

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A83-554
FARMS OF KAPUA, LTD.)
To Amend the Conservation Land)
Use District Boundary into the)
Agricultural Land Use District)
for Approximately 6,102 Acres at)
Kapua, South Kona, Hawaii, Tax Map)
Key: 8-9-06: Portion of Parcel 3)
_____)

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LAND USE COMMISSION

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION AND ORDER ON REMAND HEARING
FOR FURTHER PROCEEDINGS WITH RESPECT TO
ARCHAEOLOGY AND THE IMPLEMENTATION AND
IMPACT OF 1983 SENATE RESOLUTION NUMBER 65

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Pursuant to the Order of the Honorable Shunichi Kimura, Judge of the Circuit Court of the Third Circuit, State of Hawaii, issued on May 28, 1986, in Civil Case Number 85-431, which remanded the case to the Land Use Commission for further proceedings with respect to the provision in the order calling for a substantially greater archaeological reconnaissance survey of the "mauka" areas, and the provision in the order calling for more evidence regarding the implementation of the 1983 Hawaii Senate Resolution Number 65 "Requesting Further Action On The Designation of a State Natural Recreational and Historic Park at Kapua, Honomalino, Okoe, Kaulanamauna, and Manuka Districts in South Kona and Kau, Island of Hawaii," and the provision for evidence on the impact that the requested classification change will have on the implementation of S.R. No. 65; the Land Use Commission (hereinafter "Commission"),

having conducted proceedings consistent with the Order on October 14, 1987, April 26, 1988, October 28, 1988, December 2, 1988, January 26, 1989, and March 10, 1989, and having heard the testimony and examined the evidence presented during the remand hearings, the parties' proposed findings of fact, conclusions of law and decision and order, and the parties' responses to proposed findings of fact, conclusions of law and decision and order, hereby makes the following supplemental and/or modified findings of fact to the Commission's Findings of Fact, Conclusions of Law and Decision and Order dated February 28, 1985 (hereinafter "First Decision and Order"):

SUPPLEMENTAL AND/OR MODIFIED FINDINGS OF FACT

The Commission's findings of fact numbers 1 to 8 in its First Decision and Order are supplemented with the following findings of fact:

1. On June 16, 1983, Farms of Kapua, Ltd., a California limited partnership (hereinafter "Petitioner"), filed this Petition pursuant to Chapter 205, Hawaii Revised Statutes, as amended, and the Rules of Practice and Procedure of the Land Use Commission, State of Hawaii, to amend the land use district boundary of approximately 6,102 acres of land situated at Kapua, South Kona, Hawaii, identified as Hawaii Tax Map Key: 8-9-06: Portion of Parcel 3 (hereinafter "Property") from the Conservation District to the Agricultural District.

2. On February 28, 1985, the Commission issued its Decision and Order which reclassified approximately 6,039 acres

of the Property from the Conservation District into the Agricultural District subject to four conditions. The remaining balance of the Property, approximately 63 acres, was retained in the Conservation District.

3. On May 28, 1985, Pa'apono of Milolii, Inc. (hereinafter "Intervenor") filed a Motion to Amend Order, which the Commission denied by Order issued on June 4, 1985.

4. On July 3, 1985, Intervenor filed a Notice of Appeal with the Third Circuit Court to appeal the First Decision and Order.

5. On May 28, 1986, the Honorable Shunichi Kimura, Judge of the Third Circuit Court, issued an Order Remanding Case for Further Proceedings with the following instructions:

"NOW THEREFORE IT IS HEREBY ORDERED:

"1. That Appellee STATE LAND USE COMMISSION shall require the parties to provide substantially greater archaeological reconnaissance survey of the "mauka" areas;

"2. That the parties provide more evidence regarding the implementation of the 1983 Hawaii Senate Resolution No. 65 Requesting Further Action On The Designation of a State Natural Recreational and Historic Park at Kapua, Honomalino, Okoe, Kaulanamauna, and Manuka Districts in South Kona and Kau, Island of Hawaii, and provide evidence on the impact that the requested reclassification change will have on the implementation of S.R. No. 65;

"3. That this matter shall be remanded for proceedings consistent with this order."

