



EXHIBIT 16

MEMORANDUM

To: Keiki-Pua S. Dancil, Ph.D., SVP Pūlama Lānaʻi
Fr: Trisha Kehaulani Watson, J.D., Ph.D.
Honua Consulting, LLC
Re: *Ka Paʻakai* Analysis Memo
Date: March 20, 2025

Executive Summary

Honua Consulting, LLC has completed this *Ka Paʻakai* analysis memo, which examines potential impacts on Native Hawaiian traditional and customary rights associated with proposed updates to the Kōʻele Project District on Lānaʻi. The proposal involves regulatory changes, including a Community Plan Amendment, Change in Zoning, Project District Phase 1 Amendment, and District Boundary Amendment, which aim to reduce the total Project District acreage by 8% while decreasing density through repurposing Golf areas to Park and Residential areas to Open space.

Archaeological surveys identified various historic sites, including a firepit remnant, plantation-era roads, ditches, rock walls, and foundations. In response to public comments, the memo focused on two historic buildings – the Forbes House (Structure C) and Ranch Office & Store (Structure D). These structures, while part of Lānaʻi's ranching history, do not meet the criteria for historic significance due to multiple relocations, lack of direct association with major historic events, and diminished architectural integrity. Ethnographic research through oral histories did not identify any ongoing traditional or customary Native Hawaiian practices associated with the identified sites, as the historic buildings primarily served administrative and residential purposes rather than cultural functions. Since the proposed action involves no construction activities, there is no potential to adversely impact the archaeological sites in the project area, with future construction requiring separate evaluation under HRS 6E. Despite lacking official historic significance, some community members have expressed attachment to the Forbes House and Ranch Office & Store as representations of Kōʻele's ranching era. The analysis concludes that while the ranch itself is historically significant, these specific structures are not critical to preserving that history, and there are no cultural practices associated with these sites that would be impacted. As a compromise measure, the project proponent has offered to relocate the buildings within the area.

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Introduction

This *Ka Pa‘akai* analysis is prepared to assess potential impacts on Native Hawaiian traditional and customary rights associated with the proposed rezoning of the Kō‘ele area on Lāna‘i. This analysis follows the framework established in *Ka Pa‘akai O Ka ‘Āina v. Land Use Commission*, which requires assessing cultural, historical, and natural resources, how those resources will be affected, and measures to protect traditional and customary rights.

Description of Proposed Action

The proposed updates to the Kō‘ele Project District on Lāna‘i involve a series of regulatory changes including a Community Plan Amendment, Change in Zoning, Project District Phase 1 Amendment, and District Boundary Amendment. These changes aim to reduce the total Project District acreage by 8% while significantly decreasing density through repurposing Golf areas to Park and Residential areas to Open space. The rezoning would also lower the number of Residential and Multi-Family units. Importantly, the rezoning applications, at this time, do not include any specific construction projects, indicating this is strictly a regulatory land use modification. The applicant sought community input over the last several years during the Finding of No Significant Impact on their Environmental Assessment application and current application package under review by the Maui County Council (Community Plan Amendment (approved Ordinance 5702, September 13, 2024), Change in Zoning, and Project District Phase 1 Amendment). Community input will continue to be sought during the District Boundary Amendment review by the State Land Use Commission.

Compliance Standards

The State and its agencies have an obligation to preserve and protect Native Hawaiians’ customarily and traditionally exercised rights to the extent feasible.¹ State law further recognizes that the cultural landscapes provide living and valuable cultural resources where Native Hawaiians have and continue to exercise traditional and customary practices, including hunting, fishing, gathering, and religious practices. In *Ka Pa‘akai*, the Hawai‘i Supreme Court provided government agencies an analytical framework to ensure the protection and preservation of traditional and customary Native Hawaiian rights while reasonably accommodating competing private development interests. This is accomplished through:

¹ Article XII, Section 7 of the Hawai‘i State Constitution, *Ka Pa‘akai O Ka ‘Āina v. Land Use Commission*, 94 Haw. 31 [2000](*Ka Pa‘akai*), Act 50 HSL 2000.

