAC ~~KWC~~.

Condition No.11: OP has no objection to Petitioner's proposed deletion of this condition, as the amended petition does not include a Cultural Center.

11. Cultural Center. The Petitioner shall develop the Cultural Center with sensitivity to the host native Hawaiian culture and provide for outreach and educational opportunities for the children of Hawaii. The Petitioner shall consult with the KWC and the Ka Haka Ula O Keelikolani, College of Hawaiian Language at University of Hawaii-Hilo to promote cultural sensitivity in the development of programs for the Cultural Center. Petitioner shall, prior to commencement of operations for the Cultural Center, submit a status report to the Commission for its approval on the Petitioner's traffic mitigation efforts for development of the Reclassified Area. If, for any reason, the Cultural Center does not commence operations by January 1, 2008, the Petitioner shall return to the Commission for a hearing to review compliance with the requirements of this Condition.

Condition No.12: OP has no objection to Petitioner's proposed deletion of this condition based on Petitioner's indicated establishment of an alternative Hawaiian language program which fulfills the intent of this condition.

12. Ka Haka Ula O Keelikolani, College of Hawaiian Language at University of Hawaii-Hilo. Petitioner shall cooperate with the College of Hawaiian Language at University of Hawaii-Hilo in promoting the perpetuation of the Hawaiian language by providing distance learning opportunities for teaching the native Hawaiian Language, as well as cooperating in activities that promote Hawaiian cultural authenticity.

Finally, OP notes the completion of the Ka Paakai O KaAina analysis for the revised Project in February 2020, recommending measures to mitigate and protect the cultural resources and cultural practices on the Petition Area, including permanent preservation easements and access rights to the burial sites, heiau and the Kuakini wall.

Flora and Fauna

The State Department of Land and Natural Resources, Division of Forestry and Wildlife (“DOFAW”), submitted a letter dated June 14, 2020, expressing concerns relating to the need to mitigate potential impacts on State endangered species, including the Hawaiian hoary bat, Hawaiian Hawk, and Blackburn’s Sphinx Moth. See OP Exhibit 2. Accordingly, OP recommends the following new condition:

Condition No. X. Impacts to Endangered Species. Petitioner shall mitigate impacts to the State endangered species by implementing the following measures.

- a. To avoid potential impacts to the Hawaiian hoary bat, the clearing of dense vegetation, including woody plants greater than 15 feet, shall not occur between June 1 to September 15, when bats may be carrying young and potentially could be at risk by such clearing activities.
- b. To avoid potential impacts to the Hawaiian Hawk, the clearing of trees shall not occur between the breeding season of March to September.
- c. To avoid potential impacts to the Blackburn’s Sphinx Moth, the removal of plants less than 1 meter in height shall not occur during the dry time of the year. If Petitioner plans to remove any tree tobacco plants, a qualified specialist shall check these plants for the presence of eggs and larvae.
- d. Petitioner shall utilize native plants appropriate to the area in their landscaping, and minimize the movement of plant or soil material to minimize the risk of spread of invasive species.

Transportation

The Petitioner's Motion to Amend includes Exhibit 3, the Environmental Planning Report ("EPR"), which in turn includes Appendix B Mobility Analysis Report. The State Department of Transportation ("DOT") submitted a letter dated April 27, 2020, and their concerns are summarized below. See OP Exhibit 3.

DOT's letter indicates that the Petitioner's original D&O contain Conditions Nos. 9 and 10 relating to transportation and traffic impacts. DOT indicates that these conditions are still relevant, however, they note that Condition No. 10 could be amended to exclude the portions of the development which the Petitioner has deleted from the amended proposal, such as the Hualalai Village project and the Cultural Center. DOT indicates that the Mobility Analysis Report is consistent with condition 10, and addresses the proposed development in all phases of the development, however, the estimates of students and staff on campus should be clarified. The DOT letter also indicates that Petitioner should commit to implementing a transportation management program, as recommended by the Mobility Analysis Report.

Condition No.10: In accordance with DOT comments, OP recommends this condition on Traffic be revised as follows:

Condition 10. Traffic. Petitioner shall, prior to the Petitioner obtaining County zoning, submit a revised Traffic Impact Analysis Report for the review and approval of the HDOT and DPW, which shall include an analysis of the entire development of the existing/proposed University of the Nations-Kona project, Hualalai Village project, and the Cultural Center, as well as existing and potential future developments in the immediate area as required by the HDOT and DPW. Updated traffic impact reports shall be prepared prior to executing each phase, and when there is a significant change in the proposed land use, trip generation, or roadway network.

Other Issues

Condition No.15: OP has no objections to Petitioner's proposed revision to Condition No. 15:

15. Compliance with Representations to the Commission. Petitioner shall develop the Reclassified Area in substantial compliance with the representations made by the Petitioner to the Commission in this Docket, as proposed in its Petition, as amended, and in documentary evidence and testimony before the Commission. Failure to do so for any reason including economic feasibility, may result in the imposition of fines as provided by law, removal of improvements by Petitioner at Petitioner's own expense, reversion of the Reclassified Area to its former classification, a change to a more appropriate classification, or any other legal remedies.

