

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 9, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 11KD-038

Kauai

Set Aside to County of Kauai for Public Park and Recreational Purposes, Weliweli (Makai), Koloa, Kauai, Tax Map Keys:(4) 2-8-22:10 and (4) 2-8-18:30.

APPLICANT:

County of Kauai

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Weliweli (Makai) situated at Koloa, Kauai, identified by Tax Map Keys: (4) 2-8-22:10 and (4) 2-8-18:30 as shown on the attached maps labeled Exhibit A, B, & C.

AREA:

TMK: (4) 2-8-22:10 - 1.369 acres, more or less.
TMK: (4) 2-8-18:30 - 0.621 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: R-4

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

PURPOSE:

Park and ancillary purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached as Exhibit 'D'.

APPLICANT REQUIREMENTS:

None. [Lot A-102, Map 2, Land Court Application 1188]

REMARKS:

The unencumbered State parcels are adjacent to a County of Kauai parcel identified as Tax Map Key: (4) 2-8-017:024 located in Poipu, Kauai.

The Kaneioluma Heiau complex is located on the County parcel with a small but significant portion of the heiau located on State lands.

The native Hawaiian non-profit organization Hui Malama O Kaneioluma (Hui) has entered into a stewardship agreement with the County of Kauai for restoration, rehabilitation and preservation of the Kaneioluma Heiau complex. See Exhibit 'E'.

Kaneioluma Heiau complex is considered sacred to the Hawaiian culture and an important historic landmark to the residents of Kauai.

DLNR – Historic Preservation Division commented that so long as the currently accepted Long-Term Preservation Plan is followed, there will be no effect to historic properties. See Exhibit 'F'.

The County of Kauai is requesting that the Department of Land and Natural Resources assist the County in obtaining an Executive Order pursuant to section 171-11, Hawaii Revised Statutes, to set-aside the aforementioned State parcel for Public Park and other Recreational Purposes. See Exhibit 'G'.

Comments were solicited from:

State Agencies:

DOH	Community Noise Pollution and Air Pollution Control and Solid Waste Management Control measures should be in place when restoring the heiau sites.
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Historic Preservation	Historic preservation review and archaeological survey conducted before transfer of land to County of Kauai.
OCCL	No response by suspense date
OHA	No objections

County Agencies

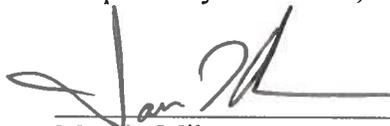
County Planning	No comments
Parks and Recreation	No objections
Public Works Dept.	No comments
Dept. of Water	No objections

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to County of Kauai under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


for Marvin Mikasa
Land Agent

APPROVED FOR SUBMITTAL:

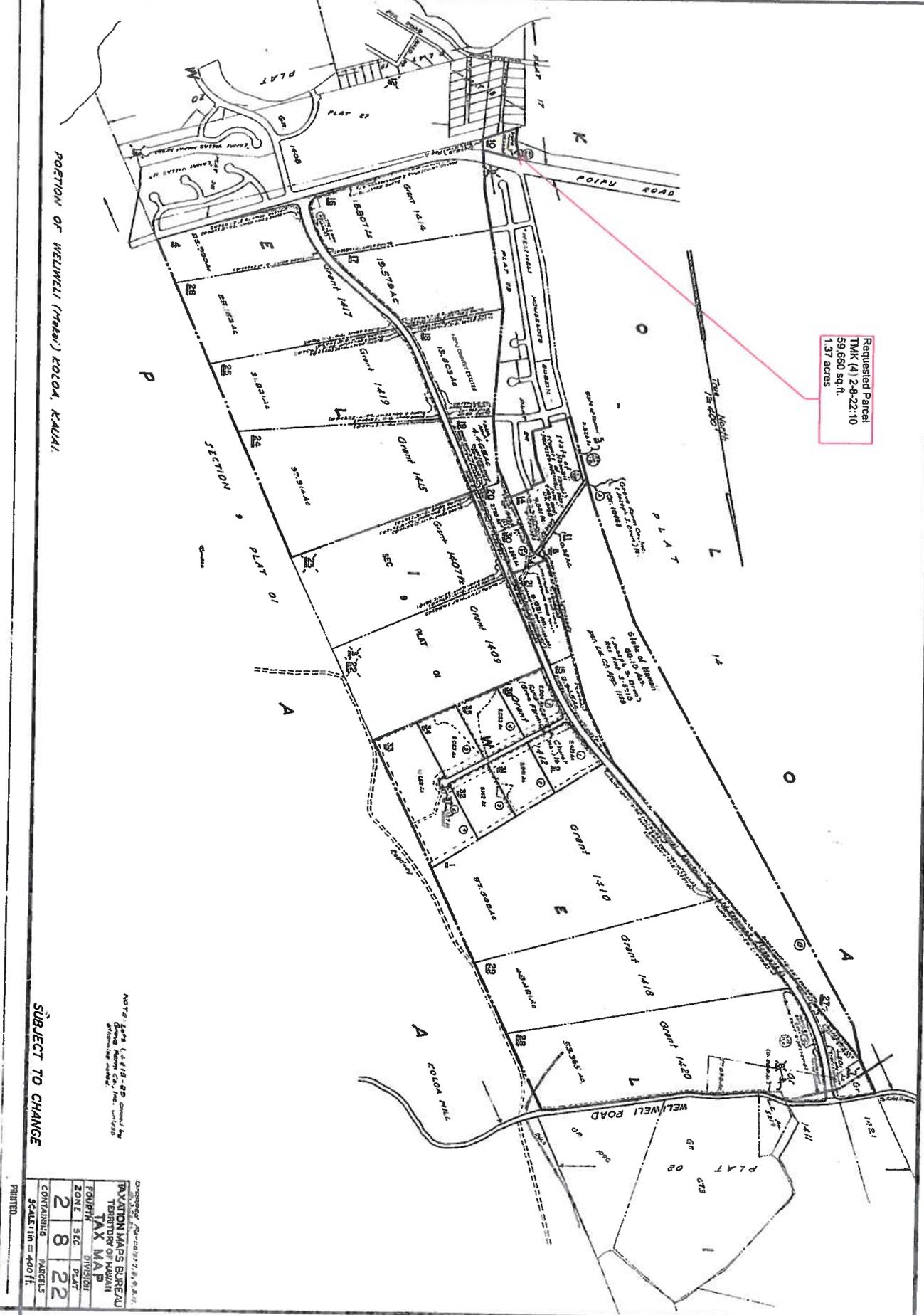

William J. Aila, Jr., Chairperson

5048
 Teresian Floor Bureau
 D.S.C. / AL Oct 1936

Dwg. No
 Source
 24

Requested Parcel
 TMK (4) 2-9-22-10
 59,660 sq. ft.
 1.37 acres

PORTION OF WELWELL (HAWAII) ROAD, KAUAI.



SUBJECT TO CHANGE

Prepared by: 20-00117-2-A, B, C, D
 DIVISION OF LAND AND NATURAL RESOURCES
 TERRITORY OF HAWAII
 PLANNING MAPS BUREAU
 FOURTH FLOOR
 FAX MAP
 DIVISION

CONTAINS	PAGES
2	22
SCALE: 1" = 400' ft.	

EXHIBIT "B"

Kaneioiouma Preserve with Proposed EO Addition

(Disclaimer: Parcel boundaries as depicted on map are for illustration purposes only and may not be precise.)



Legend

-  Kaneioiouma Preserve (Polpu Beach Park Mauka Preserve)
-  Proposed EO Addition

Scale





**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 9, 2011

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Set Aside to County of Kauai for Park Purposes

Project No.: PSF No. 11KD-038

Project Location: Weliweli (Makai), Koloa, Kauai, Tax Map Keys: (4) 2-8-22:10
(4) 2-8-18:30

Project Description: Set aside of State lands to the County of Kauai for park development and other recreational purposes

Consulted Parties: Department of Land and Natural Resources (DLNR), Historic Preservation Office, Office of Conservation and Coastal Lands, Office of Hawaiian Affairs, County of Kauai Planning Department; and others

Exemption Class No.: In accordance with the Division of Land Management Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject project is considered to be exempt from the preparation of an environmental assessment under the following:

Exemption Class No. 1, which states, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

This action is a merely transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements.

EXHIBIT "D"

Recommendation:

The transfer of management jurisdiction over the lands from the State to the County of Kauai in itself will probably have minimal or no significant effect on the environment. It is recommended that the Board of Land and Natural Resources find that the proposed transfer is exempt from the preparation of an environmental assessment. Inasmuch as the Chapter 343 environmental requirements apply to the County of Kauai shall be responsible for compliance with Chapter 343, HRS, as amended.

William U. Aila, Jr.

For

William U. Aila, Jr., Chairperson

8.22.11

Date

EXHIBIT A

Stewardship Agreement

COUNTY OF KAUAI

ADOPT-A-PARK AGREEMENT

**FOR THE STEWARDSHIP OF KANE-I-OLO-UMA
HEIAU COMPLEX
Poipu Beach Mauka Preserve
TMK: 2-8-17: 13, 14, 24**

STEWARDS: HUI MALAMA O KANEIOLLOUMA, 501(C)(3) ID# 80-0254784

Rupert Rowe
Rupert Rowe

Date: July 23, 2010

Billy Kaohelauli'i
Billy Kaohelauli'i

Date: July 23, 2010

COUNTY OF KAUAI:

Bernard P. Carvalho Jr.
Bernard P. Carvalho Jr., Mayor

Date: July 23, 2010

Leonard A. Rapozo Jr.
Leonard A. Rapozo Jr., Director
Director of Parks and Recreation

Date: July 23, 2010

Wallace G. Rezentes Jr.
Wallace G. Rezentes Jr.,
Director of Finance

Date: July 23, 2010

Peter Nakamura
Peter Nakamura, County Clerk

Date:

Mauna Kea Trask
Approved as to Form and Legality
Mauna Kea Trask, Deputy County Attorney

Date: July 23, 2010

INTRODUCTION

Pursuant to the Director of Parks and Recreation's authority to develop and implement programs for the cultural, recreational, and other leisure-time activities for the people of the county under Kaua'i County Charter Section 31.03. The County of Kaua'i hereby enters into this Stewardship agreement with Hui Malama O Kaneioulouma under the County of Kaua'i's Adopt-A-Park program.