6. On September 18, 1987, Farms of Kapua, filed a Motion to Continue Hearing to provide the Petitioner's archaeological consultant with sufficient time to provide a completed archaeological reconnaissance survey of the "mauka areas".

7. On September 25, 1987, Petitioner, the Department of Business and Economic Development¹ of the State of Hawaii (hereinafter "State" or "OSP"), the County of Hawaii Planning Department (hereinafter "County") and Intervenor, filed a Stipulation For Continuance of Hearing.

8. On October 14, 1987, the Commission, through its appointed hearing officer Commissioner Frederick Whittemore, reopened the hearing on this docket pursuant to notice published in the Honolulu Advertiser and the Hawaii Tribune Herald on September 4, 1987. The hearing officer approved Petitioner's request to continue the hearings on this matter for a period not to exceed six months.

9. On April 11, 1988, Petitioner filed a Motion for Continuance of Hearing to provide the parties with sufficient

¹The Department of Business and Economic Development replaced the Department of Planning and Economic Development as the party representing the State of Hawaii's interest in the proceedings before the Commission. Subsequently, The Office of State Planning replaced the Department of Business and Economic Development as the party representing the State of Hawaii's interest.

time to review the complete archaeological reconnaissance survey.

10. On April 19, 1988, Intervenor, the State and the County filed Stipulation to Petitioner's Motion for Continuance of Hearing.

11. On April 26, 1988, the Commission, through its appointed hearing officer, approved Petitioner's request to continue the hearings on this matter to a date to be set a minimum of sixty days from the date of the submission of the completed archaeological reconnaissance survey.

12. On May 19, 1988, Petitioner filed Exhibit R-1 "Archaeological Reconnaissance Survey Farms of Kapua Mauka Lands Project Area".

13. On October 20, 1988 Intervenor's attorney, James Ireijo, notified the Commission that he was withdrawing as Intervenor's counsel.

14. On October 21, 1988, Intervenor filed a Motion to Continue Hearing to allow Intervenor's new counsel, Native Hawaiian Legal Corporation, sufficient time to review the case files on this petition.

15. On October 21, 1988, a stipulation to Intervenor's Motion to Continue Hearing by Petitioner, State and the County was filed.

16. On October 21, 1988, the County filed a Motion Seeking Clarification of the Scope and Procedures to be Utilized for the Continued Hearings on the remand proceedings.

17. On October 28, 1988, the County withdrew its October 21, 1988 Motion and the Commission granted Intervenor's request to continue the hearings to December 1, 1988.

Findings of Fact number 62 through 70, inclusive in Commission's First Decision and Order, regarding Impact On Resources of the Area Historical/Archaeological Resources subsection, are modified and supplemented by the following findings of fact:

Historical/Archaeological Resources

18. During the period November 8-20, 1982, Paul H. Rosendahl, Ph.D, Inc. (hereinafter "PHRI") conducted an archaeological reconnaissance survey of the Property and adjoining lands (hereinafter "1983 Survey"). This survey included conducting some preliminary historical documentary research into available archaeological reports, inventory forms and records and some other kinds of documentary materials. Preliminary socio-cultural research, including some informant work within the local community, was also conducted and included the preparation of a plan for addressing relevant socio-cultural issues.

19. The 1983 Survey by PHRI covered an area consisting of approximately 7,400 acres and is bound on the north by the Land of Okoe 1 & 2, on the east by a fenceline demarcating the approximate limits of the existing macadamia orchard, on the south by the Land of Kaulanamauna, and on the west by the shoreline and includes the Property.