Development Timetable. According to the Motion to Amend, the Petitioner will begin design and construction of the spine road for the entire Petition Area in Phase 1. Construction would consist of site grading activities, installation of roadway infrastructure and utilities, and landscaping. The Motion to Amend also describes the new Master Plan and development schedule of the University's expansion over a 30-year period of time. Petitioner's proposal appears to be reasonable and provides for full use of the Petition Area for school use, such that OP would support approval of the 30-year full build-out timetable.

RECOMMENDATION

Based on the foregoing information and analysis, OP recommends approval of Petitioner's Motion to Amend, subject to conditions as revised and provided herein.

DATED: Honolulu, Hawaii, July 7, 2020.

OFFICE OF PLANNING
STATE OF HAWAII

Mary Alice Evans

MARY ALICE EVANS
Director

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A02-737
)
U OF N BENCORP) CERTIFICATE OF SERVICE
)
To amend the Agricultural Land Use District)
Boundary Into the Rural Land Use District for)
Approximately 62 acres, Tax Map Key Nos. (3))
7-5-002:010: 085 and 7-5-017: 006, situated at)
Waiaha 1st, North Kona, County and State of)
Hawaii)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

STEVE S.C. LIM, Esq.
KATHERINE A. GARSON, Esq.
DEREK B. SIMON, Esq.
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Counsel
Hilo Lagoon Center
101 Aupuni Street, Unit 325
Hilo, HI 96720

DATED: Honolulu, Hawaii, July 7, 2020

Mary Alice Evans

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

LAND USE COMMISSION

DOCKET NO./PETITIONER: A02-737 U O N BENCORP'S MOTION TO AMEND
PARTY: OFFICE OF PLANNING (OP)

LIST OF WITNESSES

NAME/ORGANIZATION/POSITION (List in Order of Appearance)	TO BE QUALIFIED AS AN EXPERT IN:	SUBJECT MATTER	WRITTEN TESTIMONY (Yes or No)	EXHIBIT NUMBER(S)	LENGTH OF DIRECT
MARY ALICE EVANS Director Office of Planning	Land Use and Environmental Planning	State position	Yes		20 min.
OR					
RODNEY FUNAKOSHI Land Use Division Administrator	Land Use and Environmental Planning	State Position	Yes		20 min.

LAND USE COMMISSION

DOCKET NO./PETITIONER: A02-737 U OF N BENCORP MOTION TO AMEND
PARTY: OFFICE OF PLANNING (OP)

LIST OF EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
1	Office of Hawaiian Affairs Email dated June 19, 2020		
2	State Department of Land and Natural Resources, Forestry and Wildlife letter dated June 16, 2020		
3	State Department of Transportation Letter, dated April 27, 2020		
4	State Department of Land and Natural Resources, State Historic Preservation Division letter, dated September 18, 2018 to the County of Hawaii, Planning Department		
5	State Department of Land and Natural Resources Email, dated July 2, 2020		
6	Resume of Rodney Funakoshi		
7			
8			
9			
10			

DAVID I. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKULIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

HOLIFF K MASUDA
FIRST DEPUTY

JEFFREY T. PETEUSON
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCE
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATESIAUS

September 28, 2018

Michael Yee, Planning Director
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, HI 96720
c/o planning@hawaiicounty.gov

IN REPLY REFER TO:
Log No. 2018.01782
Doc. No. 1809SN15
Archaeology

Dear Mr. Yee:

SUBJECT: Chapter 6E-42 Historic Preservation Review -
County of Hawaii Grading Permit Application for the University of Nations
Waiaha Ahupua'a, North Kona District, Island of Hawaii'i
TMK: (3) 7-5-010:085 poi.

This letter provides the State Historic Preservation Division's review of the subject application received by our office on July 27, 2018. The landowner, the University of Nations, Kona LLC, proposes grading to facilitate the construction and installation of an educational facility within the subject project area. The proposed grading will involve a 0.82-acre portion of the 56.597-acre parcel.

Our records indicate that that an archaeological inventory survey was conducted for this parcel by Clark and Rechtman (2003) and 26 historic properties were recorded. SHPD accepted the AIS report on November 17, 2003 (Log No. 2003.2356, Doc. No. 0311 PM04). The AIS assessed all 26 historic properties as significant under Criterion d and 5 of them also significant under additional criteria. The mitigation recommendations were no further work for 11 sites, data recovery for 10 sites, preservation of 3 sites in accordance with a burial treatment plan (Sites 23683 through 23685), and preservation of 2 sites in accordance with a preservation plan (Sites 6032 and 23681). The burial treatment plan was prepared by Rechtman (2003). The data recovery plan (Rechtman and Clark 2005) for 10 sites within TMK: (3) 7-5-010:085 and 7-5-017:006 was accepted by SHPD in a letter dated April 29, 2005 (Log No. 2005.0881, Doc. No. 0504MM22). The data recovery sites consisted of Sites 23670 through 23678 and Site 23686. The data recovery report (Rechtman and Loubser 2007) was accepted by SHPD on January 7, 2010 (Log No. 2007.4263, Doc. No. 100IMD15). The Rechtman (2014) preservation plan for Site 6032 (Kuakini Wall) and Site 23681 (agricultural heiau) was accepted by SHPD on June 19, 2014 (Log No. 2014.2843, Doc. No. 1406MVI 5).