This stewardship agreement addresses the *malama* (to preserve, protect and enhance) of the *Kaneioulouma Heiau Complex* within the *Poipu Beach Park Mauka Preserve* (Attachment 1. Historical overview, site description).

Kaneioulouma Heiau is located on the south shore of Kaua'i, Kona District and borders the ahupuaa of Kōloa and Weliweli within the Po'ipū beach Mauka Preserve. The Po'ipū Beach Mauka Preserve covers a land area that totals 11.04 acres and is identified as TMK: (4) 2-8-17:13,14,23,24. The County of Kaua'i created the Po'ipū Beach Mauka Preserve in recognition of Kaneioulouma's archaeological, historical and cultural significance to Kaua'i.

The *Kaneioulouma Heiau* complex is considered sacred to the Hawaiian culture and an important historic landmark to the residents of Kauai. Currently under the jurisdiction of the County of Kauai and known as the *Poipu Beach Park Mauka Preserve*, the stewardship group *Hui Malama O Kaneioulouma* is proposing to clear, maintain, and rehabilitate this complex as a public cultural preserve.

There are three components to this complex: religion, agriculture and aquaculture (fish ponds). This site also contains the sacred spring of *Waiohai*. The amount of monumental Hawaiian architecture represented here has the potential of yielding important information regarding ancient temple religion, agriculture and fishpond management. Extensive walled enclosures, alters, numerous bases for temple images, shrines, taro patches, irrigation ditches, a series of large fishponds, house platforms, extensive cooking areas, and terracing throughout make this complex ideal for rehabilitation.

The County of Kauai's Poipu Beach Park has consistently been recognized as one of our Nations most beautiful beaches. The *Kaneioulouma Heiau* complex

is a component of Poipu Beach Park and by preserving and enhancing both elements, the County of Kauai is enriching its world class destination. Yet, perhaps more important to us as an island, is a sense of pride that our unique cultural heritage is preserved in perpetuity.

This agreement is between the *County of Kaua'i* (hereinafter referred to as "County") and *Hui Malama O Kaneioulouma* (hereinafter referred to as "the stewards") to serve as the stewards for the *Kaneioulouma Heiau Complex*, within the Po'ipū Beach Park Mauka Preserve.

The *County of Kaua'i* is represented by the **County of Kaua'i Parks Department** (hereinafter referred to as "Parks department"). The Parks Department has ownership and management review jurisdiction over this significant historic site. The staff of the Parks Department shall oversee the operation and activities of the Stewards for compliance with this agreement.

The stewards will perform all duties and responsibilities without pay from the County of Kaua'i. The stewards further acknowledge that they will defend, indemnify, and hold harmless the County of Kaua'i and will ensure that all volunteers under their supervision have current health insurance.

THE AIM OF THE COUNTY OF KAUA‘I
MALAMA HEIAU
ADOPT-A-PARK AGREEMENT

The aim of this program is to:

1. Better maintain significant historic sites and natural resources and protect them from vandalism, natural factors, and unintentional human actions that will damage sites.
2. Provide the **County of Kaua‘i** citizens greater access to view and understand the importance of these sites and its past history.

It is the role of the **Stewards** to help protect the sites under its jurisdiction and to help provide public access for all the **County of Kaua‘i** citizens.

The **Stewards** cannot restrict public access during opening hours except during cultural ceremonies.

The **Stewards** shall not install interpretive devices on the site without the prior approval of the Parks Department.

The **Stewards** cannot undertake site improvements unless these tasks are covered in the stewardship agreement or in later amendments to each agreement. These constraints are extremely important to ensure that the site is properly protected and are properly interpreted – thereby benefiting all the citizens of the **County of Kaua‘i**.

THE *STEWARDS*'S RESPONSIBILITIES

1. The **Stewards** will maintain the grounds within the boundaries of the **Kanielouma Heiau Complex**, Poipu Beach Park Mauka Preserve. This shall be done without ground disturbance to prevent damage to the structural integrity of the site and to subsurface archaeological deposits. Weed-eaters, machetes, lawnmowers, and other hand-tools may be used. Plants should not be pulled up by the roots, as this can displace rocks and damage subsurface deposits. An herbicide with dissipation properties, such as *Round-Up* or *Rodeo*, may be used to control weeds and vegetation growth around the rocks of the site.
2. The **Stewards** will designate a volunteer supervisor(s). All volunteers must submit a completed **County of Kaua'i** volunteer waiver form. The **Stewards** may sponsor volunteer projects and non-commercial educational tours in addition to their regular maintenance responsibilities. The Parks Department shall be notified five (5) working days in advance of projects and tours involving over twenty-five (25) individuals.
3. The **Stewards** are required to assist in coordinating volunteer efforts that may be forthcoming from other organizations or individuals. Such other groups or individuals may participate in activities without being required to become a member of the **Steward** organization. However, the **Stewards** will supervise said volunteers and said volunteers will be bound by this stewardship agreement and all applicable County, State and or Federal laws.
4. The **Stewards** will discourage littering at the site. Trash cans may be installed in a manner that does not visually impinge on the view of the site. All cut and gathered vegetation from the site should be taken to a designated area. There is to be no burning within the area (except as designated).
5. The **Stewards** shall keep a logbook/journal of all activities conducted at the site to be available upon request.
6. The **Stewards** will assist with the maintenance of the interpretive signs, the site name sign, and the plant name plaques at the site. If the **Stewards** wish to change the signs or add more signs, design, and

wording will be prepared in consultation with and be approved by the **Parks Department**. The **Stewards** may prepare and install interpretive devices or displays, contingent upon approval of specific plans by the **County of Kaua'i** and consultation from the **Kaua'i Historic Preservation Review Commission** and/or the **State of Hawai'i Historic Preservation Division**.

7. The **Stewards** will periodically check the site, to attempt to prevent vandalism and damage. Should any damage be discovered, the **Stewards** will notify the **Parks Department**.
8. The **Stewards** may undertake landscaping, watering and planting activities for the purpose of providing ground stabilization and minimizing erosion of the area, contingent upon approval of specific plans by the **Parks Department**.
9. The **Stewards** may retain the services of a professional archaeologist for the purpose of excavation at the site to obtain data which may contribute to the interpretation of the site but this must be contingent upon the prior approval of specific plans for the archaeological work by the **Parks Department** and consultation from the **Kaua'i Historic Preservation Review Commission** and/or the **State of Hawai'i Historic Preservation Division**. The retained archaeologist must meet the minimal professional standards of the U.S. Department of the Interior.
10. Restoration work, and the construction of traditional Hawaiian *hale*, is subject to plans approved by the **County of Kaua'i** and consultation from the **Kaua'i Historic Preservation Review Commission** and/or the **State of Hawai'i Historic Preservation Division**.
11. The **Stewards** may be consulted on proposed activities at the site and assist with cultural protocol as may be needed. The **Stewards** may be invited to participate in meetings and discussions as the cultural specialists for the site.
12. The **Stewards** will submit an annual report of its activities relative to the historic site(s) under this agreement.

13. The **Stewards** may propose amendments to this agreement to undertake other tasks at the site. These proposed amendments must be approved by the **Parks Department**. Upon approval, the amendments will become a part of this agreement. Failure to obtain approval for additional tasks may lead to the termination of this agreement and possible fine, pursuant to applicable law.
14. The **Stewards** will defend, indemnify, and hold harmless the County in any action arising out of any injury, physical or otherwise, by any volunteer or their representative and or successor.
15. The **Stewards** will ensure that all volunteers under their supervision have current health insurance and agree to pay any expenses arising out of any claim by any person injured while volunteering at the site if said person does not have health insurance.
16. The **Stewards** agree to obtain an appropriate insurance policy or policies with the appropriate minimum amounts as required by the County.
17. The **Stewards** will ensure that all volunteers under their control and or supervision are in good health and are informed of the possible hazards involved in the restoration of the site. The **Stewards** shall deny any volunteer's ability to engage in restoration work if they are not in good health or they are under the influence of alcohol or drugs, or if volunteers fail to abide by any terms of this agreement and or any County, State, Federal law.

SPECIAL CONDITIONS

The **Stewards** shall not:

1. Undertake or permit commercial and/or fundraising activity on the site, including the sale of any items or advertising of any commercial products.
2. Permit participants to possess, display, use/consume alcoholic beverages or illegal drugs at site.
3. Cause any significant disruption to normal park usage.

RESPONSIBILITIES OF COUNTY OF KAUA'I PARKS DEPARTMENT

County of Kaua'i agrees to provide the **Stewards** with information relating to the site, including but not limited to archaeological and historical information, surveys of sites or structures, environmental impact statements, and plans regarding existing or proposed future uses of lands within the immediate area of the site.

The assistance of **County of Kaua'i** may be requested by the **Stewards** for support with grant writing. This includes but is not limited to: master plan, rehabilitation of the site, fish pond restoration, opening to the general public for viewing and enjoyment.

The assistance of **County of Kaua'i** may be requested by the **Stewards** for large clearing and hauling projects and with herbicide.

RESTRICTIONS ON THE STEWARD'S ROLE

The **Stewards** may not undertake tasks which are not specified in this agreement. This restriction is to protect the site. No matter how sincere the intent of the **Stewards**, a fragile site can be damaged. Additional tasks,

however, can be proposed as amendments to the agreement, and it is anticipated that many of these can be approved after review and the insertion of any needed protective provisions. The **Parks Department** agrees to respond to the **Steward's** proposed amendments within sixty (60) days of receipt of the proposed amendments.