20. The 1983 Survey consisted of 100% coverage of the zone extending from the shoreline to 1,500 feet inland, from the northern to the southern boundary of Kapua. In addition, a 100% surface or pedestrian coverage was conducted of selected inland survey areas. The survey areas were stratified on the basis of both natural and environmental factors, previously recorded sites, and general archaeological knowledge. A total of 26 survey areas were surveyed. The sample coverage of the total project survey area was more than 20% - with 100% coverage of the coastal area and approximately 15% coverage of the inland area.

21. PHRI's 1983 Survey identified 56 sites in the 7,400-acre area consisting of 21 previously recorded Hawaii Register of Historic Places sites and 35 new sites which were assigned designated state inventory numbers.

In addition, eight more sites were added to the list of designated sites during the preparation of Petitioner's Environmental Impact Statement (hereinafter "EIS") for a total of 64 sites.

22. The northern coastal portion of the 1983 survey area in which the greatest density and variety of archaeological remains occur, corresponds generally to the approximately 425 acres adjacent to the Property which Petitioner proposed, in its Petition, to retain in the Conservation District.

The 1983 Survey indicates that the sites and features tend to concentrate to the north of the survey area with the greatest density and variety of archaeological remains located within the coastal zone, which contained almost every site type identified. The best known feature in this area is the slide of the Ahole Holua Complex which is regarded as one of the best preserved within the State. The holua complex is not part of the Property.

Inland portions of the 1983 Survey area had a lesser variety and density of sites.

23. In December of 1983, Matthew Spriggs of the Department of Anthropology, University of Hawaii-Manoa, conducted a reconnaissance field trip to the Property and recorded 18 sites. Sprigg's reconnaissance field trip generally covered areas in the inland and southern portions of the Property which were areas not previously covered by Dr. Rosendahl.

24. PHRI conducted a second archaeological survey of the Property during 1987 and 1988 (hereinafter "1988 Survey").

25. The archaeological surface reconnaissance for the 1988 Survey was conducted during the period October 26, 1987 through March 11, 1988. The field survey areas were based on aerial reconnaissance of the Property, the results of previous survey work, and the various vegetation patterns and types of terrain contained on the Property. Ground coverage was 100% in

the Grassland, Native Forest, Kiawe Forest, and Secondary Grassland zones. Coverage was circa 94.5% in the Scrub Grassland zone, circa 80.0% in the Secondary Forest/Scrub Zone, circa 88.8% in the Koa-Haole Thicket Kipuka zone, and circa 56.7% in the Barren/Sparse Vegetation zone. All areas bordering trails, regardless of the zones in which they were in, were covered 100%.

26. The 1988 Survey included resurveying nearly 100% of the area inspected during the 1983 Survey and Sprigg's 1983 survey. The only areas not resurveyed were small portions in Survey Areas A4 and V2, identified in the 1983 Survey, and a portion of the southeast corner of the Property which was only partially inspected because it had been mechanically altered.

27. The 1988 Survey covered approximately 5,784 acres of Lands at Kapua (hereinafter "Survey Area"). The Survey Area generally corresponds with the location of the Property except the exclusion of a narrow strip of land between 500 feet from the shoreline and 1,000-1,500 feet inland from the shoreline along the central and southern Kapua coast and approximately depicted as the area bounded by the "Seaward Limit of Petition Area" boundary, "Limits of Project Area" boundary, and the boundary between Kapua and Kaulanamauna on Figure 5 of the "Site Location Map" identified as Petitioner's Exhibit R1.