- 1) The identification of valued cultural, historical, or natural resources in the project area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the project area;
- 2) The extent to which those resources—including traditional and customary Native Hawaiian rights—will be affected or impaired by the proposed action; and
- 3) The feasible action, if any, to be taken to reasonably protect Native Hawaiian rights if they are found to exist.

The appropriate information about the Kō‘ele was collected, focusing on areas near or adjacent to the project area.

Background Research

The project area is situated within the Kamoku and Paoma‘i Ahupua‘a in the traditional moku of Lāhainā. The region is characterized by dry upland conditions, limited rainfall, and the absence of significant perennial streams. Historically, the area was divided into ahupua‘a, which are traditional land divisions that structured land use from the mountains to the sea. The Kamoku and Paoma‘i ahupua‘a, where Kō‘ele is found, were part of a broader subsistence network that supported agriculture and fishing.

Soil surveys indicate that Kō‘ele’s lands were historically suitable for pineapple cultivation, ranching, and pastureland, which shaped its agricultural and economic history. Key soil types in the project area include Kalae silty clay, Kō‘ele silty clay loam, and Lahaina silty clay, all of which are well-drained and capable of supporting various crops and livestock.

Hawaiian cultural and religious practices once thrived in the region, but the arrival of Western explorers and missionaries in the 19th century disrupted traditional practices, leading to a decline in the Native Hawaiian population due to disease and forced land tenure changes. By the mid-1800s, much of the land was converted to ranching operations, fundamentally altering the cultural landscape.

From 1854 to 1951, Kō‘ele was at the heart of Lāna‘i Ranch, which played a crucial role in the island’s economy. The ranch was operated by James Munro and later the Hawaiian Pineapple Company (HAPCo), which expanded land use to include commercial pineapple cultivation. The transformation of the land for ranching and plantation use led to the construction of ranch houses, outbuildings, and irrigation infrastructure, remnants of which still exist today.

By the late 20th century, ranching operations were phased out, and Castle & Cooke (later Pūlama Lāna‘i) repurposed Kō‘ele for tourism and resort development.

Identification of Cultural Resources

Honua Consulting completed a literature review and field investigation (LRFI), and MASON completed a reconnaissance-level survey (RLS) of the historic buildings in the project area. These reports are summarized herein.

While much of Lānaʻi's traditional Hawaiian settlement was concentrated along the coast, evidence of inland activity suggests that the Kōʻele region played a role in subsistence and ceremonial practices. Kenneth Emory's 1924 survey identified several significant sites in the vicinity, including:

- Kanaʻenaʻe Stone House Terrace (SIHP #50-40-98-099) – A structure located in Kalulu Ahupuaʻa, south of Kōʻele.
- Pulehua Excavated Terrace (SIHP #50-40-98-107) – A site associated with agricultural activities, possibly linked to dryland farming techniques.

In addition, a pre-contact firepit complex (SIHP #50-40-98-1984) was discovered northwest of the Kōʻele Project District. Radiocarbon dating places its use between A.D. 1430-1634, confirming that the interior of Lānaʻi was utilized by Native Hawaiians for subsistence and resource management. A burial complex associated with early Hawaiian inhabitants was also inadvertently discovered along Keomuku Road (SIHP #50-40-98-1528) in 1988. It included human remains and a subsurface cultural deposit, reinforcing the area's cultural significance.

By the early 19th century, Western missionaries had begun establishing churches and settlements across Lānaʻi. The most notable religious site in the Kōʻele vicinity is:

- Kihamāniania Church (SIHP #50-40-98-1946) – Built in the mid-19th century, this church and its associated burial complex at Nininiwai Hill (SIHP #50-40-98-1947) are historically significant for their connection to the spread of Christianity on the island.