In 2014, SHPD reviewed a grading permit application for the University of the Nations Campus for 0.94 acres within TMK: (3) 7-5-010:085 and 7-5-017:006 poi. and made a determination of "no historic properties will be affected", indicating that interim protection measures had been installed to ensure no impact to the preservation sites (September 28, 2014; Log No. 2014.3921, Doc. No. 1409MV28).

The current project will avoid the preservation sites and SHPD received photos verifying implementation of the preservation measures via email [September 10, 2018; Dennis Bartlett to Sean Naleimaile].

Based on current information, SHPD's determination is no historic properties affected for the subject grading permit. Pursuant to HAR §13-284-7(e) "When the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD's written concurrence and historic preservation review ends". The historic preservation review process is ended. The permit issuance process may proceed.

Mr. Yee
September 28, 2018
Page 2

Attach to permit: In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at (808) 933-7651.

Please contact Sean Naleimaile at (808) 933-7651 or at Sean.P.Naleimaile@hawaii.gov for any questions or concerns regarding this letter.

Aloha,

Ahli Dowler

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc: Allan Simeon, public_works@hawaiicounty.gov
Dennis Bartlett, dnnsbartlett@gmail.com

From: Naleimaile, Sean P

Sent: Thursday, July 2, 2020 2:49 PM

To: Maki, Lorene K; Lebo, Susan A; Luthy, Tamara H

Cc: Downer, Alan S; Apuna, Dawn T; Funakoshi, Rodney Y

Subject: Re: Assigned to Hilo Archaeology with log 2020.00842***Re: A02-737 U of N Bencorp OP Transmittal Agency Letter

Aloha Ms. Maki

I found this letter indicating that the data recovery was completed and accepted in 2010. I hope this works for you.

Sean



Sean P. Naleimaile, MA.

Hawaii Island Archaeologist

40 Po'okela St. Hilo HI 96720

ph., (808) 933-7651

State of Hawaii DLNR

STATE HISTORIC PRESERVATION - HAWAII ISLAND

Beginning on Monday, April 8, 2019, SHPD will institute "I MUA MONDAYS". Every Monday, until terminated or suspended in writing by the Administrator, SHPD will be closed to the public; we will not accept meetings, phone calls, emails, or "walk-ins" on Mondays. The SHPD Library will be closed to the public. This policy has been approved at the highest levels in the Administration.

RESUME

Rodney Funakoshi

Planning Program Administrator, Land Use Division
State of Hawaii Office of Planning

Employment:

- Planning Program Administrator, Land Use Division, Office of Planning, 2011-present
- Senior Project Manager, Planning and Development, Castle & Cooke Hawaii, 2007 - 2011
- Senior Project Manager – Planning, Wilson Okamoto Corporation, 1987 – 2007
- Planner IV-VI, State of Hawaii Department of Planning and Economic Development, 1979 – 1987

Education:

- Master of Urban and Regional Planning, University of Hawaii at Manoa
- Bachelor of Arts, Sociology, University of Hawaii at Manoa

Expertise:

- Hawaii land/water use development permits
- Community master plans
- Public awareness and involvement
- Infrastructure & erosion control plans
- Environmental assessments/EISs
- Water quality and wetlands permits
- Land use development plans
- Airport and military master plans

Experience:

Mr. Funakoshi has managed a wide range of government and private sector planning and development projects in Hawaii and the Pacific. As a consulting planner he has represented major land owners and developers including Castle & Cooke Hawaii, Alexander and Baldwin, Stanford Carr Development, Haseko, Gentry Hawaii, Ko Olina Resort, TSA International, Outrigger Resorts, Kamehameha Schools, and Kauai Lagoons. Development approvals processed include State land use boundary amendment petitions, Conservation District Use, Special Management Area permits, county zoning, variance and subdivision approvals, and Federal and State water quality permits.

Major public sector projects managed include the Aiea-Pearl City Livable Communities Plan, Hawaii State Airport Systems Plan, Kailua-Kaneohe-Kahaluu Wastewater Facilities Plan, Waipahu Town Plan, Maui Land Use Technical Study and Infrastructure Assessment, Kawainui Marsh Master Plan, Hilo International Airport Master Plan, Camp H.M. Smith Master Plan, Hawaii Water Resources Protection Plan, Oahu Water Master Plan, Five-Year Boundary Review/Affordable Housing Study, Grading/Erosion Control Ordinance Revision for Maui and Hawaii County, and Marine Education and Training Center at Sand Island.

Mr. Funakoshi has supervised the preparation of over 50 environmental assessments and environmental impacts statements under Hawaii and Federal EIS laws for airports, highways, harbors, schools, military, land use, infrastructure, resort, commercial-industrial, residential, and master planned communities. He has coordinated hundreds of environmental technical and scientific studies including engineering, archaeology, botany, ornithology, traffic, air, noise, socio-economic and water quality.

Professional Associations:

- American Planning Association, Hawaii Chapter