28. According to PHRI, the scope of work for the 1988 Survey was based on discussions with Virginia Goldstein, staff

planner and historic sites specialist with the County of Hawaii Planning Department, Dr. Ross Cordy, chief archaeologist with the Historic Sites Section of the Department of Land and Natural Resources (hereinafter "DLNR-HSS"), and a review of available background literature. The scope of work was as follows:

1) Conduct 100% coverage low-level (approximately between 30-50 feet in altitude) aerial reconnaissance by helicopter of the 5,784-acre project area, with special emphasis on (a) following out any foot trails present and plotting them on aerial photographs and/or maps, (b) identifying all sites observed, and (c) identifying areas devoid of sites (e.g., recent lava lands and mechanically altered lands);

2) Conduct variable coverage (partial up to 100%), variable intensity (30- to 90-foot intervals) ground reconnaissance of the previously unsurveyed parts of the project area (approximately 4,908 acres), with relatively higher intensity coverage being given to undisturbed lands and relatively lower intensity coverage to mechanically altered lands;

3) Conduct interviews with any appropriate and available local informant sources; and

4) Analyze field and informant interview data, and prepare appropriate reports.

29. In addition, in areas where visibility allowed, sweeping intervals were expanded to 30 to 50 meters. Conversely, where lands were irregular, intervals were reduced to ensure that no sites were missed.

30. Pursuant to Dr. Cordy's request, PHRI conducted hydration-rind and radiometric dating analyses of volcanic glass and carbon samples collected at the site.

31. The PHRI 1988 Survey identified a total of 297 sites (54 previously identified and 243 new sites). The sites that were found in the Survey Area are typical of the known range of formal (relating to feature) and functional types of traditional Hawaiian sites.

The range of formal sites included: walls, platforms, enclosures, terraces, cairns, trails, petroglyphs, surface midden and coral scatters, modified caves/tubes, mounds, pahoehoe and aa excavations, modified outcrops, pits, overhangs, ramps, modified sinkhole areas, leveled/cleared areas, boulder/cobble concentrations, alignments, filled depressions/cracks, slab-line firepits, cupboards, abraded depressions, and basins. Also present were compound feature types.

The range of functional types included: temporary habitation, habitation, agricultural, marker, transportation, burial, religious, quarry, water catchment and storage, refuge, tool manufacturing, recreation and miscellaneous historic

functions. There were also a small number of sites for which the function was indeterminate.

32. According to PHRI, the nature and patterning of the sites found in the Survey Area appears to replicate the general nature and patterning of sites that is known to extend throughout most of north and south Kona from the Kailua-Keauhou vicinity to Kapua. The archaeological resources at Kapua are not exceptional or unique in comparison to other historic resources in central West Hawaii.

33. According to PHRI, the most common formal feature type in the Survey Area were mounds (23% of the total features). Other common feature types that were found included - terraces (16% of the total features); cairns (12%); lava tubes, caves, and sinkholes (7%); pahoehoe excavations (6%); pits and pit complexes (6%); C-shape walls (4%); enclosures (4%); platforms (3%); and trails (3%).

34. PHRI indicates that temporary habitations were the most frequent functional site types - comprising approximately 33% of the total number of sites. Other common functional site types included - agricultural (18%); marker (13%); transportation (13%); habitation (9%); quarry (7%); burial (4%); and religious (3%).

35. The 1988 Survey indicates that the sites on the Survey Area were concentrated primarily in three areas - along the eight primary coastal inland oriented trail systems; along

the major lava tube systems which traverse the southern portion of the petition area; and in the several kipuka which extend across the northern portion and northern inland part of the Survey Area.

36. PHRI indicates that its age determination analyses suggest early habitation at Kapua occurred in mid-800 A.D., recurrent use of temporary habitations began in the late 1200's and continued into the early 1800's with the most intensive period of use between 1450 to 1600 A.D.

37. According to Dr. Rosendahl of PHRI, nine previously identified sites, which are part of the Property outside of the Survey Area and located approximately in the coastal strip between the shoreline Conservation District and the Survey Area, in addition to the 297 sites identified in the Survey Area for a total of 306 sites, were considered in its analyses for significance.

38. According to PHRI, 241 of the total 306 sites that were identified through archaeological surveys on the Property, which includes the Survey Area, are assessed as being significant solely for their information content or research value. No further archaeology work is recommended for 123 of these 241 sites. For the remaining 118 of these 241 sites, further data collection was completed and PHRI concluded that the physical preservation of these 118 sites is not considered essential. The remaining 65 sites are assessed as significant

and are recommended either for preservation "as is", or preservation with some level of interpretive development.