It must be emphasized that failure to get approval of additional tasks may lead to the revoking of the **Steward's** agreement and could lead to a possible fine, pursuant to applicable law, if damage is severe.

CHECKS TO INSURE PROPER STEWARDSHIP

The **Parks Department**, or their representative, will make two (2) field checks per year to see that proper stewardship is being done. If it is determined that proper curation is not taking place, the **Parks Department** will notify the **Stewards** in writing of the problem and will provide the **Stewards** with suggestions to correct the problem. The **Stewards** will be allowed a reasonable time to correct the problem. If the **Stewards** fail to correct the problem within a reasonable time, this agreement will be subject to revocation.

THE TERM OF THIS AGREEMENT

The term of this agreement shall be for ten (10) years, renewable for each ten (10) year period upon agreement of the principles. If either party wishes to terminate the agreement at any time, written notice shall be given to the party.

LIABILITY CONCERNS

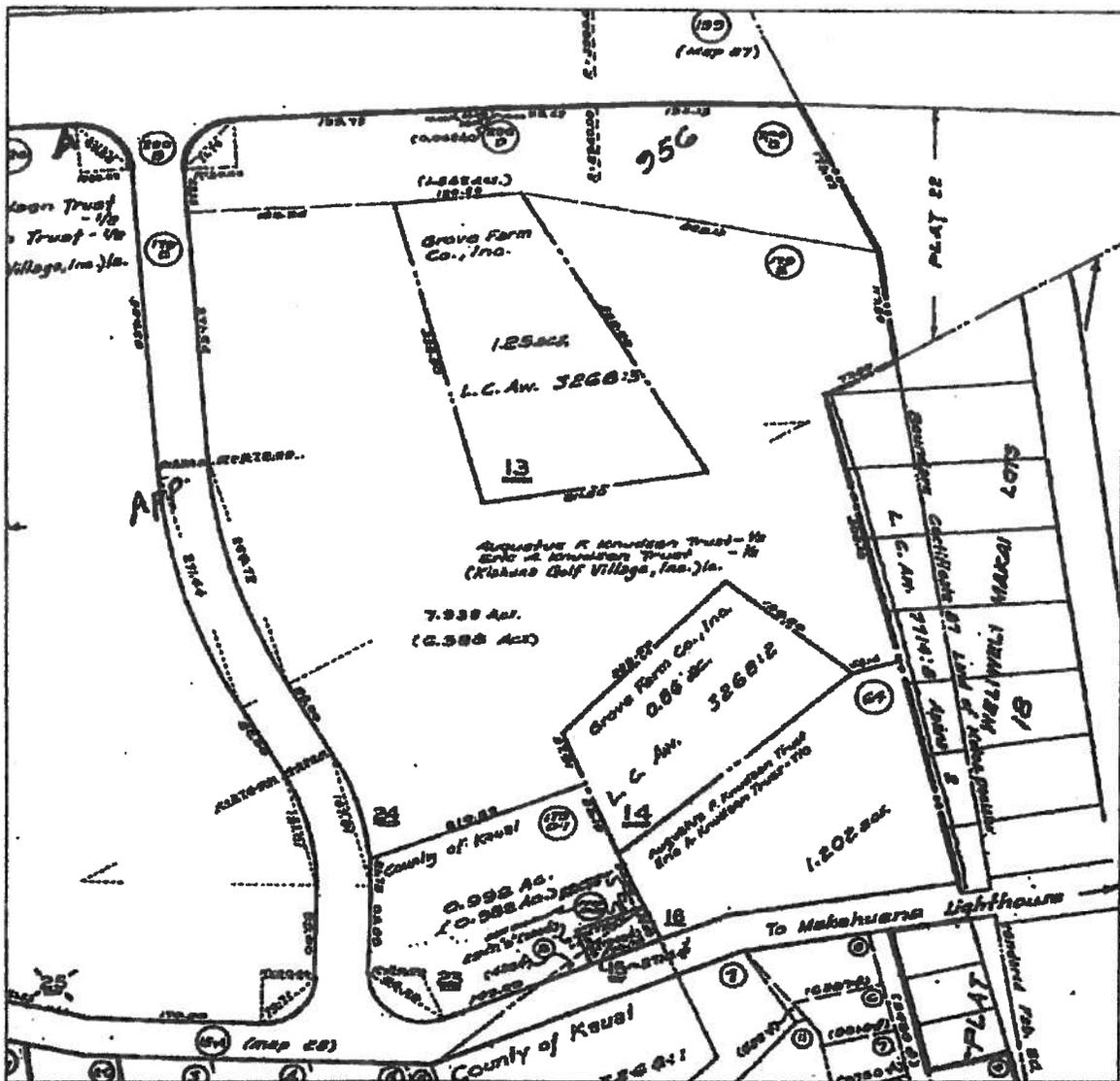
Stewards are personally liable for any negligent acts or omissions of its members or any volunteers who work with them that cause personal injury or property damage and as such they agree to obtain and maintain an appropriate insurance policy with appropriate minimum amounts as determined by the County. The **Stewards** shall keep a current **Agreement for individual voluntary Services** form (Attachment 2. Liability Waiver) recorded in the logbook/journal kept by the **Stewards**.

ATTACHMENT 1

HISTORICAL OVERVIEW

AND

SITE DESCRIPTION





Previous Photo by: 51 R. Wichman, Nov. 2008, KHS Photo Collection. Above Photo: J. Valdez, 2008

HISTORICAL OVERVIEW

Kaneiolouma Heiau is located on the south shore of Kauai, Kona District and bordering the *ahupua'a* of Kōloa and Weliweli. The Poipu Beach Mauka Preserve comprises of 11.04 acres (TMK: 2-8-17: 13, 14, 23, 24). The County of Kauai created this preserve in recognition of its archaeological, historical and cultural significance to Kauai.

The historical chronology of events at Koloa spans more than a millennium. The layers of time, as seen through written records, show us great battles, powerful sorceresses, a dynasty of rulers, the birth place of the patron God of warriors, a stronghold for the fishing Gods, agriculture on an amazing scale with above ground irrigation ditches, the advent of Western contact, a Kingdom port of call, massive expansion of the Kōloa field system, and the first sugar plantation in Hawaii.

The awareness of so many generations put the human element into history. The story of Kōloa is compelling in its depth, yet much still remains to be learned.



Photo: J. Valdez, Nov. 2008, KHIS Photo Collection

“The *Koneioloouma* and agricultural site complex is part of a huge complex of agricultural and habitation sites ranging from Koloa town to the coast of Poipu and ranging from the Weliweli area westward to Kukuiula Bay. Most of the estimated 1000+ features have been destroyed. Eventually the number of sites will be reduced to only about 100. Therefore, the site complex in question is on County land, open on two sides by roads and very accessible. This site complex offers the only archaeological area that is not on private land. Eventually, this complex may be the only such accessible complex on the entire south shore of the Koloa District.

Culturally, the temple and agricultural site area becomes a heritage place, a marker for the Native Hawaiians to identify with their prehistory and their ancestry. For all ethnic peoples of Hawaii, this is one of the few sites at Poipu that is readily accessible and with cleaning, preservation and maintenance can serve as an interpretive park (1989, National Register of Historic Places Registration Form).”



Photo B. Wichman, Nov. 2008. KHS Photo Collection

The Lahainaluna Students Composition, no. 17 dated September 7, 1885 lists 23 *heiau* in the Kōloa District along with 26 detailed place name triangulations of offshore fishing grounds. *O Olouma* is listed as #9 and the following was translated by Mary Kawena Pukui in 1936.

“O Olouma kekahi haiau, aia no i Koloa, Kauai. mauka ae o Hooleina-ka-puaa, he loko mauka o na hale, a o ka haiau iho e pili pu ana, o Kiha no ke alii nona ia haiau. He unu hai puaa i-a ula a pela aku. O lonoikaoualii ke alii, o Wakea ke kahuna. mai Oahu mai ka pohaku i hana ia ai o ka haiau na ka menehune i hana.”

