ENVIRONMENTAL ASSESSMENT

KEITH AND CYNDA UNGER SINGLE FAMILY DWELLING AND ASSOCIATED IMPROVEMENTS IN THE CONSERVATION DISTRICT

TMK (3rd): 8-6-014:012 and 8-6-011:003
Kalāhiki, South Kona, County of Hawai‘i, State of Hawai‘i

APPENDIX 2
Archaeological Inventory Survey/Cultural Impact Assessment

RC-0521

An Archaeological Inventory Survey and Limited Cultural Assessment of TMK:3-8-6-14:012

Kalāhiki Ahupua'a
South Kona District
Island of Hawai'i

DRAFT VERSION

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ARCHAEOLOGICAL, CULTURAL, AND HISTORICAL STUDIES

An Archaeological Inventory Survey and Limited Cultural Assessment of TMK:3-8-6-14:012

Kalāhiki Ahupua'a
South Kona District
Island of Hawai'i

RECHTMAN CONSULTING

EXECUTIVE SUMMARY

At the request of Keith and Cynda Unger, Rechtman Consulting, LLC conducted an archaeological inventory survey and limited cultural assessment of Tax Map Key (TMK):3-8-6-14:012, comprising roughly 0.2 acres and a proposed driveway corridor located in Kalāhiki Ahupua'a, South Kona District, Island of Hawai'i. The purpose of this study is to identify any historic properties (including traditional cultural properties) that might exist within the project area, assess the significance of any such resources and provide a statement of impact to any such resources as a result of the proposed development of a single-family dwelling. The current study parcel has been identified as a *kuleana* house lot (Land Commission Award [LCAw.] 9746). As this parcel lies within the State Conservation District, the results of the current study will be part of an Environmental Assessment and Conservation District Use Application being prepared pursuant to HRS Chapter 343. Archaeological fieldwork for the current project was conducted on November 1 and 2, 2007 by Matthew R. Clark, B.A., Ashton K. Dircks, B.A., Johnny R. Dudoit, B.A., and Michael K. Vitousek B.A., under the supervision of Robert B. Rechtman, Ph.D.

As a result of the archaeological fieldwork, LCAw. 9746 was recoded and is identified as part of a larger State Site Complex (50-10-56-4200). LCAw. 9746 represents the remains of a *kuleana* house lot awarded to Auae in 1847. Core-filled walls and a pecked boulder were the only surface features present on the study parcel. Subsurface testing revealed middle nineteenth century artifacts of European manufacture, basalt tool production or use, and a small amount of marine and faunal food remains. No archaeological resources were identified in the proposed driveway alignment. LCAw. 9746 was a *kuleana* house lot occupied during the Historic Period and is considered significant under Criterion D for the information it has yielded relative to *kuleana* land use. It is argued that information collected during the current study has been adequate to successfully mitigate any potential impacts to this site resulting from the proposed development of TMK:3-8-6-14:12.

As part of the current assessment study interviews were conducted with three individuals as well as with a small gathering of community members tied to an organization called Kama'āina United to Protect the 'Āina. The interviews were informal in nature, meaning that they were not recorded nor transcribed. Interviewees were asked about their relationship to and knowledge of the current study area, about any past and/or on-going cultural practices that took/take place within and around the current study area, and about any cultural impacts that might result from the construction of a single-family residence on the subject parcel. There were no Traditional Cultural Properties, valued natural resources, or cultural beliefs and practices identified to be specifically associated with the current study parcel. As a result of the archival review and the consultation process, there were several potential cultural properties and associated practices identified for the general area, but none of these will be impacted by the construction of a single-family residence on this *kuleana* parcel, a parcel which was awarded as a residential house lot during the *Māhele*.