39. PHRI's determination of significance was based on factors which have been generally accepted by Hawaii's archaeological community, i.e., sites which were culturally important to native Hawaiians. It classified these sites into 4 basic types: 1) Heiau or other religious structures; 2) trails; 3) burials and 4) petroglyphs. However, PHRI's classification of these sites were based on its ability to identify sites in the field and PHRI recognizes that there is a possibility of misidentifying sites.

40. The State Department of Land and Natural Resources (hereinafter "DLNR") indicates that the archaeological survey coverage of the Property is near completion with only a few minor sites likely to be still unidentified.

41. DLNR-HSS agrees with PHRI that the 123 sites are no longer significant because they were significant solely for their information content.

42. DLNR-HSS generally agrees with the recommendations of PHRI that 174 significant sites still exist in the inland areas. However, DLNR-HSS indicates that there should be an addition of a minimum of seven significant sites (five sites for data recovery and two sites for preservation) in the coastal strip adjacent to the shoreline Conservation

District, for a total of 181 significant historic sites in the Property.

43. DLNR-HSS indicates that PHRI's site-specific recommendations are acceptable and points out that of the seven sites in the southern coastal strip 2 must be added for preservation for a total of 64 sites to be preserved and 5 must be added for data recovery for a total of 117 sites to undergo data recovery.

44. The sites recommended for preservation by PHRI are generally clustered into three areas:

- 1) Along a corridor following a lava tube cave system which runs inland in the south central area;
- 2) Along a set of trails in the north central area; and
- 3) Along the northern border in the Kipuka lands.

These corridors also include a large number of sites recommended for archaeological data recovery. However, a few isolated sites outside of the clusters are also being recommended for preservation.

45. DLNR-HSS recommends the preservation of the aforesaid three corridors with a buffer zone around each site as well as the preservation of all sites outlined in yellow on Attachment 1 of OSP's Exhibit R-2. DLNR-HSS indicates that it may be more practical to preserve the corridors and a few isolated sites rather than preserve a large number of small areas.

46. The DLNR-HSS also recommends that Petitioner implement a historic preservation mitigation plan which must have two elements:

- 1) A plan to ensure adequate preservation of specific historic sites; and
- 2) A plan to ensure adequate archaeological data recovery of other historic sites.

The preservation plan must clearly provide adequate buffer zones around all sites to be preserved. The objectives of the buffer zones are to include adequate protection of the visual integrity of the sites and provide for protection of the sites against damage from humans.

47. Intervenor's archaeologist Dr. Paul Cleghorn agrees in concept with the recommendation of DLNR-HSS that the three mauka-makai corridors be set aside as historic preserves.

48. Although Petitioner has not agreed to the DLNR-HSS recommendation with respect to preserving the three mauka-makai corridors, Petitioner indicates that more specific site plans are necessary before the boundaries of the corridors and/or buffer zones could be delineated. Petitioner represents it will work with DLNR-HSS on delineating buffer zones around archaeological sites designated for preservation during the development of its historic preservation mitigation plan.

Findings of fact numbers 81 and 82 (Impact On Resources of the Area, subsection Recreational Resources,) in

Commission's First Decision and Order are supplemented with the following findings of fact:

Recreational Resources

49. The concept for a state park from Honomalino, South Kona to Manuka, Kau, on the island of Hawaii was initiated in 1971 by Senate Resolution No. 267 requesting the Board of Land and Natural Resources (hereinafter "BLNR") to conduct a feasibility study for a natural, recreational and historic park in this area. The proposed park would include state-owned lands in the ahupuaa of Honomalino, Okoe, Kaulanamauna, and Manuka as well as the ahupuaa of Kapua which includes the Property.

50. In 1971 the BLNR adopted the concept of a primitive type park in the general location of Honomalino to Manuka but did not delineate definite park boundaries.

