

From: [Tanya Souza](#)
To: [DBEDT LUC](#)
Subject: [EXTERNAL] A81-525 Y-O LIMITED PARTNERSHIP (Hawai`i) - Tanya Souza Testimony
Date: Wednesday, November 15, 2023 9:46:46 AM
Attachments: [LUC A81 525 Y O Motion T.Souza.pdf](#)



Aloha,

Please see the attached pdf for my written testimony regarding:

A81-525 Y-O LIMITED PARTNERSHIP (Hawai`i) To Consider Petitioner's Motion for Reconsideration of Decision and Order Denying Motion for Extension of Time to Apply for Redistricting of Phase II. Approximately 408.719 Acres of Land at Kaloko and Kohanaiki, North Kona, Hawai'i, TMK Nos.: (3) 7-3-09:19, 20 and 57 to 62.

Mahalo,

Tanya Souza



15 November 2023

Dear Members of the Land Use Commission:

Subject: **81-525 Y-O LIMITED PARTNERSHIP (Hawai`i)** - To Consider Petitioner’s Motion for Reconsideration of Decision and Order Denying Motion for Extension of Time to Apply for Redistricting of Phase II. Approximately 408.719 Acres of Land at Kaloko and Kohanaiki, North Kona, Hawai`i, TMK Nos.: (3) 7-3-09:19, 20 and 57 to 62.

Mahalo for providing the opportunity to share my testimony regarding the Kaloko Heights Project and Y-O Limited Partnership’s motion to reconsider the of decision and order denying motion for extension of time to apply for redistricting of Phase II (TMK: (3) 7-3-09:019).

My name is Tanya Souza, I was raised in South Kona and I am now a resident of Kaloko *Ahupua`a*. I am also a practicing archaeologist here in Kona and worked in both the private and government sectors for the past sixteen years. Most of my professional experience was spent working within the *Kekaha-wai-ole* region of Kona, including both Kaloko and Kohanaiki *Ahupua`a*.

I ask that the Land Use Commission **uphold its descion to deny the extension of time to 2033**. I outline my concerns and recommendations below:

1. **PHASE I & II – No “Ka Pa`akai o Ka`Aina” Analysis –**

Both Phase I and II of the Kaloko Heights development is substantial in size, therefore the potential impacts to Native Hawaiian cultural practices and traditions should be adequately assessed.

Recommendation – The Hui Kaloko-Honokōhau Fishpond practitioners and kupuna of Kohanaiki and Kohanaiki should be consulted. To adequately determine potential impacts of Native Hawaiian cultural practices and traditions, a Cultural Impact Analysis (CIA) should be conducted for **both Phase I and II (entire project)** of the Kaloko Heights Development.

2. **PHASE I & II – No Environmental Assessment (EA) –**

An Environmental Assessment for Phase I & II (entire project) has never been conducted in accordance to Chapter 343 of the Hawaii Revised Statutes as it should have been for the installation of a wastewater transmission line in county land (Hina Lani Street and Ana Keohokālole Right Of Way (ROW)).

The basis for the environmental impact process in the State of Hawai`i, Section 343-5, HRS established nine types of actions that “trigger” compliance. The Tie-in to the County of Hawaii’s sewer treatment facility through construction of sewer lines within a County ROW is a separate use of County land and considered a trigger. Furthermore, because the development would serve fifty or more single-family dwellings (or the equivalent), if an on-site wastewater treatment is needed, it would represent an additional trigger.

Recommendation –To adequately fulfill the requirements of HRS Chapter 343, an Environmental Assessment should be conducted for **both Phase I and II (entire project)** of the Kaloko Heights Development.

3. **PHASE II (Petition Area) - No previous archaeological research:**

The archeological studies submitted by Y-O Limited Partnership pertain to Phase I only (TMK: (3) 7-3-09:20, 57-62, formerly 32). An Archaeological Inventory Survey (AIS) for the petition area (Phase II/TMK: (3) 7-3-09:019) has not been initiated. The original decision made by the Land Use Commission occurred in 1983, prior to the establishment of Hawai'i's Historic Preservation Program, Chapter 6E of the Hawai'i Revised Statutes. For today's standards, the identification of Historic Properties within a Petition area should be a significant consideration for land use redistricting, especially for Urban phasing.

Recommendation - An Archaeological Inventory Survey should be conducted **prior** to applying for redistricting. The identification of Historic Properties within the petition area will provide the Commission, the community, and other government agencies with a greater understanding of its cultural landscape.