Additionally, a historic trail (SIHP #50-40-98-1601) and an altitude breaker (SIHP #50-40-98-1600) were documented as part of the early settlement infrastructure designed to manage water flow and improve transportation across the rugged landscape.

By the mid-19th century, Kōʻele became the epicenter of Lānaʻi Ranch, which was later managed by the Hawaiian Pineapple Company (HAPCo). Several key historic sites from this period include:

- Kō‘ele Historic District (SIHP #50-40-98-1004) – Originally consisting of a complex of four ranch-era buildings, including two office structures, a house (Richardson House), and a church. These structures were later relocated to nearby areas.
- Forbes House (MASON RLS, Structure C) and Ranch Office & Store (MASON RLS, Structure D) – These buildings, once integral to ranching operations, were relocated to a nearby area and are now used for Pūlama Lāna‘i operations.

The Kō‘ele Golf Course area was also the site of several historic ranching features, including:

- Reservoirs (SIHP #50-40-98-1592 & SIHP #50-40-98-1593) – These provided water storage for livestock and were critical to ranching operations.
- Ditch System (SIHP #50-40-98-1594) – Part of the water management infrastructure developed for ranch and plantation activities.

In addition, a historic homestead (SIHP #50-40-98-1595) belonging to Charles Gay, an influential figure in Lāna‘i’s ranching history, was identified through a surface scatter of historic debris.

As Kō‘ele transitioned from ranching to tourism, new developments led to the discovery and documentation of additional historic artifacts:

- Trash Pits Near the Lāna‘i Ranch Headquarters (Hammatt et al. 1988) – These contained over 1,000 historic-era artifacts dating from the 1870s to the 1930s, offering insights into daily life during the ranching era.
- Pineapple Harvester (Dye and Maly 2018a) – An important relic from Lāna‘i’s plantation era, this piece of equipment was recommended for preservation but ultimately was determined to be derelict beyond preservation and disposed of safely.

The expansion of Lāna‘i City also led to the documentation of additional historic infrastructure, including:

- Lāna‘i City Country Town Historic District (SIHP #50-40-98-1006) – Recognized for its architectural and historical significance.
- Historic Drain Culvert Headwall (SIHP #50-40-98-6649) – A remnant of early water management efforts

There has been some attention paid to two historic properties in particular: the Forbes House (MASON RLS, Structure C) and the Ranch Office & Store (MASON RLS, Structure D). The Forbes House and the Ranch Office & Store were originally constructed and used

in Keōmoku by Maunalei Sugar Company and then relocated to Kō‘ele and served as the Lāna‘i Ranch headquarters, which was the operational center of Lāna‘i Ranch during the late 19th and early 20th centuries. The RLS indicates that these structures do not meet the criteria for historic significance, primarily due to multiple relocations, lack of direct association with major historic events, and diminished architectural integrity.

The Forbes House (Structure C)

The Forbes House was relocated to Kō‘ele from Keōmoku, where it was constructed by Maunalei Sugar Company, around the turn of the nineteenth century. At Kō‘ele it was once a residence for ranch foremen and managers and was an essential component of the ranch’s operations.

Over time, Lāna‘i Ranch shifted away from livestock operations toward pineapple cultivation, leading to changes in land use and management. By the 1980s, the house had been repurposed for various administrative functions before eventually being moved to its current location.

The Ranch Office & Store (Structure D)

Like the Forbes House, the Ranch Office & Store was also relocated to Kō‘ele from Keōmoku, where it was constructed by Maunalei Sugar Company, in the late nineteenth century. At Kō‘ele it functioned as a commercial and administrative hub for ranch employees, serving both as a supply store and an office for ranch management. It was a key structure during the early-to-mid 20th century when ranching still played a significant role in Lāna‘i’s economy.

However, like the Forbes House, this building was also relocated during resort development in the late 1980s, as part of efforts to integrate the area into the growing tourism industry. The store’s function ceased when ranching operations were officially phased out, and the structure was absorbed into the broader changes taking place at Kō‘ele.