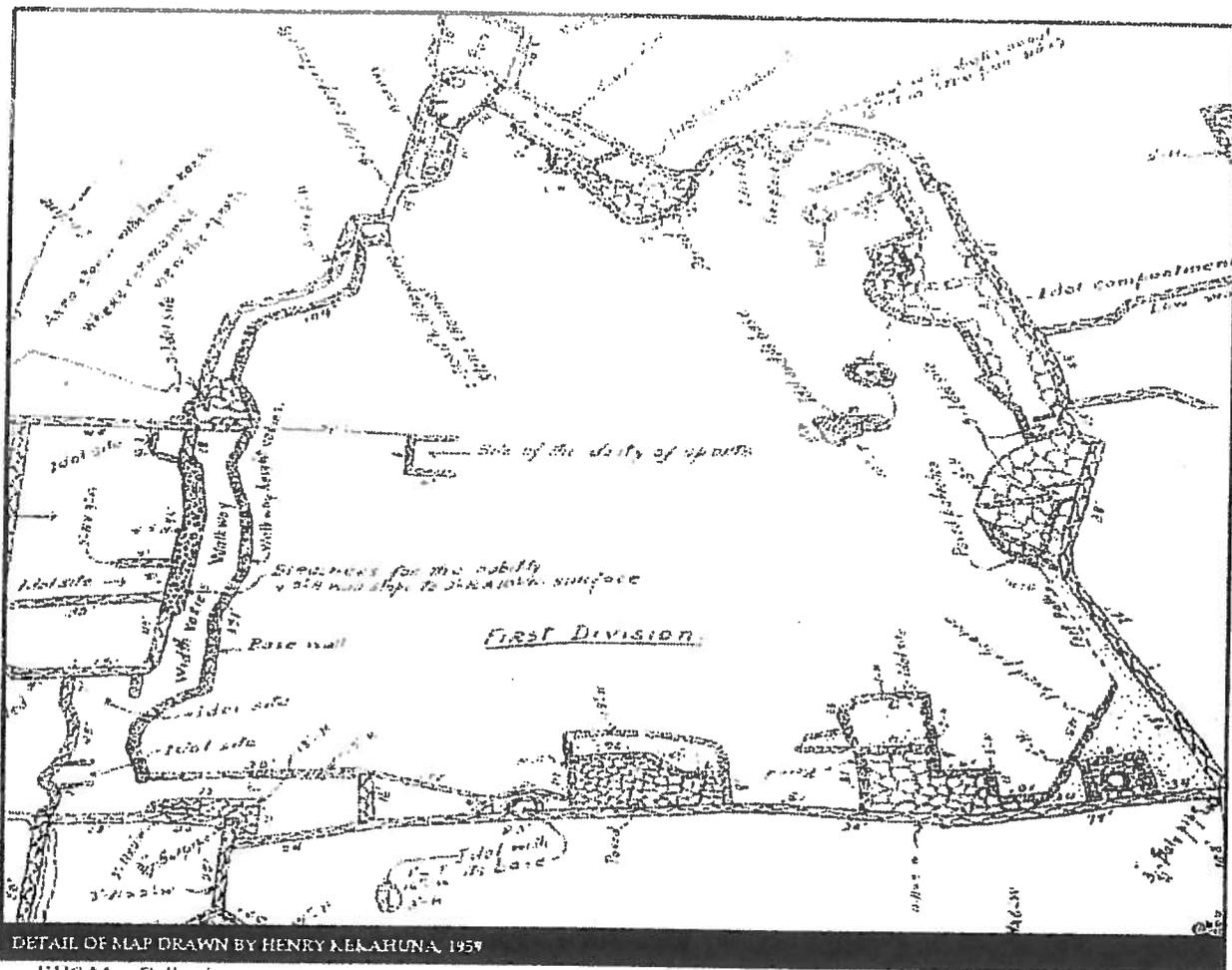
“Louma was another heiau, which also stood in southern Koloa on the mountainward side of Ho’oleina-ka-puaa (Place-to-throw-in-the-pig), a pond on the mountainward side of the houses. The heiau was close by. Kiha was the chief to whom it belonged. It was a heiau in which hogs, red fishes etc. were offered. Lonoikaouali’i was the chief and Wakea was the priest who brought the stones from Oahu. The menehune built the heiau.”



Henry Kekahuna near the Kialaha Lookout. Koke'e KHS Photo Collection.

Henry Kekahuna in the 1940s and '50s was a gifted surveyor with more than 68 *heiau* to his credit and a *kahuna* of note. He was commissioned by the Kauai Historical Society to survey and map two *heiau* on County property - *Ka Ulu A Paoa*, Haena, and the *Kaneiolouma Heiau*. He also wrote extensively on the preservation of Hawaiian culture, in particular the preservation of the *Kaneiolouma Heiau* complex. He was aided by Theodore Kelsey, a noted Hawaiian language scholar who was respected for his comprehensive Hawaiiana research.

"The heiau was the principle medium through which all religious activities were manifested, and was therefore the most important representative of religion collectively in ancient Hawaii.... Such was the fundamental philosophy of the Hawaiians. All principle activities of their lives were necessarily parts of a whole, that whole being perfected in and through the heiau. Not merely was the heiau a place of worship. In the lives of the people it also functioned as a mighty powerhouse of all spiritual life, human and non-human (Speech and paper Delivered by H.K. Kekahuna to the Kauai Historical Society, June 17, 1957)."



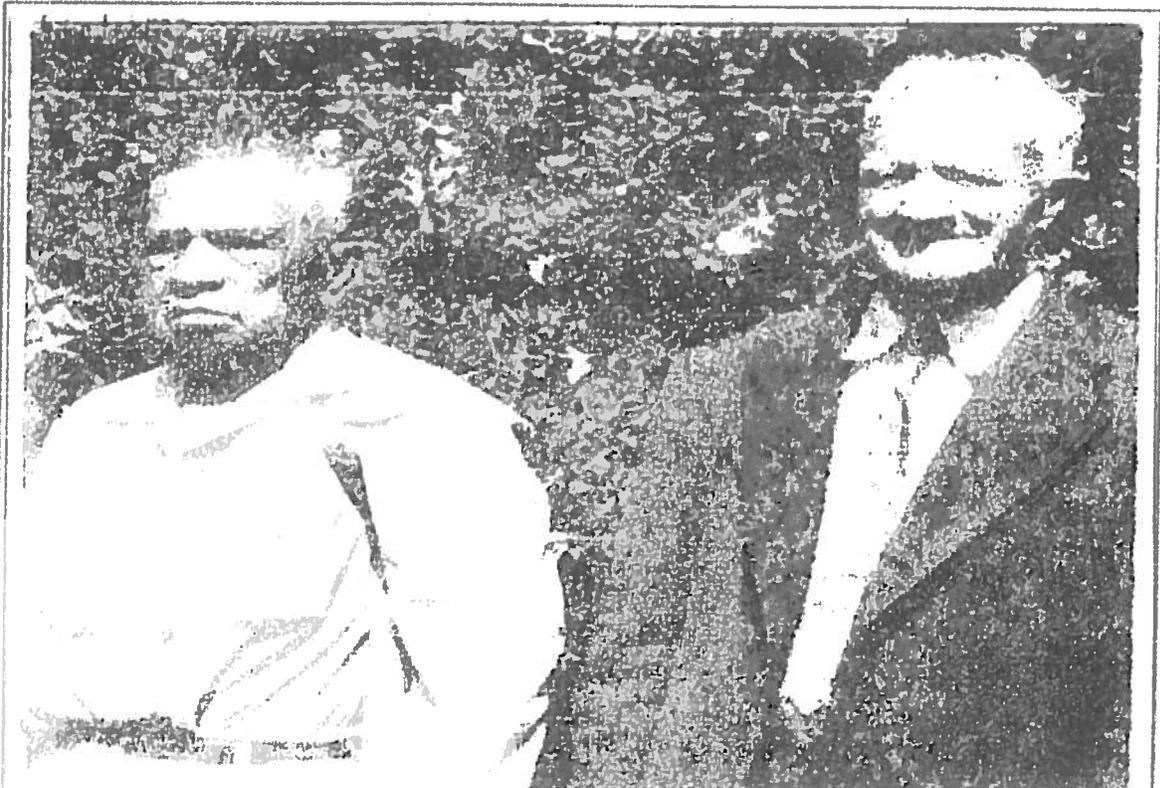
In 1959, Kekahuna wrote *"A Genuinely Authentic Hawaiian Village for Kauai"* in which he specifically outlines in detail how to create an authentic Hawaiian atmosphere at Kaneiolouma.

"The island of Kauai should receive the honor of being the very first to produce the only true Hawaiian village of ancient character in the world."
 "It is planned that someday the sizable tract in Wai-ohai, Poipu, Koloa, Kauai, that contains the remnants of the heiau, or ancient temple, of Kaneiolouma, especially dedicated to tournaments of sports and combat, and also to the replenishment of vegetable food (hoolu 'ai) and of fish (hoolu i'a), shall be made a State Park."

"Let this great work begin at Koloa."

"The big heiau mentioned extends well inland, possesses a fishpond site that might again serve its ancient purpose, and contains interesting remnants of a large and prominent heiau that centuries ago was endowed with great spiritual power (mana)."

LHS Archives, Garden Island Newspaper Collection



SURVEY ANCIENT HEIAUS—Henry E. P. Kekohuna, left, and Theodore Kelsey of Honolulu this week completed a three week project to map some of the most important heiaus on Kauai.

The photo above is from an article in the Garden Island Newspaper, October 21, 1959, describing their activities on Kauai.

"The Kane-i-olo-u-ma heiau at Poipu had three main sections. On the East side there is a large sports arena where Hawaiian games such as fore-arm wrestling (uma), wrestling (hakoko) and deadly grappling (lua) were carried on. On the south side there is a large fishpond where special fish intended only for the ali'i were raised. The Wai-ohai spring is the center of this fishpond."

ATTACHMENT 2

LIABILITY WAIVER

COUNTY OF KAUA'I

ADOPT-A-PARK

**AGREEMENT FOR INDIVIDUAL VOLUNTARY SERVICES AT
KANEIOLOUMA HEIAU COMPLEX**

NAME: _____ PHONE: _____

ADDRESS:

DURATION OF AGREEMENT: START: _____ END: _____

I understand that I will not receive any compensation for the above work and that volunteers are NOT considered to be employees of the County of Kauai for any purpose other than tort claims, and I understand that volunteer service is not credible for leave accrual or any other employee benefits. I also understand that either the County of Kauai or I may cancel this agreement at any time by notifying the other party. I acknowledge that there are inherent risks and dangers associated with this activity and in particular have noted those risks listed below.

I understand that I will be assisting the County of Kauai in taking care of the natural and cultural resources of the Kaneiolouma Heiau Complex. I will be responsible for my equipment and supplies. I will be responsible for all aspects of the actual work projects, and the safe use and proper care of hand tools including but not limited to: Machetes, Saws, Hand Axes, Pry Bars, Gardening and painting Equipment.

I am in good physical shape, and will be self sufficient while at the work project site. I have informed the County, of any mental, physical and/or medical condition that may increase the risk of harm to myself or others while engaging in the activities described in this document. I understand I should wear footwear with good traction and should have clothing suitable for work in both rainy, wet, and hot, dry conditions, when working in the field. I understand that the duration of the project may be less than eight hours in length, however, in the event of inclement weather the work day may be either shortened or extended at the discretion of the County. These and other activities will be taking place in potentially remote areas. I am aware that there are inherent risks and dangers associated with field work. They include but are not limited to:

- Gusty winds;
- Sharp and or slippery rocks;
- Stinging or biting insects and spiders;
- Portable or no bathroom facilities;
- Steep drop-offs;
- Paint, fuel and oil fumes;
- Thorny plants/potentially defensive vegetation;
- Lack of reliable communication;
- No telephones;
- Work on, in or near water;
- harsh weather conditions, ranging from hot and humid to wet and cold;
- diseases caused by water, air, or animal vectors.
- No potable (drinking) water;
- Rugged terrain;
- Sharp tools;
- Lack of medical facilities;
- Wild animals;
- Wet and slippery roads;
- Herbicides;
- Work in a hunting area;
- Steep and slippery trail and river crossings;
- flash floods;

I agree to hold harmless and indemnify the County of Kauai, its officers, agents, employees, and other volunteers from any activities as a volunteer. By signing this agreement I do hereby certify that I have medical insurance.