4. **PHASE I – Archaeological Inventory Survey and associated Historic Preservation Plans should be updated as it was for Kaloko Heights Affordable Housing Project:**

Archeological studies conducted by Scientific Consultant Services, Inc. and submitted by Y-O Limited Partnership for Phase I (TMK: (3) 7-3-09:20, 57-62, formally 32) include an Archaeological Inventory Survey (Wolforth et al. 2005), Data Recovery Plan and Monitoring Plan (Wolforth 2006a), Data Recovery Report (Wolforth et al. 2009), Preservation Plan (Wolforth 2006b), and Burial Treatment Plan (Wolforth 2006c).

The AIS was finalized and accepted by the State Historic Preservation Division (SHPD) in a letter dated October 24, 2005 (Log No. 2005.2296, Doc. No. 0510NM42). On April 1, 2020 SHPD requested that the Hawai'i Island Community Development Corporation (HICDC) update the same 2005 AIS for the Kaloko Heights Affordable Housing parcel (TMK: (3) 7-3-009:032). As part of the HRS Chapter 6E-42 review, ASM Affiliates archaeologists conducted an entirely new pedestrian survey within the affordable housing parcel and updated information regarding the condition, integrity, and historic preservation status for the sites (previously identified and newly identified). In 2021 ASM Affiliates updated condition and integrity assessments, and identified two highly significant sites – a ceremonial complex, or possible *heiau* (SIHP # 50-10-28-31243) and burial vault (*waihona kupapa'u*) (SIHP # 50-10-28-31244) (Rechtman and Glennon 2021). Due to the identification of newly identified sites and changes to the Historic Preservation status of some sites within the Affordable Housing Parcel, ASM Affiliates updated the Monitoring/Preservation Plan (Ketner and Clark 2021a and b) and the Burial Treatment Plan (Brandt and Ketner 2021).

Recommendation - The 2021 Historic Preservation updates were made to the same Archaeological documents provided for Phase I by Y-O Limited Partnership on behalf of the Petitioners. Scientific Consultant Services, Inc. completely missed a ceremonial complex and burial that would have been impacted (or destroyed) if SHPD did not prompt an updated AIS in 2020. Therefore, I recommend that an updated inventory level survey be conducted to identify and document any newly discovered Historic Properties, and that the previously identified sites be reevaluated and reassessed regarding the *condition, integrity, and historic preservation status*.

5. **PHASE I - “Road to the Sea” (aka “Trail to Sea Coast”) – Historic Preservation Status and Documentation should be updated:**

The 2021 updates to the Historic Preservation documents resulted in critical and significant changes to Historic Properties identified in 2005 by Scientific Consultant Services, Inc. (Wolforth et al. 2005). One of which was the Historic Preservation status for the Road to the Sea trail (SIHP# 50-10-28-10714).

In 2005, the treatment for Site -10714 was “No Further Work”, leaving the trail vulnerable with no protection and preservation measures. However, in 2020 at the request from the Community and SHPD, ASM Affiliates was able to reevaluate the trail more closely by conducting more detailed documentation and drafting plan-view maps of the trail. Then after further consultation with community and government agencies, the preservation status for the trail was changed from “No Further Work” to “Preservation”.

Recommendation - Mauka sections of the same trail within the Kaloko Heights Phase I Project Area remain as “No Further Work” and should be reconsidered for a change in preservation status from “No Further Work” to “Preservation”.

During ASM Affiliates reexamination of the Trail in 2021, they note that the documentation provided by Scientific Consultant Services, Inc. (Wolforth et al. 2005:169-173) “did not include detailed information that was sufficient for a reevaluation of this site [SIHP# -10714] with respect to planning and designing of the proposed Kaloko Affordable Housing Project” (Rechtman and Glennon 2021:37). The 2021 AIS documentation provided HICDC, the community, the Nā Ala Hele Trails and Access program, and other consulting organizations the information needed to mutually select a designated breach area along the trail for utilities and roads access. The breach area was selected in a portion of trail that would not affect the integrity or significance of the site.