51. In 1983, Senate Resolution No. 65 was adopted by the State Senate and requested DLNR to renew plans to create a park from Honomalino to Manuka. In conjunction with Senate Resolution No. 65, the Legislature appropriated \$50,000 to conduct a feasibility study for the wilderness park concept (hereinafter "proposed wilderness park").

52. In 1986, the DLNR Division of State Parks (hereinafter "DLNR-DSP") initiated a suitability study for the proposed wilderness park in response to Senate Resolution No. 65. Resource studies of botany, wildlife, archaeology, aquatic and recreational uses are part of the study.

53. The study area covers approximately 15,000 acres and includes the areas of Honomalino, Okoe, Kapua, Kaulanamauna and Manuka.

The study area includes a half-mile strip of land along the coastline from the northern boundary to the southern boundary of the Kapua Ahupuaa.

54. The State of Hawaii owns land to the north and south of the Property. To the south is the Manuka Natural Area Reserve. A wilderness park through the Property would provide access along the shoreline to tie in the publicly owned areas that have recreational, archaeological and natural resources.

55. The objective in the wilderness park concept is to maintain an open, natural character along the shoreline from Honomalino to Manuka.

56. The intent of DLNR is to limit the number of people in the wilderness area to insure adequate protection of the resources such as archaeological sites. The distance from Honomalino to Manuka is approximately 13 miles. DLNR-DSP believes that a hiking trail along that shoreline would be a valuable recreational experience.

57. OSP believes that a mitigation plan for the proposed wilderness park would need to include keeping access to the park areas limited, keeping intrusive visual elements away from the Conservation District lands, and eliminating or disguising physically intrusive elements. DLNR recommends that

their State Parks Planning Branch staff approve any such plan and verify its execution.

58. In the northern portion of the coastline fronting the Property, DLNR recommends a half-mile wide corridor for potential incorporation into the proposed wilderness park.

59. In the southern portion of the coastline fronting the Property, DLNR is willing to accept a 500-foot corridor for potential incorporation into the State wilderness park, but is waiting for the mitigation plan from the Petitioner for a final determination.

60. OSP indicates that in order to further define the parameters of the proposed wilderness park between the Honomalino and Manuka areas, a 2000-foot buffer area inland from the shoreline is recommended. OSP's recommendation is due to the presence of archaeological sites along the shoreline together with aesthetic access and certain cultural values.

61. OSP believes a setback of about 2000 feet from the shoreline along the coast of Kapua would balance the State's interest in promoting agriculture and aquaculture and implementing a wilderness park concept for the makai portions of the Property.

62. OSP points out that Petitioner may be able to use portions of the Property within the 2000-foot setback area, which would remain in the Conservation District, for aquaculture activities through a Conservation District Use Permit from the Board of Land and Natural Resources.

RULING ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact submitted by any of the parties to this proceeding not adopted by the Commission herein, or rejected by clear contrary findings of fact herein, are hereby denied and rejected.

In addition, the findings of fact adopted herein supplement and/or modify findings of fact of the Commission's Decision and Order dated February 28, 1985, as incorporated herein; and where findings of fact adopted herein are contrary to findings of fact in the Commission's February 28, 1985, Decision and Order, the findings of fact adopted herein shall prevail.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, and the Hawaii Land Use Commission Rules, the Commission concludes that the provisions of the May 28, 1986 Third Circuit Court Order Remanding Case for Further Proceedings have been satisfied, and that based upon a preponderance of the evidence, that the reclassification of the Property, except for a 2000-foot wide area along the coastline of the Property subject to conditions in the Order, is reasonable, non-violative of Section 205-2, Hawaii Revised Statutes, and is consistent with the policies and criteria set forth in Sections 205-16 and 205-17, Hawaii Revised Statutes, as amended.