I understand I am also signing on behalf of any minor that is under my care during the duration of the volunteer activity. I further agree that I will be responsible either for personally supervising the minor or for making arrangements for the supervision of the minor by another responsible adult.

I hereby volunteer my services as described above, to assist the County of Kauai in its authorized work.

Signature of Volunteer
(or Minor's guardian)

Date

Minor's Name(s): _____

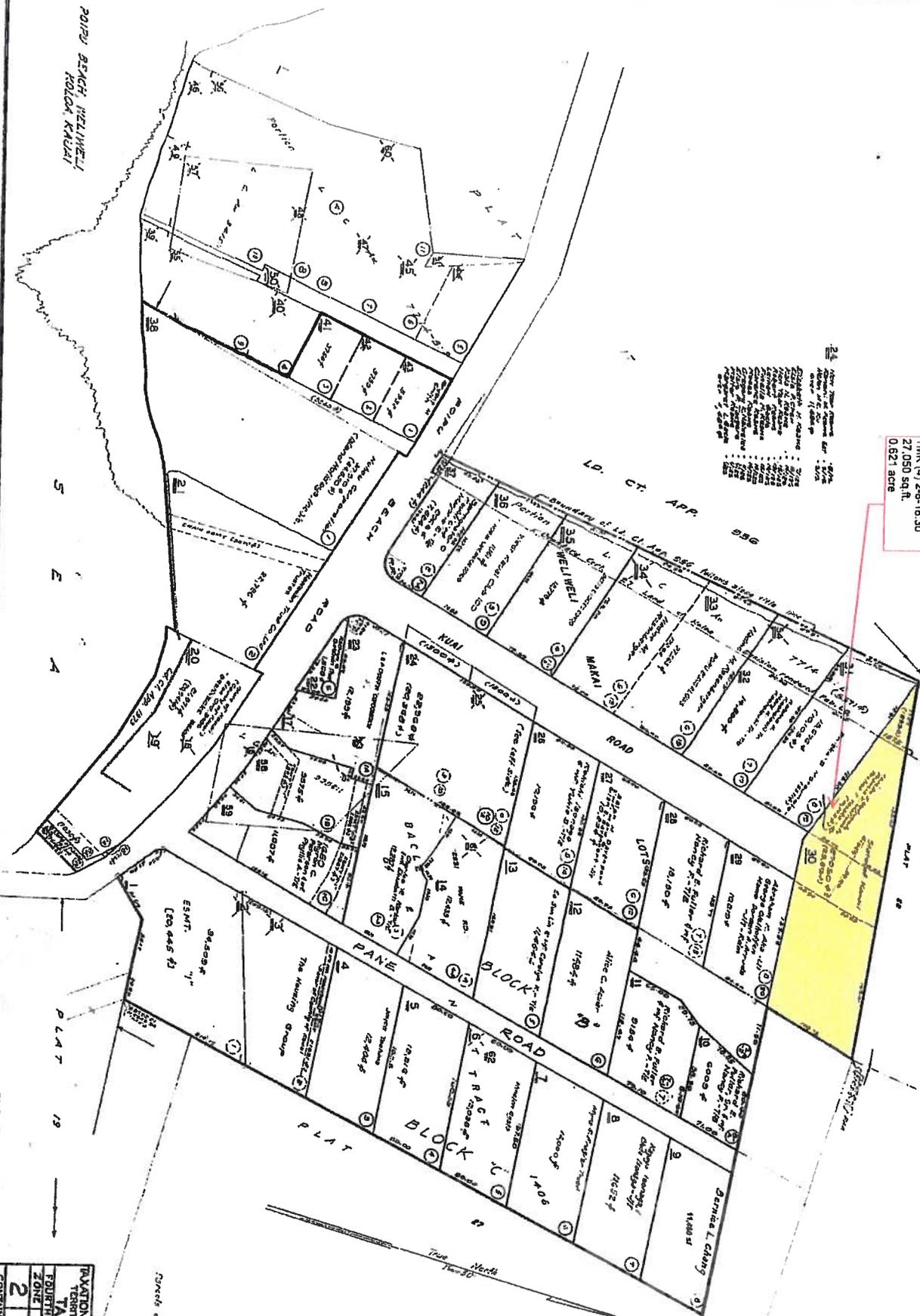
Based upon the above agreement and understanding, the County of Kauai agrees, while this arrangement is in effect, to accept your services as a volunteer.

EXHIBIT B

Aerial Overview Map and Tax Maps

Requested Parcel
 TMK (4) 2-8-18-30
 27,050 sq. ft.
 0.621 acre

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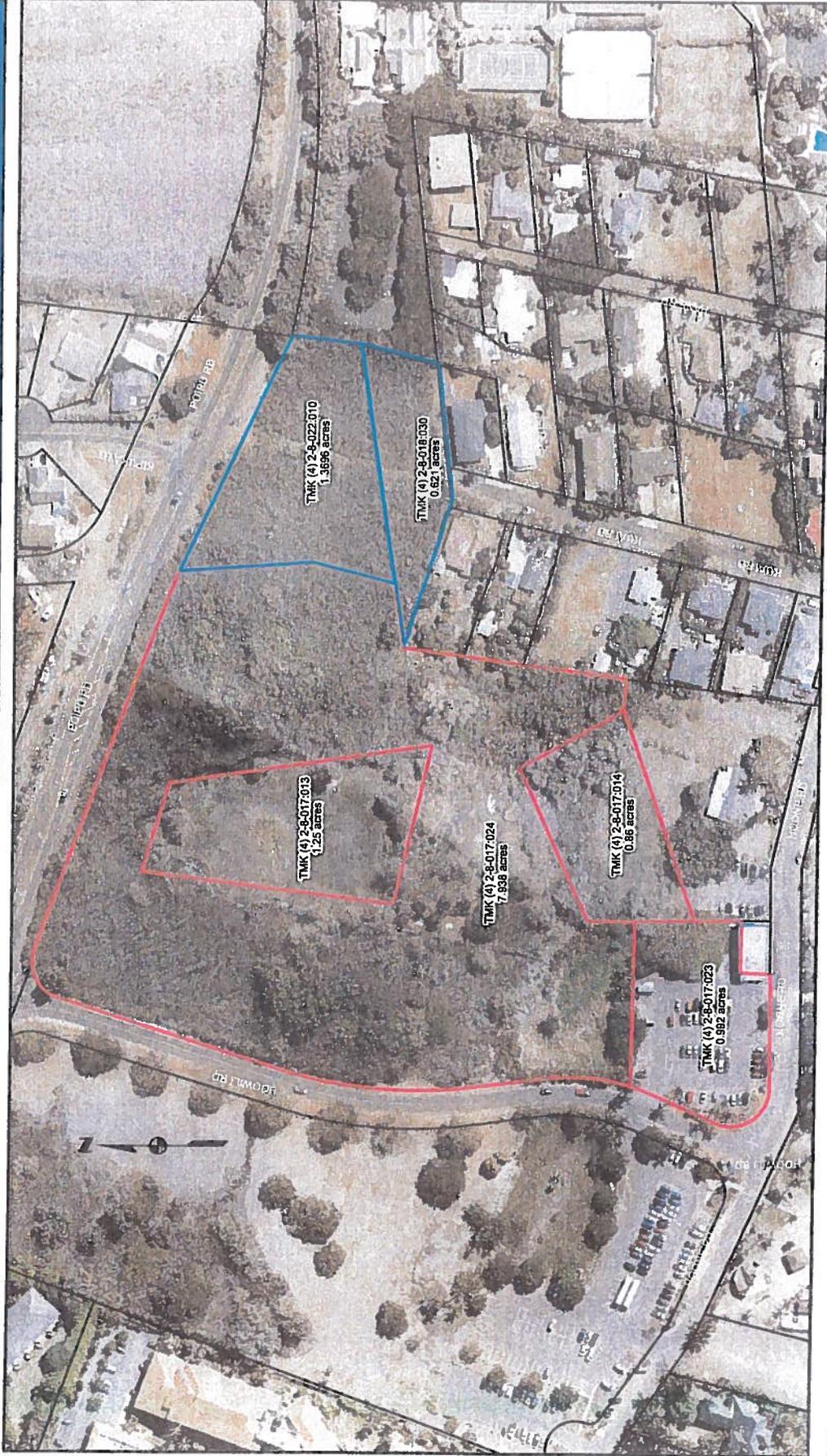
POHUPU BEACH WELLBELL
 KOLEKOA KAWAI

SUBJECT TO CHANGE

TERRITORY OF HAWAII	
TAX MAP	
EDUCATION	PLAT
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SCALE: 1 inch = 50 feet	

Kaneioiouma Preserve with Proposed EO Addition

(Disclaimer: Aerial photographs are provided as a guide only. Illustrations, boundaries, etc. are not to scale.)