The interpretation of the trail within the Phase I Kaloko Heights should also be reexamined as it pertains to its significance and relevance to the families of Kaloko and Kohanaiki, as well as practicing *loko i’a* (fishpond) practitioners of Kaloko Fishpond. In 2005, Scientific Consultants Services, Inc. state “the pathway does not retain the integrity of the ancient, or even early 20th century, expression. Based on that, it is recommended that Site 10714 is not a preservation site” (Wolforth et al. 2005:305). Yet during a recent assessment, ASM described the same trail as “in relatively good condition, possessing integrity of location, design and feeling” (Rechtman and Glennon 2021:38). In their study, ASM wrote “given the documentation of this site [SIHP# -10714] during the current update AIS along with community perspectives expressed during recent consultation efforts, this site is now recommended for preservation and interpreted to be a Historic Period trail, the alignment of which likely has a pre-Contact antecedent” (Rechtman and Glennon 2021:76)”. So the argument is made by ASM that the Road to the Sea was in fact - Historic and holds integrity, unlike Wolforth et al. (2005:305) who claims that the pathway was created in WWII by soldiers and therefore does not retain integrity.

Recommendation – the Road to the Sea trail should be documented in more detail (i.e. detailed maps and photographs) and the entire trail corridor should be preserved. Consultation with the Native Hawaiian community in 2020 differ significantly from 2005, therefore *further consultation is needed*. Any breaches on the trail for Phase I should be strategically placed in areas that will not to affect the overall integrity and significance of the site.

6. PHASE I – Data Recovery Report

In 2005, Scientific Consultant Services, Inc. nominated 26 archaeological sites within the Phase I project area for Data Recovery (Wolforth et al. 2005). The purpose of this study was to (1) examine pre-Contact and historical patterns of permanent habitation, (2) and identify how long water has been collected in water collection cave sites (Wolforth2006a, Wolforth et al. 2009).

My main concern with the Data Recovery Report is that only 18 of the 26 sites were data recovered in 2009 (Wolforth et al. 2009). As for the remaining eight sites, no further work was ever done. This means there is no chronological and subsistence use information for these sites. Not to mention the presence or absence of burials. Five of the eight sites are habitation sites, and it was a common traditional practice to bury loved ones at or near their home.

Recommendation – Update the AIS (Wolforth et al. 2005) and preservation status (if needed) for the sites that were never data recovered. After reexamination and consultation, if Data Recovery is still the recommended treatment for these sites, then further studies should be conducted to answer settlement research questions, and determine the presence or absence of burials.

7. PHASE I – Water Collection Caves

In 2005, Scientific Consultant Services, Inc. identified eleven sites that are associated with water collection. Six of the twelve will be preserved, the remaining six were recommended for Data Recovery (Wolforth et al. 2005:301-303). During the Data Recovery study, experiments were conducted in the water collection caves, indicating that “enough output to show that cave drip may have served as a viable water collection method for traditional period inhabitants of the project area” (Wolforth et al. 2009:135). Furthermore, archaeologists identified imported botanical remains that were suspected to be decomposed water collection devices (e.g. gourds).

There appears to be no protection measures for the six water collection caves nominated for Data Recovery and this concerns me. Water was a sacred and vital resource for the traditional residents of the *Kekaha-wai-ole* region of Kona, known as the “waterless region of Kona”. Two of these water caves are listed as ceremonial features (SIHP# -10729 and -10755) and both have a site significance of *only* Criterion D for information content. As ceremonial features, the two water caves should be preserved and recognized for its eligibility for the State Register of Historic Places under Criterion E for its cultural significance to the Hawaiian community.

Since 2005-2009, there has been a revitalization of fishpond practitioners at Kaloko Fishpond. This community-led *loko i'a* movement has produced successful results towards the health and well-being of the fishpond and its wildlife. This success stems from the community’s hard work and the emergence of ceremonial practices. The Hui Kaloko-Honokōhau have brought back not only the tradition of caring for the *loko i'a*, but also ceremonial practices at the pond such as offering *ho’okupu*, or gift of freshwater.


Recommendation – The Hui Kaloko-Honokōhau Fishpond practitioners should be consulted regarding the freshwater sources as it may be a necessity for their ceremonial purposes and the health of the Fishpond. The historic preservation status of the water collection site should also be reassessed based on further consultation. It has been almost 20 years since the completion of the archaeological

studies. *Keiki* of Kona in 2005 are now adults and have become traditional practitioners of both Kaloko and Kohanaiki.

Thank you again for the opportunity to share my concerns and recommendations about this proposed development in Kaloko and Kohanaiki.