One of the most significant factors undermining the historic value of these buildings is that they have been moved multiple times. According to the National Register Bulletin, buildings that have been relocated generally lose their historic significance unless they retain their architectural value or remain directly connected to a historic figure or event.

The Forbes House and Ranch Office & Store were originally constructed and used by Maunalei Sugar Company in Keōmoku then relocated to be used as part of the Lāna‘i Ranch headquarters and were moved again in the 1980s during resort construction.

Neither building remains in its original setting, meaning they no longer convey their historic association with the ranching era. The relocation disrupted the contextual integrity of these structures, making it difficult to interpret them as meaningful artifacts of Lānaʻi Ranch's history. Because of these moves, the buildings do not meet the Hawaiʻi Register of Historic Places criteria, which require that sites retain integrity of location, design, setting, materials, and association.

Another critical factor is that the buildings lack distinctive architectural characteristics that would qualify them as historically significant. The MASON RLS found:

- The structures were utilitarian in design, reflecting the common ranch-style architecture of the early 20th century.
- There are no unique construction features or historically significant modifications that distinguish them from other similar buildings.
- The Ranch Office & Store lacks any original elements that would make it architecturally important.

Because neither structure represents a rare or exceptional example of a specific architectural style, they fail to meet National Register Criteria Consideration B, which applies to relocated properties only if they retain outstanding architectural value.

For a property to be considered historically significant, it must be closely linked to an event or individual that played a substantial role in history. The MASON survey concluded that while the Kōʻele area itself is historically significant, these two structures are not individually linked to any specific event that shaped Lānaʻi's history. The Forbes House and Ranch Office & Store were used for administrative and residential purposes, but there is no evidence that key historical decisions or events occurred in these structures. No notable figures or decision-makers directly associated with major historical developments in Lānaʻi history were tied exclusively to these buildings.

Without a compelling historical narrative directly connected to these buildings, their value as standalone historic sites is minimal.

Identification of Cultural Practices and Ethnographic Data

The oral history project titled *Lānaʻi Ranch: The People of Kōʻele and Keōmoku* was conducted by the Center for Oral History at the University of Hawaiʻi at Mānoa in 1989. It documents the recollections and experiences of former residents, ranch workers, and their descendants, providing an in-depth look into life on Lānaʻi before and after the decline of cattle ranching. The interviews capture the transformation of Lānaʻi from a traditional Hawaiian landscape into a modern plantation and, later, a luxury development

site. The study is significant as it preserves cultural knowledge and provides insights into the lived experiences of those who contributed to Lānaʻi's ranching legacy. It was reviewed for this analysis, and cultural practices that may have been associated with the two historic buildings were specifically searched for.

The oral history report contains interviews with numerous individuals, including long-time residents, ranch workers, and descendants of key figures in the ranching community. Notable interviewees include:

- Ernest Richardson
- Rebecca Richardson
- John Richardson Jr.
- James Kauila
- William Kwon Sr.
- Richard Morita
- Primrose Richardson Yates
- Bill Kauwenaole
- Sam Kanahele
- Johnny Boy Richardson
- Junior Kaopuiki
- Mina Morita
- Hannah Richardson
- Akuila Kane
- Kimo Roberts
- Clarence White

These individuals provided valuable insights into the ranch's daily operations, traditional practices, and family life. The oral histories paint a vivid picture of life on Lānaʻi Ranch during its operational years. Ranching was central to the island's economy and social fabric. Interviewees recalled the demanding yet rewarding nature of cattle work, the camaraderie among the ranch hands, and the ways in which ranching traditions were passed down through generations.

The ranch was more than just a workplace; it was a tightly knit community where families lived, worked, and socialized. Cowboys played a crucial role in managing the livestock, and their skills in horsemanship and cattle herding were highly respected. Additionally, oral histories describe the importance of communal gatherings, rodeos, and other cultural activities reinforcing the sense of belonging among ranch families.