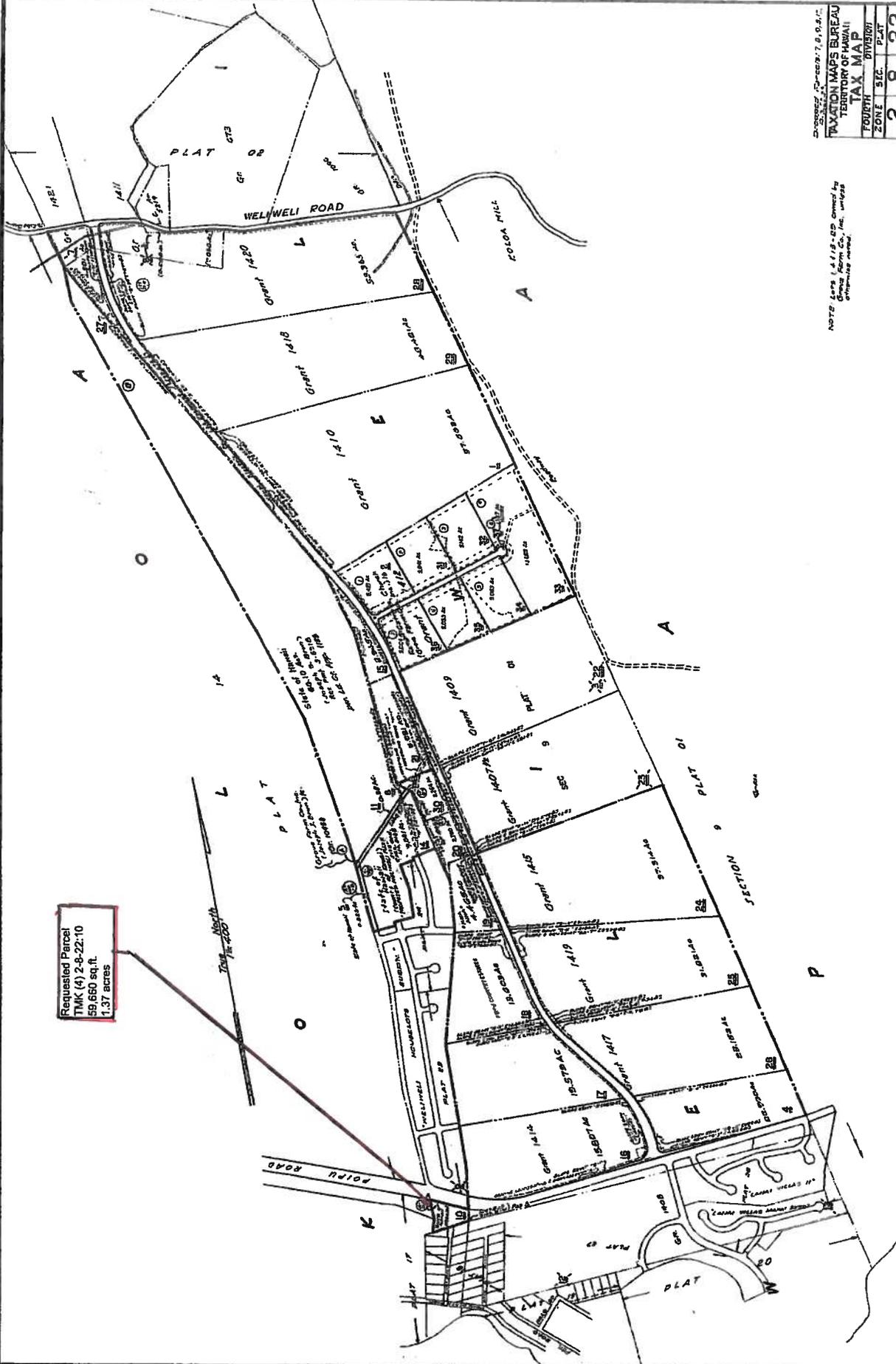


Legend

- Kaneioiouma Preserve (Polpu Beach Park Mauka Preserve)
- Proposed EO Addition

Scale





Requested Parcel
 TMK (4) 2-8-22:10
 59,660 sq.ft.
 1.37 acres

2-8-22
 TAXATION MAPS BUREAU
 TERRITORY OF HAWAII
 TAX MAP
 FOURTH DIVISION
 ZONE SEC. PLAT
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 CONTAINING PAGES
 SCALE 1" = 400'
 PRINTED

NOTE: THIS MAP IS SUBJECT TO CHANGE WITHOUT NOTICE.

SUBJECT TO CHANGE

PORTION OF WELIWELI (Māhāi) KOLOA, KAUAI.

3048
 DIVISION FOUR
 DEPT. OF LAND AND NATURAL RESOURCES
 HONOLULU, HAWAII

EXHIBIT C

County of Kaua'i EA/EIS Exemption List

MARYANNE W. KUSAKA
MAYOR



CESAR C. PORTUGAL
COUNTY ENGINEER
TELEPHONE 241-6600

WALLACE G. REZENTES, SR.
ADMINISTRATIVE ASSISTANT

IAN K. COSTA
DEPUTY COUNTY ENGINEER
TELEPHONE 241-6640

AN EQUAL OPPORTUNITY EMPLOYER
COUNTY OF KAUA'I
DEPARTMENT OF PUBLIC WORKS
4444 RICE STREET
MO'IKEHA BUILDING, SUITE 275
LIHU'E, KAUA'I, HAWAII 96766
November 18, 1999

Ms. Genevieve Salmonson, Director
State of Hawaii
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

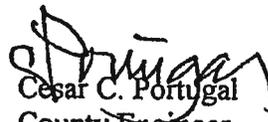
Dear Ms. Salmonson:

SUBJECT: EIS EXEMPTION LIST

Enclosed is a revised copy of the County of Kauai, Department of Public Works EIS Exemption List. The Environmental Council on October 13, 1999 approved our EIS Exemption List as amended in the revised copy.

We thank Mr. Jeyan Thirugnanam of your staff for his helpful assistance.

Very truly yours,


Cesar C. Portugal
County Engineer

KK

Enclosure

cc: All Division Head

BENJAMIN J. CAYETANO
GOVERNOR



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4186
FACSIMILE (808) 586-4186

November 9, 1999

Mr. Cesar C. Portugal
County Engineer
County of Kauai
Department of Public Works
4444 Rice Street, Suite 275
Lihue, Hawaii 96766

Dear Mr. Portugal:

Subject: EIS Exemption List

On October 13, 1999, the Environmental Council reviewed your agency's proposed exemption list which was dated September 13, 1999. The Council approved your exemption list with the following amendments.

1. Replace Paragraph 3 on Page 1 with the following:

The Department of Public Works will submit to the Kauai Historic Preservation Review Commission for review and comment any exempt activity proposed on property listed or eligible for listing on the Federal or State Registers of Historic Places, or listed on the County of Kauai Planning Department's "County Historic Resources List." The Department of Public Works will comply with Federal, State and County laws, ordinances, policies or decisions relating to proposed activities on said properties.

2. Add new item (#66) to Exemption Class #1 to read as follows:

Removal of sand from ocean ponds or drainageways for maintenance purposes as permitted by the U.S. Army Corps of Engineers and the Department of Health.

3. Delete the following items:

- a) Exemption Class 4, item #7, "Permitted removal of sand from ocean ponds or drainageways"

Mr. Portugal

Page 2

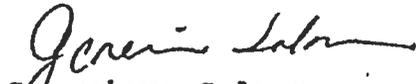
- b) Exemption Class 5, item #16, "Permitted removal of sand from ocean ponds"

Please revise your proposed exemption list and submit one copy to the Office of Environmental Quality Control.

Thank you for the good cooperation and assistance of your staff, Mr. Kenneth Kitabayashi, in this matter.

Should you have any questions, please call Jeyan Thirugnanam at 586-4185.

Sincerely,



Genevieve Salmonson
Director

**COMPREHENSIVE EXEMPTION LIST
FOR THE
COUNTY OF KAUAI
DEPARTMENT OF PUBLIC WORKS**

DATED: NOVEMBER 17, 1999

Department of Public Works, County of Kauai is comprised of the following Divisions and Sections:

- Parks and Recreation Division
- Building Division
- Engineering Division
- Waste Water Management Division
- Road Construction and Maintenance Division
- Solid Waste Management Section

Department of Public works will obtain SMA Permits for all applicable work within the Special Management Area.

Department of Public Works will submit to the Kauai Historic Preservation Review Commission for review and comment any exempt activity proposed on property listed or eligible for listing on the Federal or State Registers of Historic Places, or listed on the County of Kauai Planning Department's "County Historic Resources List." The Department of Public Works will comply with Federal, State and County laws, ordinances, policies for decisions relating to proposed activities on said properties.

Department of Public Works will provide public notice and/or hold public informational meetings on all major projects even if the project is exempt from preparing an environmental assessment. The notice and/or meeting shall discuss the pertinent features of the project and solicit public comment. Major projects are projects such as substantial repair and/or replacement of bridges or structures, highway safety improvements, and drainage improvements.

Pursuant to Section 11-200-8(a) Hawaii Administrative Rules, the following types of action shall generally be declared exempt by the Department of Public Works from requirements regarding preparation of an environmental assessment.