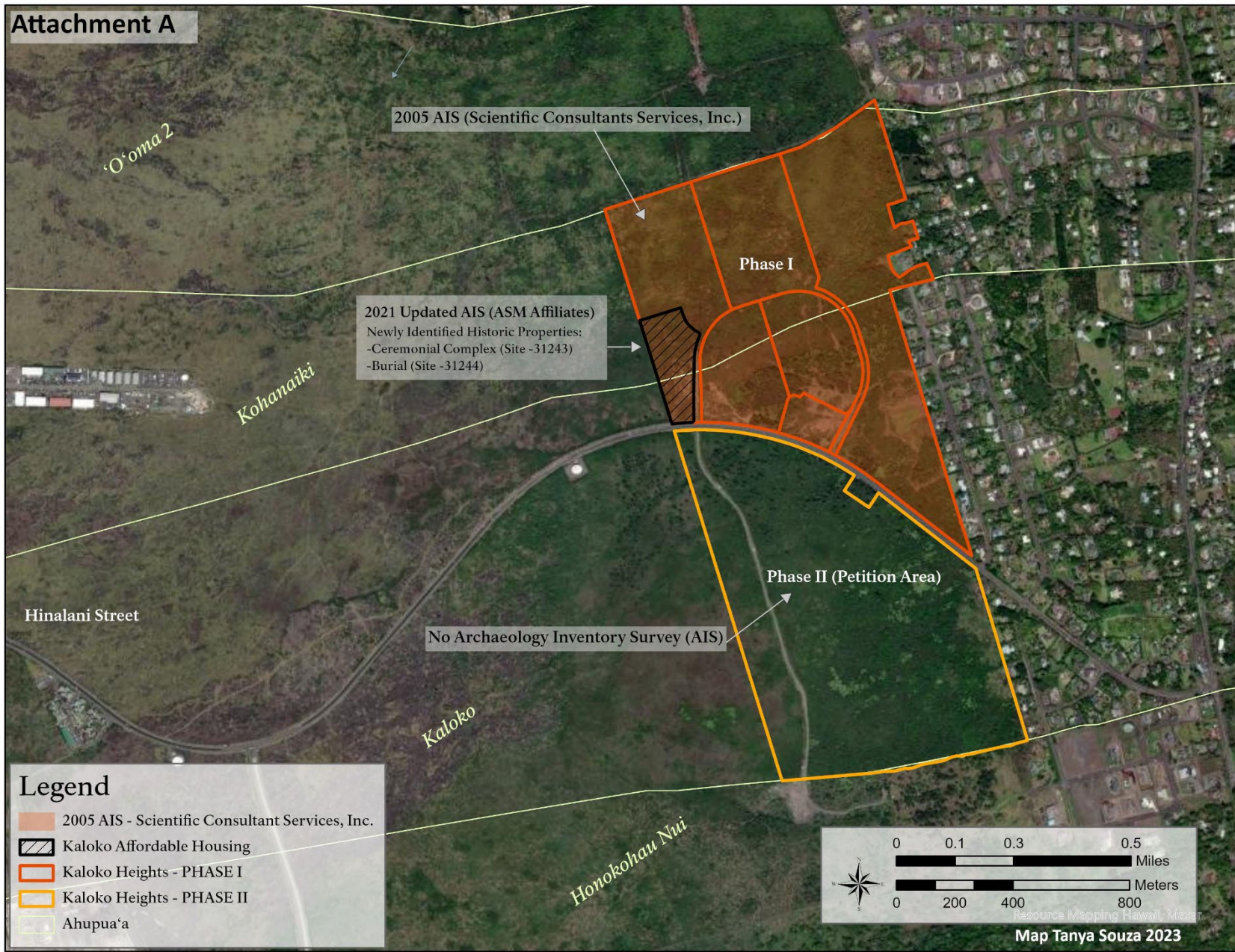
I respectfully ask the Commission to *uphold its decision and deny the motion for reconsideration*. The public deserves the opportunity to receive and review: (1) a Ka Pa'akai o Ka'Aina study; (2) an Environmental Assessment; (3) and updated archaeological studies (i.e. Archaeological Inventory Study, Preservation Plan, and Data Recovery Plan) before the applicant is granted any extra time.

Mahalo,

A handwritten signature in black ink, appearing to read 'Tanya Souza', written in a cursive style.

Tanya Souza, M.A.
Kaloko Resident and Archaeologist
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Attachment A



ATTACHMENT A – Map of Archaeological Inventory Survey (AIS) Status for Kaloko Heights (Phase I and II) and Kaloko Affordable Housing.

REFERENCES CITED

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2021b An Archaeological Monitoring Plan for the Kaloko Affordable Housing Project, TMK: (3) 7-3-009:032, Kohanaiki and Kaloko Ahupua'a, North Kona, District, Island of Hawai'i. ASM

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