RC-0521

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INTRODUCTION

At the request of Keith and Cynda Unger, Rechtman Consulting, LLC conducted an archaeological inventory survey and limited cultural assessment of Tax Map Key (TMK):3-8-6-14:012, comprising roughly 0.2 acres and a proposed driveway corridor located in Kalāhiki Ahupua'a, South Kona District, Island of Hawai'i (Figure 1). The purpose of this study is to identify any historic properties (including traditional cultural properties) that might exist within the project area, assess the significance of any such resources and provide a statement of impact to any such resources as a result of the proposed development of a single-family dwelling. The current study parcel has been identified as a *kuleana* house lot (Land Commission Award [LCAw.] 9746) that was awarded to Auae in 1847; and is a portion of State Site Complex 50-10-56-4200. As this parcel lies within the State Conservation District, the results of the current study will be part of an Environmental Assessment (EA) and Conservation District Use Application (CDUA) being prepared pursuant to HRS Chapter 343. This archaeological and cultural study was undertaken in accordance with the Rules Governing Minimal Standards for Archaeological Inventory Surveys and Reports as contained in Hawai'i Administrative Rules 13§13–284 and the Office of Environmental Quality Control (OEQC) Guidelines; and in compliance with both the Historic Preservation review process requirements of the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) and the County of Hawai'i Planning Department.

This report contains background information outlining the project area's physical and cultural contexts, a presentation of previous archaeological/cultural work in the vicinity of the study parcel, a summary of oral interviews and consultation that was conducted, and current survey expectations based on the information obtained from the interviews and from the previous work. Also presented is an explanation of the project's methods, a description of the archaeological features encountered, interpretation and evaluation of those resources, and treatment recommendations for the documented site.

Project Area Description

The current project area is roughly 0.2 acres located in Kalāhiki Ahupua'a, South Kona District, Island of Hawai'i (TMK:3-8-6-14:012) (Figure 2). The study parcel is situated on the western, coastal flank of Mauna Loa on rough broken land (RB) that is described as containing stone and rock outcrops, beach sand, coral, and waterworn cobbles (Sato et al. 1973). The underlying lava flow originated from Mauna Loa 1,500 to 3,000 years ago (Wolfe and Morris 1996). Elevation within the current project area ranges from sea level to 40 feet above sea level (see Figure 1). The study parcel is accessed through a series of gated ranch roads that originate from Ho'okena Beach Road. The study parcel is located on the coast, approximately 50 meters inland from the ocean, and is roughly one mile south of Ho'okena Beach Park. It is bounded on the north, east, and south sides by undeveloped parcels and on the west side by a rocky coastal shelf and the Pacific Ocean. The coastal shelf contains many pecked basins (Figure 3). The ground surface within the study parcel transitions from waterworn cobbles and coral on the *makai* side, to beach sand with scattered cobbles in the center, and then to exposed bedrock with angular cobbles and moderate vegetation on the *mauka* side (Figures 4 and 5). A proposed driveway corridor extends off the east side of the current study parcel for approximately 26 meters before turning south and extending approximately 50 meters at which point it meets up with an existing *mauka/makai* ranch road.

Vegetation within the project area consists of Boerhavia (Boerhavia coccinea), madagascar periwinkle (*Catharanthus roseus*), spider wisp (*Cleome gynandra*), coconut (*Cocos nucifera*), mauritius hemp (*Furcraea foetida*), beach morning glory (*Ipomoea pes-caprae*), Christmas-berry (*Schinus terebinthifolius*), air plant (*Kalanchoe pinnata*), *koa-haole* (*Leucaena leucocephala*), momordica (*Momordica charantia*), *noni* (*Morinda citrifolia*), guinea grass (*Panicum maximum*), *'opiuma* (*Pithecellobium dulce*), *pigweed (Potulaca oleracea) kiawe* (*Prosopis pallida*), coral berry (*Rivina humilis*), Christmasberry (*Schinus terebinthifolius*), coffee senna (*Senna occidentalis*), *milo* (*Thespesia populnea*), and *'uhaloa* (*Waltheria indica*).