EXEMPTION CLASS #1: Operation, repairs, or maintenance of existing structures, facilities, equipment or topographic features involving negligible or no expansion or change of use beyond that previously existing:

1. Reroofing or roofing
2. Painting of existing buildings
3. Road pavement including but not limited to driveways, parking lots, walkways, and bikeways – patching, resurfacing, striping and cleaning of pavement surface
4. Fencing, curbing, walls, and gates
5. Retaining walls
6. Equipment including, but not limited to, pumps; motors; electrical transformers, cabinets, panels, and vaults; power, light, and telephone pole systems; irrigation controllers; telephone stations; and lifts provided for handicapped accessibility
7. Operation of initial or continuing recreational programs consistent with established park use (for example, summer fun programs, sports leagues, concert series)
8. Subdivision/consolidation of public park lands and their transfer between the County and State for continuing park use
9. Acquisition, but not improvement, of improved property for park use, and minor subdivision and consolidation of parcels necessary for acquisition of property for park use

10. Essential utilities, including, but not limited to, wastewater systems, drainage systems, water systems, electrical systems, communication systems, and irrigation systems
11. Landscaping
12. Clearing and grubbing
13. Play courts
14. Ballfields
15. All appurtenant equipment and facilities for all outdoor sports including, but not limited to, soccer, football, volleyball, sand volleyball, basketball, baseball, and softball
16. Bleachers
17. Play court practice walls
18. Ornamental and swimming pools
19. Community gardens
20. Accessible ramps and handrail
21. Litter containers
22. Trash enclosures
23. Trash compactors
24. Play equipment
25. Bike racks
26. Benches and picnic tables

27. Outdoor showers
28. Fitness exercise stations
29. Charcoal disposals
30. Arbors
31. Planter boxes
32. Pedestrian bridges in park areas
33. Maintenance/storage sheds
34. Visitor information kiosks
35. Drinking fountains
36. Hose bibbs
37. Guard shacks
38. Scorekeeper booths and scoreboards
39. Phone booths
40. Bollards and vehicular access barriers
41. Steps and stairways
42. Water tanks developed to serve park needs
43. Signs and posts
44. Skating rinks and related facilities
45. Security lighting of park grounds, structures, and parking lots

46. Lighting of ballfields
47. Lighting of play courts
48. Ball barriers
49. Batting cages
50. Abandoned vehicle pickup
51. Building exterior painting
52. Building exterior repair
53. Cesspool pumping
54. Chemical control of vector
55. Litter container pickup
56. Manhole and junction boxes cover adjustment
57. Sanitary sewer cleaning
58. Sanitary sewers leak sealing
59. Storm drain cleaning
60. Vehicle repair, testing, and maintenance
61. **Vegetation clearing from stream. Work under this exemption would be performed by the Division of Road Maintenance on improved and unimproved drainage ditches, swales, and streams under the department's jurisdiction. Work would involve removing and cutting of debris, brush, grass (predominantly California and honohono grasses), and occasional koa trees up to three inches in diameter to restore channel capacity. The equipment to be used by the work crew of about six men consists of sickles, cane knives, and a power saw if trees are to be cut. A loader,**

excavator, and trucks would be used to haul the vegetation and debris to the nearest green waste station. Herbicide, which has been approved for use in the State of Hawaii, would be sprayed on the earth embankment after the cutting has been completed. The herbicide Roundup would be applied routinely to banks of streams, canals, and ditches and to dry waterways when dry to control overgrowth. No direct application to any body of water will be made. The herbicide diquat will be used for weed control when direct application to water in streams, canals, and ditches is unavoidable. Diquat will be applied by or under the supervision of a certified applicator in accordance with Hawaii Administrative Rule, Chapter 66, Title 4. The herbicide Rodeo will be applied to fresh or brackish bodies of water directly. All herbicides will be used under the following conditions:

- a. Label instructions will be strictly adhered to;
- b. Dosage for Herbicide will be as prescribed by the label;

Soil disturbance would be minimal, if any, and all work would be confined within the right-of-way.

62. Actions necessary for compliance with OSHA requirements
63. Acquisition of land presently utilized as maintenance accessways, by easement or deed, for the purpose of stream cleaning
64. Removing litter, debris and accumulated boulders from canals, streams and debris/catchment structures where such removal will not have an adverse impact on downstream waters, bays, or the environment
65. Roadside Maintenance – mowing, minor grading of shoulder to clear rocks and overgrown grass matted with dust and debris, trimming branch and brush overhangs, repairing fences, guardrails, and signs
66. Removal of sand from ocean ponds or drainageways for maintenance purposes as permitted by the U.S. Army Corps of Engineers and the Department of Health.

EXEMPTION CLASS #2:

Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced.

1. Park structures including, but not limited to pavilions, shelters, canoe halau, recreation buildings, multi-purpose buildings, clubhouses, education buildings, gymnasiums, ball comfort stations, bathhouses, concession stands, administration buildings, bandstands, storage and operations buildings, equipment sheds, tent platforms, viewing platforms, security and information booths, and caretaker residences
2. Pavements including, but not limited to, roadways, driveways, parking lots, walkways, and bikeways
3. Fencing, curbing, walls, and gates
4. Retaining walls
5. Equipment including, but not limited to, pumps, motors, electrical transformers, cabinets, panels, and vaults, power, light, and telephone pole systems; irrigation controllers, telephone stations; and lifts provided for handicapped accessibility
6. Essential utilities, including, but not limited to, wastewater systems, drainage systems, water systems, electrical systems, communications systems, and irrigation systems
7. Landscaping
8. Clearing, grading, and grubbing
9. Play courts
10. Ballfields

11. All appurtenant equipment and facilities for all outdoor sports including, but not limited to, soccer, football, volleyball, sand volleyball, basketball, baseball, and softball
12. Bleachers
13. Play court practice walls
14. Ornamental and swimming pools
15. Community gardens
16. Accessible ramps and handrails
17. Litter containers
18. Trash enclosures
19. Trash compactors
20. Play equipment
21. Bike racks
22. Benches and picnic tables
23. Outdoor showers
24. Fitness exercise stations
25. Charcoal disposals
26. Arbors
27. Planter boxes
28. Pedestrian bridges in park areas

29. Maintenance/storage sheds
30. Visitor information kiosks
31. Drinking fountains
32. Hose bibbs
33. Guard shacks
34. Scorekeeper booths and scoreboards
35. Phone booths
36. Bollards and vehicular access barriers
37. Steps and stairways
38. Water tanks developed to serve park needs
39. Signs and posts
40. Skating rinks and related facilities
41. Security lighting of park grounds, structures, and parking lots
42. Lighting of ballfields
43. Lighting of play courts
44. Ball barriers
45. Batting cages
46. Berms, replacement and repairs
47. Bridge repair and/or replacement as long as the new bridge is limited to two traffic lanes. New bridge replacement could include bicycle route,

pedestrian walkway and safety improvements to meet Federal and State Highway Standards.

48. Building modification (no change in use)
49. Drainage structure replacement and repair
50. Driveway replacement
51. Exterior door replacement
52. Footbridge replacement and repair
53. Guard rail replacement and repair
54. Sanitary sewer line replacement and repair
55. Stream retaining wall repair and replacement
56. Storm drainage system repair and replacement
57. Acquisition of lands for drainage purposes where there is a natural, existing drainage watercourse
58. Reconstruction of an existing highway for safety purposes by widening less than one lane width, adding shoulders, adding auxiliary lanes for localized purposes (i.e., turning, passing, decelerating lanes, etc.), and correcting substandard curves and intersections. Cut slopes may be graded to a minor extent for such reconstruction.
59. Acquisition of lands that do not include homes and businesses and relocation of tenants, especially for upgrading substandard curvatures and intersections for roadway improvements
60. Replacement, reconstruction or extension of existing sewer lines, providing the action does not involve any increase in the overall capacity of the system.

EXEMPTION CLASS #3:

Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to: (A) Single-family residences less than 3,500 square feet not in conjunction with the building of two or more such units; (B) Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures; (C) Stores, offices, and restaurants designed for total occupant load of 20 persons or less per structure, if not in conjunction with the building of two or more such structures; and (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extension to serve such structure or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements.

1. Fencing, curbing, walls, and gates
2. Extensions, modifications, or additions to existing buildings
3. Essential utilities, including, but not limited to, wastewater systems, drainage systems, water systems, electrical systems, communication systems, and irrigation systems
4. Construction of new pavement including, but not limited to, driveways, parking lots, walkways, and bikeways
5. Retaining walls, except within the shoreline area
6. Equipment installations including, but not limited to, pumps; motors; electrical transformers, cabinets, panels, and vaults; power, light, and telephone pole systems; irrigation controllers; telephone stations; and lifts provided for handicapped accessibility
7. Comfort facilities in existing parks
8. Benches and picnic tables

9. Ornamental and swimming pools
10. Play equipment
11. Bike racks
12. Litter containers
13. Trash enclosures
14. Arbors
15. Planter boxes
16. Pedestrian bridges in park areas
17. Outdoor showers
18. Maintenance/storage sheds
19. Visitor information kiosks
20. Drinking fountains
21. Water tanks developed to serve park needs
22. Bleachers
23. Acquisition of utility easements on other properties for park use
24. Landscaping
25. Clearing, grading, and grubbing
26. Play courts
27. Ballfields

28. Play court practice walls
29. Community gardens
30. Accessible ramps and handrails
31. Trash compactors
32. Fitness exercise stations
33. Charcoal disposals
34. Hose bibbs
35. Guard shacks
36. Scorekeeper booths and scoreboards
37. Phone booths
38. Bollards and vehicular access barriers
39. Steps and stairways
40. Signs and posts
41. Skating rinks and related facilities
42. Security lighting of park grounds, structures, and parking lots
43. Lighting of ballfields
44. Lighting of play courts
45. Ball barriers
46. Batting cages

47. Air conditioning and ventilation installation
48. Carports
49. Emergency electric generator installation in existing sewage pump station
50. Equipment installation in existing buildings
51. Existing storm drain extension
52. Expansion of existing pump station and force main to master planned capacity (additional pumping equipment pipe and appurtenances)
53. Fencing
54. Field office
55. Guardrail
56. Minor local sewage pump station
57. Minor local storm runoff pump station
58. Modification, required to conform to Federal, State and Local regulations or codes
59. Sewer improvements district
60. Sidewalk and covered walkway
61. Storm drain line modification
62. Utility connection (electric, gas, water)
63. Sewer service installation including:
 - a. the construction of a sewer lateral from an existing sewer main located in an easement or street right-of-way to the abutting property line of unsewered lots

- b. the extension of an existing sewer main together with a lateral to serve unsewered lots;
 - c. the construction of additional laterals or the replacement of existing laterals to accommodate other utility lines or to facilitate connections from house sewer on the premise to laterals;
64. Sewer lateral extension, involving the extension of an existing later to a new property line for road improvement projects or for existing laterals that were inadvertently installed short of the property line
 65. Installation of new traffic and pedestrian control devices—traffic signals, signs, pavement markers, striping
 66. Installation of new and upgrading of existing street lighting system
 67. Installation of traffic and pedestrian safety measures—guardrails, escape ramps, sidewalks
 68. Construction of emergency generator shed and installation of generator within existing sewage pump station or treatment plant site
 69. Minor modifications and additions to existing sewage treatment plan or disposal facility or building complex consistent with and within master planned capacity and as described in a previously accepted EIS prepared under Chapter 343, HRS
 70. Installation of sprinkler systems
 71. Pavilions, comfort stations and picnic shelters
 72. Storm drainage system repair and replacement
 73. Acquisition of lands for drainage purposes where there is a natural, existing drainage watercourse
 74. Acquisition of lands that do not include homes and businesses, especially for upgrading substandard curvatures and intersections for roadway improvements

EXEMPTION CLASS #4:

Minor alterations in the conditions of land, water, or vegetation.