ORDER

IT IS HEREBY ORDERED that the Commission's Decision and Order shall be supplemented and amended to require that the southwest portion of the Property located between the makai boundary of the Property to a parallel inland boundary with depth of 2,000 feet from the certified shoreline as identified by the Department of Land and Natural Resources and consisting of not less than 478 acres and approximately identified on Amended Exhibit A attached and incorporated by reference, shall be and hereby is denied reclassification into the Agricultural District, and shall remain in the Conservation District.

IT IS FURTHER ORDERED that the remainder of the property consisting of not more than 5,624 acres shall be reclassified from the Conservation District to the Agricultural District subject to the conditions imposed by the Commission in its February 28, 1985 Decision and Order, and that the following additional condition be attached:

1. CONDITION FOR A HISTORIC PRESERVATION MITIGATION PLAN

Petitioner shall develop a historic preservation plan to treat the 181 significant historic sites in the areas to be developed and the sites in the areas left in Conservation. This plan shall have two elements: (a) a preservation plan and (b) an archaeological data recovery plan. The preservation plan will cover, at a minimum, the 64 sites recommended for preservation with the understanding that other sites may be

shifted from data recovery to preservation. This preservation plan must include protection of sites in the lands to be left in Conservation as well as in the lands to be developed. This preservation plan must clearly delineate adequate buffer zones around all sites to be preserved in the lands to be developed with buffers that are adequate to protect the visual integrity of the sites. This plan must also cover short-term protection measures--measures that will ensure protection of these sites during construction. This plan must also cover long-term preservation measures to include such concerns as greater access, visual intrusion of development elements, interpretive signs' location and text, potential vandalism and litter control. The archaeological data recovery plan will cover the 117 sites recommended to undergo data recovery with the understanding that some of these sites may be preserved as an alternative--in which case they will be covered in the preservation plan. This plan must ensure the recovery of a reasonable and adequate amount of the significant information in these sites. This plan must discuss major relevant research questions, data needed to address these questions, specific tasks to be undertaken at each site, the schedule for the report completion, and procedures for archiving the recovered remains. Both component plans must be approved by the State's Historic Sites Section before they are executed to ensure adequacy. The Historic Sites Section must also verify the

successful completion of these plans to ensure that the plans are adequately executed. Construction shall not occur in the vicinity of the significant historic sites until these plans are approved, with proof of approval submitted to the Commission, until the archaeological data recovery fieldwork is successfully executed, and until the short-term protection element of the preservation plan is put into effect.

DOCKET NO. A83-554 - FARMS OF KAPUA, LTD.

Done at Honolulu, Hawaii, this 26th day of June 1989,
per motion on June 8, 1989.