The Forbes House (Structure C)

The Forbes House was originally built in the early 20th century and was home to Jean Forbes, the bookkeeper and office manager for Lānaʻi Ranch. Oral history accounts describe the house as an important landmark in the ranch’s administrative and social life.

During the mid-20th century, after the closure of Lānaʻi Ranch, the house was rented by the Territory of Hawaiʻi for use by the Division of Fish & Game. The Morita family, who were associated with the division, lived in the house until they relocated to state-provided housing in Lālākoa subdivision. From 1976 onward, the house was rented out to various Lānaʻi residents. Around 1989, it was relocated to the north of the Kōʻele Lodge grounds and became the home of John and Hannah Richardson. Following their passing, their son, John Jr., continued to reside there until his death in 2018. Today, the house remains unoccupied under the ownership of Pūlama Lānaʻi.

While the house is historically significant for its association with early ranch operations and notable families, the oral histories indicate that it did not serve as a site of major cultural or customary practices. Instead, it was primarily a residence and an administrative hub, which suggests that its historical value is tied more to its architectural and functional history rather than cultural significance.

The Ranch Office & Store (Structure D)

The Ranch Office & Store was constructed in the early 20th century and served as a central hub for ranching operations. Oral histories detail its role as both an administrative center and a supply store for ranch workers and their families.

The store stocked essential items such as canned goods, flour, rice, sugar, and crackers. Many ranch workers depended on the store for their daily provisions, and purchases were often deducted from their wages. This system allowed the ranch to function as a self-sufficient community where economic and social activities were closely intertwined.

By the 1950s, after the closure of Lānaʻi Ranch, the store was repurposed for government use, like the Forbes House. The Kwon family resided in the building while working for the Division of Fish & Game. In later years, the building was rented out to various residents and, by 1989, was relocated near the Kōʻele Lodge. It became the home of Ernest and Rebecca Richardson, with Ernest being one of the last cowboys to conduct a major cattle roundup on Lānaʻi.

Today, the Ranch Office & Store is an office space for Pūlama Lānaʻi operations. While the building played a critical role in ranching operations, its relocation and conversion for

different uses over time have altered its historical significance. Oral histories indicate that, like the Forbes House, it was primarily an administrative and economic site rather than a place of deep cultural or spiritual importance.

The oral histories provide an important record of Lānaʻi Ranch’s past, preserving the voices of those who lived and worked there. They highlight the interconnectedness of family life, labor, and community identity on Lānaʻi. The Forbes House and the Ranch Office & Store were important structures within this history, serving as administrative and residential spaces for ranch personnel and their families. However, the oral histories suggest that these buildings are not associated with specific traditional or customary practices. Their primary value lies in their historical function rather than their role in perpetuating Native Hawaiian traditions or beliefs.

Analysis

As previously noted in this memo, in *Ka Paʻakai*, the Hawaiʻi Supreme Court provided government agencies with an analytical framework to ensure the protection and preservation of traditional and customary Native Hawaiian rights while reasonably accommodating competing private development interests. This is accomplished through the following three-part test:

- 1) The identification of valued cultural, historical, or natural resources in the project area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the project area;
- 2) The extent to which those resources—including traditional and customary Native Hawaiian rights—will be affected or impaired by the proposed action; and
- 3) The feasible action, if any, to be taken to reasonably protect Native Hawaiian rights if they are found to exist.

Each of these are considered below.

The identification of valued cultural, historical, or natural resources in the project area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the project area.

There is a wide range of archaeological sites in the Kōʻele region. The LRFI identified a truncated firepit remnant, two sections of a plantation-era pineapple road, and a ditch remnant. Also identified were a historic semi-circular rock wall planter, a historic to modern scatter of rounded basalt cobble imu stones, and a low plantation-era mortar and cobble foundation. The two historic buildings, the

Forbes House (Structure C) and the Ranch Office & Store (Structure D) are also in the project area.

The extent to which those resources—including traditional and customary Native Hawaiian rights—will be affected or impaired by the proposed action.

