

October 23, 2007

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PLAN & DEVELOPMENT  
DEPARTMENT  
OF HAWAII  
Ms. Linda Smith  
Executive Chambers  
Hawaii State Capitol  
Honolulu, Hawai'i 96813

RE: Ki'ilae Farms Subdivision

Dear Linda,

I'd like to thank you for taking time out of your busy schedule to call my wife, Nellie, regarding our concerns about the Ki'ilae Farms Subdivision project in South Kona. Having someone of your prestigious stature in our government give attention to our concerns is truly an honor and privilege.

During your conversation with Nellie, you mentioned that the Ki'ilae Farms Subdivision project had an archaeological and burial treatment plan. Those plans were prepared by Robert Rechtman. However, information had been brought forward that required a revision of those plans.

Despite Mr. Rechtman's arguments, Melanie Chinen found merit with my concerns to save Site 23151, the Kauleoli-Ki'ilae boundary stone wall. Ms. Chinen requested a fourth draft of his plan to reflect that this site would be preserved in its entirety with a 20 ft. protective buffer where no land alteration or building would be permitted along the preserved length of the wall. She also recommended a stabilization plan for the existing breaches of the wall. Mr. Rechtman's 2002 burial treatment plan also needed to be revised as it did not acknowledge the numerous burials that I provided to SHPD-BSP nor did it address its treatment.

Even with Ms. Chinen's directive to preserve and protect Site 23151 and the new knowledge of numerous burials within the project area, unpermitted and irreparable destructive land clearing activities were conducted at the project area adversely affecting Site 23151 and the burials sites yet to be investigated by BSP. The developer has not exhibited good stewardship of the historical and burial sites within this project and has taken advantage of the fact that SHPD does not have the resources to monitor their activities to ensure compliance.

South Kona is a small town and a lot of information is gotten by way of the grapevine. Through this source, I understand that the County received a draft memo that originated from your office that instructed them to approve the

034672

Linda Smith  
October 23, 2007  
Page 2

project's land clearing permit WITHOUT getting the standard review and authorizing signature by SHPD. The Ki'ilae Farms subdivision project is using this draft memo as carte blanche for all present and future land clearing activities. I would like to request a copy of that draft memo as the County is unable to give me one since they can't seem to locate it.

As per revised HRS, Chapter 6E, potentially destructive activities are addressed by law:

**§6E-B Appropriation, excavation, injury, destruction, or alteration of a burial site.** (a) A person, natural or corporate, commits the offense of appropriation, excavation, injury, destruction, or alteration of a burial site if the person, natural or corporate:

(1) Takes, appropriates, excavates, injures, destroys, or alters any burial site or the contents thereof, located on private lands or lands owned or controlled by the State or any of its political subdivisions, except as permitted by the department; or

**(2) Takes, appropriates, excavates, injures, destroys, or alters any burial site or the contents thereof during the course of land development or land alteration activities to which section 6E-42 applies, without obtaining the required approval.**

(b) Appropriation, excavation, injury, destruction, or alteration of a burial site is a misdemeanor for which a fine not to exceed \$25,000 may be imposed in addition to any other penalty provided by chapter 706 for a misdemeanor.

(c) Each day of a continued violation of this section shall constitute a distinct and separate offense.

It is my hope that you are able to restore the resources and streamline the operations at SHPD so they are able to do their job - "to preserve and sustain reminders (historic and burials sites) of earlier times which link the past to the present". If not, then SHPD will no longer need to exist - all our links to the past will have been destroyed and nothing will be left to preserve.

Linda Smith  
October 23, 2007  
Page 3

Sincerely,



Clarence A. Medeiros, Jr.

Attachment

cc: Chris Yuen, COH Planning Director  
Frank DeMarco, COH- DPW-Engineering Dept.  
Laura Thielen, DLNR  
Kaleo Paik, SHPD