1. Landscaping alongside roadways, around buildings, and within existing parks (i.e., trees, shrubs, grass, ground covers, and community gardening planting)
2. Clearing, grubbing, or grading within existing parks, roadways, or county lands
3. Removal of insignificant trees which endanger life or property
4. Construction of seepage drains/detention basins where ponding occurs on County lands
5. Regrading road shoulders and installation of pedestrian/bike sidewalk-bikepath
6. Landscaping of park lands

EXEMPTION CLASS #5

Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource

1. Basic data collection, research, experimental management, and resource evaluation activities necessary within existing parks which do not result in a serious or major disturbance to an environmental resource including, but not limited to, archaeological surveys, reconnaissance, testing, or data recovery
2. Biological and ecological study and survey
3. Chemical and bacteriological laboratory analysis
4. Coliform bacteria decay rate

5. Fish survey
6. Fresh and saline water sampling
7. Industrial waste sampling and analysis
8. Monitoring device installation
9. Oceanographic survey
10. Receiving water monitoring program
11. Sediment study and survey
12. Storm water runoff sampling and analysis
13. Stream study and survey
14. Subsurface exploration soil boring
15. Ocean Engineering Study

EXEMPTION CLASS #6:

Construction or replacement of minor structures accessory to existing facilities.

1. Retaining walls, except in shoreline areas
2. Plaques, sculptures, and statues
3. Trash enclosures
4. Benches and picnic tables
5. Ornamental and swimming pools
6. Play equipment

7. Bike racks
8. Arbors
9. Planter boxes
10. Pedestrian bridges in park areas
11. Outdoor showers
12. Maintenance/storage sheds
13. Visitor information kiosks
14. Play court practice walls
15. Accessible ramps and handrails
16. Trash compactors
17. Fitness exercise stations
18. Bollards and vehicular access barriers
19. Steps and stairways
20. Guard shacks
21. Scorekeeper booths and scoreboards
22. Phone booths
23. Skating rinks and related facilities
24. Security lighting of park grounds, structures, and parking lots
25. Lighting of ballfields

26. Lighting of play courts
27. Batting cages
28. Exterior lighting
29. All appurtenant equipment and facilities for all outdoor sports including, but not limited to, soccer, football, volleyball, sand volleyball, basketball, baseball, and softball

EXEMPTION CLASS #7:

Interior alterations involving things such as partitions, plumbing, and electrical conveyances.

1. Interior alterations and renovations to County buildings including, but not limited to, partitions, doors, counters, cabinets, shelving, plumbing, and electrical conveyances

EXEMPTION CLASS #8:

Demolition of structures, except those structures located on any historic site as designated in the national register or Hawaii register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. §470, as amended, or Chapter 6E, HRS.

1. Demolition of County structures, except those structures located on any historic site

EXEMPTION CLASS #9:

Zoning variances except shoreline setback variances.

1. Zoning variances of County properties except shoreline setback variances

EXEMPTION CLASS #10:

Continuing County administrative activities including, but not limited to, purchase of supplies and personnel-related actions.

1. Continuing County administrative activities including, but not limited to, purchase of supplies and personnel-related actions

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

WILLIAM J. AJLA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAN
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIKOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

June 22, 2011

Leonard A. Rapozo, Jr., Director
County of Kaua'i, Department of Parks & Recreation
Via fax to: (808) 241-5126

TO: Central
FROM: KDLO

No.: 11KD-038

LOG NO: 2011.1575
DOC NO: 1106MD17
Archaeology

Dear Director Rapozo:

**SUBJECT: Chapter 6E-8 Historic Preservation Review –
Revised: Request for Transfer of State Land to the County of Kaua'i
Weliweli Ahupua'a, Koloa District, Island of Kaua'i
TMKs: (4) 2-8-022:010 & 030**

Thank you for the opportunity to comment on the aforementioned project, which we originally received on March 17, 2011. We are replying to your correspondence dated May 26, 2011 and received by our office on May 31, 2011. This letter is a revision to our earlier correspondence to the DLNR Land Division (Log No. 2011.0752, Doc No. 1105MV04). Our review is based on reports, correspondence, maps and aerial photographs kept on file at the State Historic Preservation Division.

The County of Kaua'i (the County) is requesting a Governor's Executive Order which would set aside the currently unencumbered parcel 010 to the County. The County already owns an adjacent parcel which contains the Kaneiolouma Heiau Complex (the Site), State Inventory of Historic Places site numbers 50-30-10-3886 through -3893. Currently the Site is subject to an Adopt-A-Park Agreement, intended to *malama* the Site within the larger Po'ipū Beach Park Preserve (the Preserve). Under the jurisdiction of the County, the Preserve is maintained by the stewardship group *Hui Mālama O Kaneiolouma* (Hui). Hui currently cares for this important Preserve (including the Site) as an active, public cultural preserve undergoing reconstruction as time and funding permits.

The County's request to incorporate parcel 010 into its current park system involves two crucial issues: one, the Site extends outside its current Preserve boundaries and into parcel 010; and two, rocks and other potential historic properties located on parcel 010 which likely belonged to the Preserve have been removed from the State properties.

In our earlier correspondence, we recommended an archaeological inventory survey (AIS) be conducted prior to the transfer of any parcel(s), followed by a preservation plan (PP). These are standard recommendations when we find no records regarding projects likely (or in this case known) to contain historic properties. However, a subsequent search of our records found that there were two publications earlier in the days before our historic administrative rules were finalized: a reconnaissance (a type of visual survey, one done before we developed full archaeological inventory survey rules; and a second, a long-term preservation plan for Po'ipū (the Preserve). The PP is dated 1995 and has the SHPD library reference number of K-00488.

AM 10:22:24

JUN 24 '11

DLNR KDLO RCVD

EXHIBIT " F "

Leonard A. Rapozo, Jr., Director

June 22, 2011

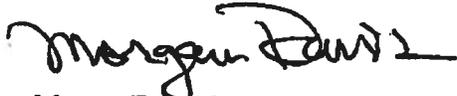
Page 2

We believe that so long as the currently accepted Long-Term Preservation Plan is followed for the extension of the Preserve present in parcel 010 that there will be **no effect to historic properties** by this proposed transfer of ownership and Governor's Executive Order. We do recommend that should any future ground-altering activities be planned for the new extension to the park (for example: concrete or asphalt pavements, comfort stations, utility lines, etc.) that at that time an archaeological inventory survey would be warranted to protect against the likelihood that there remain additional subsurface historic properties.

In the event that historic properties, including concentrations of artifacts, human skeletal remains, subsurface cultural deposits, or structural remnants over 50 years in age are identified during the grubbing or grading activities, please stop all work in the vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, Kapolei Office immediately at (808) 692-8015.

If you have questions about this letter please contact me at (808) 243-5169 or via email to: morgan.e.davis@hawaii.gov.

Aloha,



Morgan E. Davis
Lead Archaeologist, Maui Island Section
State Historic Preservation Division

Cc: Marv Mikasa, DLNR Land Division, 3060 Eiwa Street, Room 208, Lihue, Hawaii 96766

10:123026

Bernard P. Carvalho, Jr.
Mayor



Gary K. Heu
Managing Director

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LAND DIVISION

2011 FEB -8 P 2:51

OFFICE OF THE MAYOR

County of Kaua'i, State of Hawai'i
444 Rice Street, Suite 235, Lihu'e, Hawai'i 96766
(808) 241-4900 FAX (808) 241-6877

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

11 JAN 31 P12:37

RECEIVED

December 22, 2010

The Honorable Neil Abercrombie
Governor, State of Hawai'i
Executive Chambers, State Capitol
Honolulu, Hawai'i 96813

Re: Request for an Executive Order Setting Aside Land, Tax Map Key: (4) 2-8-22:10,
for Public Park and Other Recreational Purposes.

Aloha Governor Abercrombie,

The County of Kaua'i has recently entered into a stewardship agreement with the native hawaiian non-profit organization Hui Malama O Kaneioulouma ("Hui") for the restoration, rehabilitation and preservation of the Kaneioulouma heiau complex located on County property.

The County has been advised by the Hui that a small but significant portion of the heiau complex is also located on a portion of State property identified as TMK: (4) 2-8-22:10. As such the County of Kaua'i would respectfully request that the Department of Land and Natural Resources assist the County in obtaining an Executive Order pursuant to section 171-11, Hawai'i Revised Statutes, to set aside the aforementioned State parcel for Public Park and Other Recreational Purposes, to be under the control and management of the County of Kaua'i. Once under County control the County intends to incorporate the state parcel into its stewardship agreement so that the entire heiau complex may be restored and preserved in perpetuity.

Thank you for your consideration. If you have any questions please contact the Mayors Office of the County of Kaua'i at (808) 241-4900.

Mahalo Nui Loa,

Bernard P. Carvalho, Jr., Mayor
County of Kaua'i, State of Hawai'i

DLNR

COORDINATE with _____

Final reply for Gov. sig. Follow up

Direct reply (cc: Gov.) Submit copy of response

Appropriate action Keep enclosure(s)

FYI/file Return enclosure(s)

Comment/Recommendation

Other _____

Due _____

Please refer to: _____

EXHIBIT "G"