As the proposed action involves no construction activities, there is no potential to adversely impact the archaeological sites in the project area. Future construction activities would be evaluated under HRS 6E for potential impacts. Additionally, based on the ethnographic data, interviewees did not reference any contemporary cultural practices that could be associated with the identified archaeological sites.

Despite the lack of official historic significance, some community members have expressed concern over the potential loss of the Forbes House and Ranch Office & Store. Testimonies provided to the Maui County Council's Housing & Land Use Committee reflect:

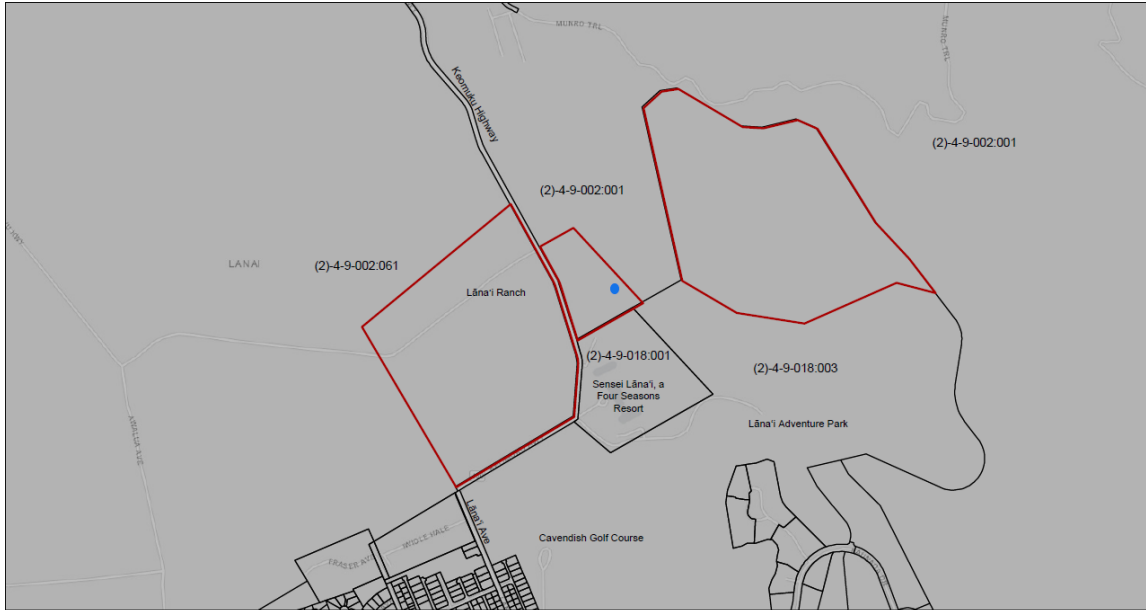
- A sense of nostalgia and emotional attachment to the buildings, as they represent a time when Kō'ele was a working ranch.
- A belief that removing or relocating them again would erase Kō'ele's historical character.
- Concerns that modern development is prioritizing commercial interests over historical preservation.

While these perspectives are understandable, historical significance is determined by objective criteria. The MASON survey's findings clarify that while the ranch itself is historically significant, these two structures are not critical to preserving that history. Additionally, there are no cultural practices associated with these sites, so there is no potential impact on traditional or customary practices.

The feasible action, if any, to be taken to reasonably protect Native Hawaiian rights if they are found to exist.

The third test is largely moot, due to the lack of identified traditional or customary practices. Nonetheless, the project proponent has offered to relocate the historic buildings within the area.

Petition Area



- Petition Area
- Approximate Location of Structures C and D

District Boundary Amendment Petition Area, identifying the approximate location of Structures C and D.



Figure 1. Study Area noting the location of Structures C and D, and the non-historic garage (not in MASON's Survey Area) (Base map, Google Earth, 2014; Graphics, MASON, 2024).

Image from MASON RLS, identifying the location of Structure C and Structure D.