LAND USE COMMISSION
STATE OF HAWAII

By *Renton L. K. Nip*
RENTON L. K. NIP
Chairman and Commissioner

By *Lawrence F. Chun*
LAWRENCE F. CHUN
Vice Chairman and Commissioner

By *Allen K. Hoe*
ALLEN K. HOE
Commissioner

By *Sharon R. Himeno*
SHARON R. HIMENO
Commissioner

By *Allen Y. Kajiora*
ALLEN Y. KAJIORA
Commissioner

Filed and effective on
June 26, 1989

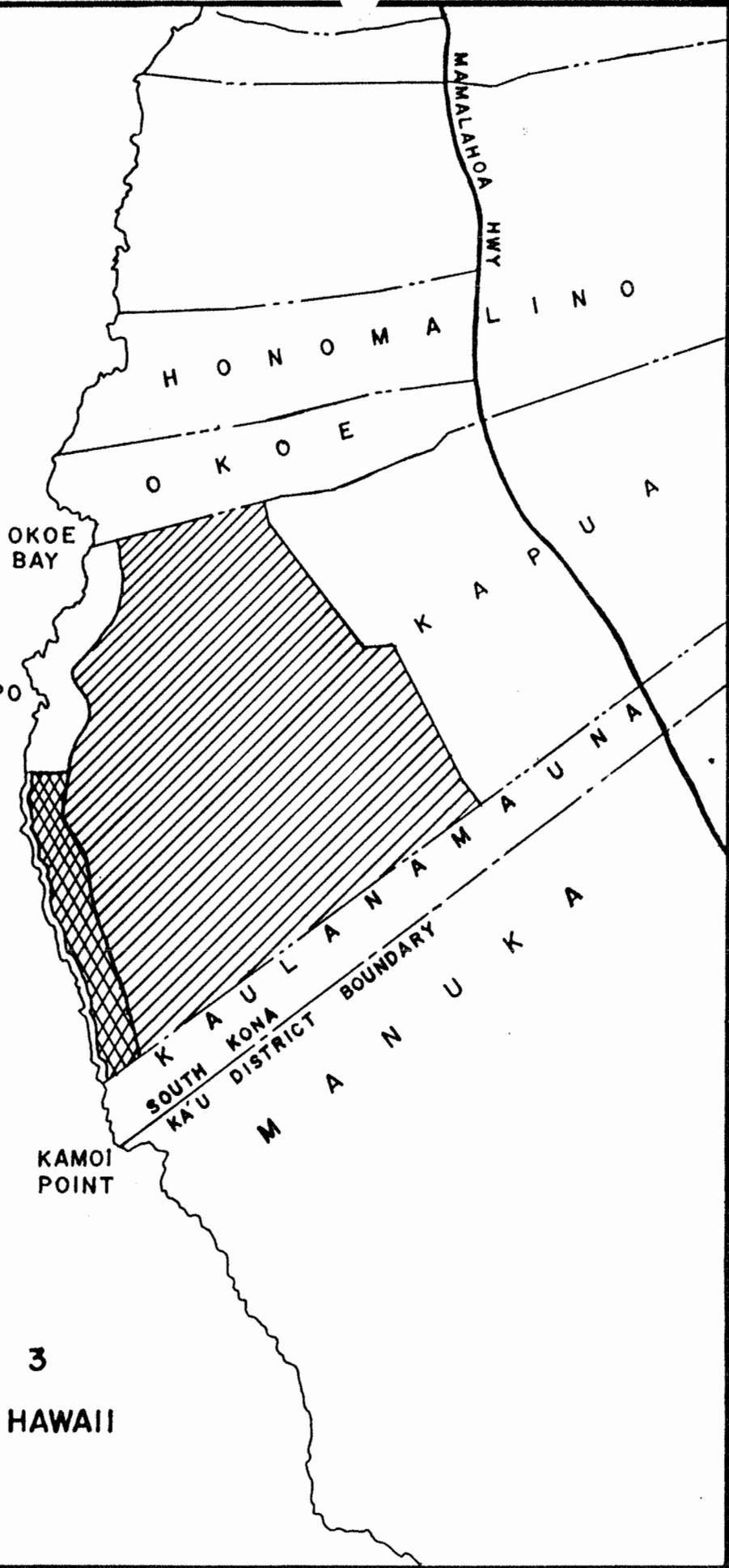
By *Frederick P. Whittemore*
FREDERICK P. WHITTEMORE
Commissioner

Certified by:

Esther Lee
Executive Officer

By *Toru Suzuki*
TORU SUZUKI
Commissioner

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A83-554

FARMS OF KAPUA

 AREA APPROVED
  AREA DENIED

T.M.K.: 8-9-06: POR. 3

KAPUA, SOUTH KONA, HAWAII

SCALE: 1" = ± 6500'

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To Amend the Conservation Land)
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Agricultural Land Use District)
for Approximately 6,102 Acres at)
Kapua, South Kona, Hawaii, Tax Map))
Key: 8-9-06: Portion of Parcel 3)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law and Decision and Order on Remand Hearing for Further Proceedings With Respect to Archaeology and the Implementation and Impact of 1983 Senate Resolution Number 65 was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

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DATED: Honolulu, Hawaii, this 26th day of June 1989.



ESTHER UEDA
Executive Officer