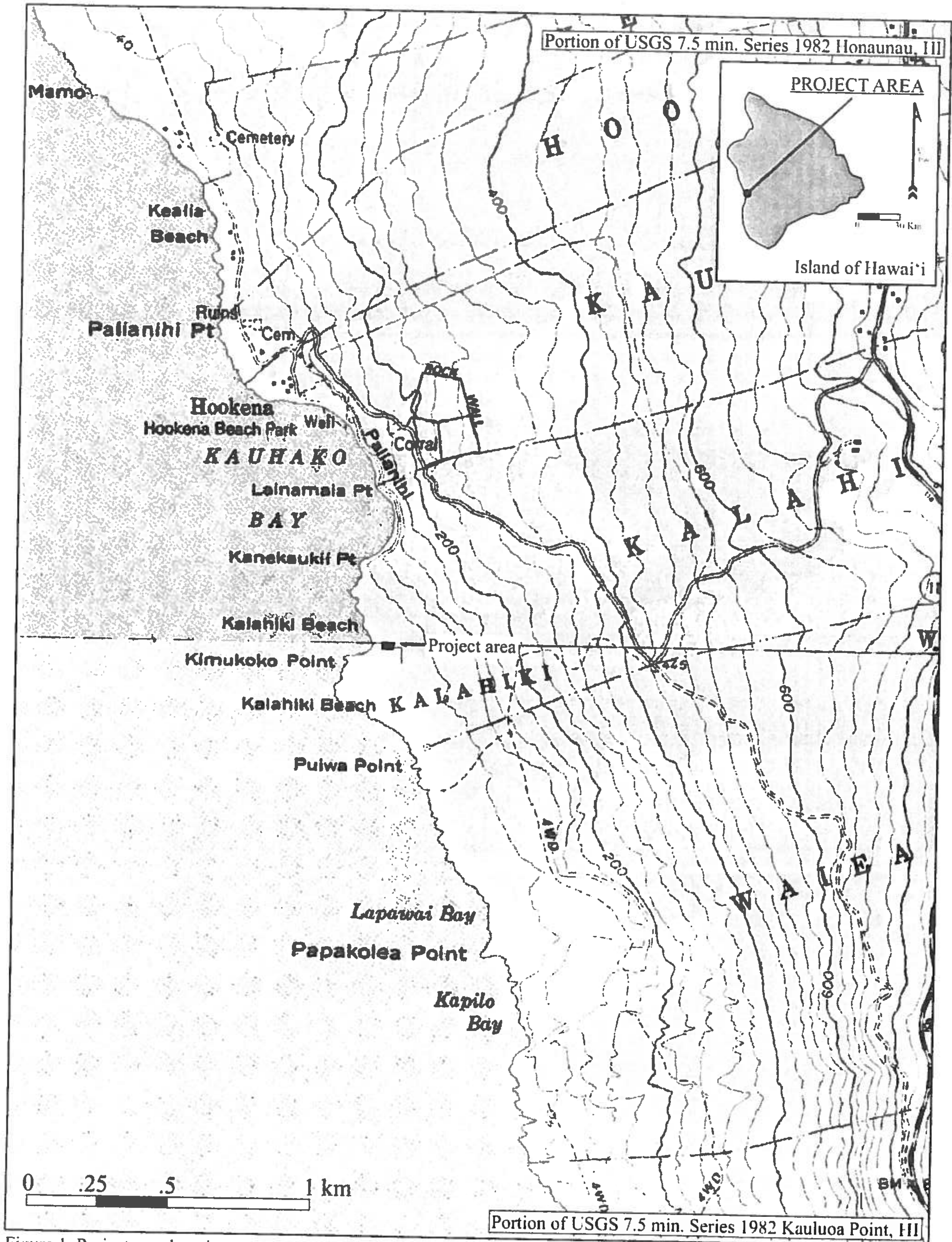


Figure 1. Project area location.

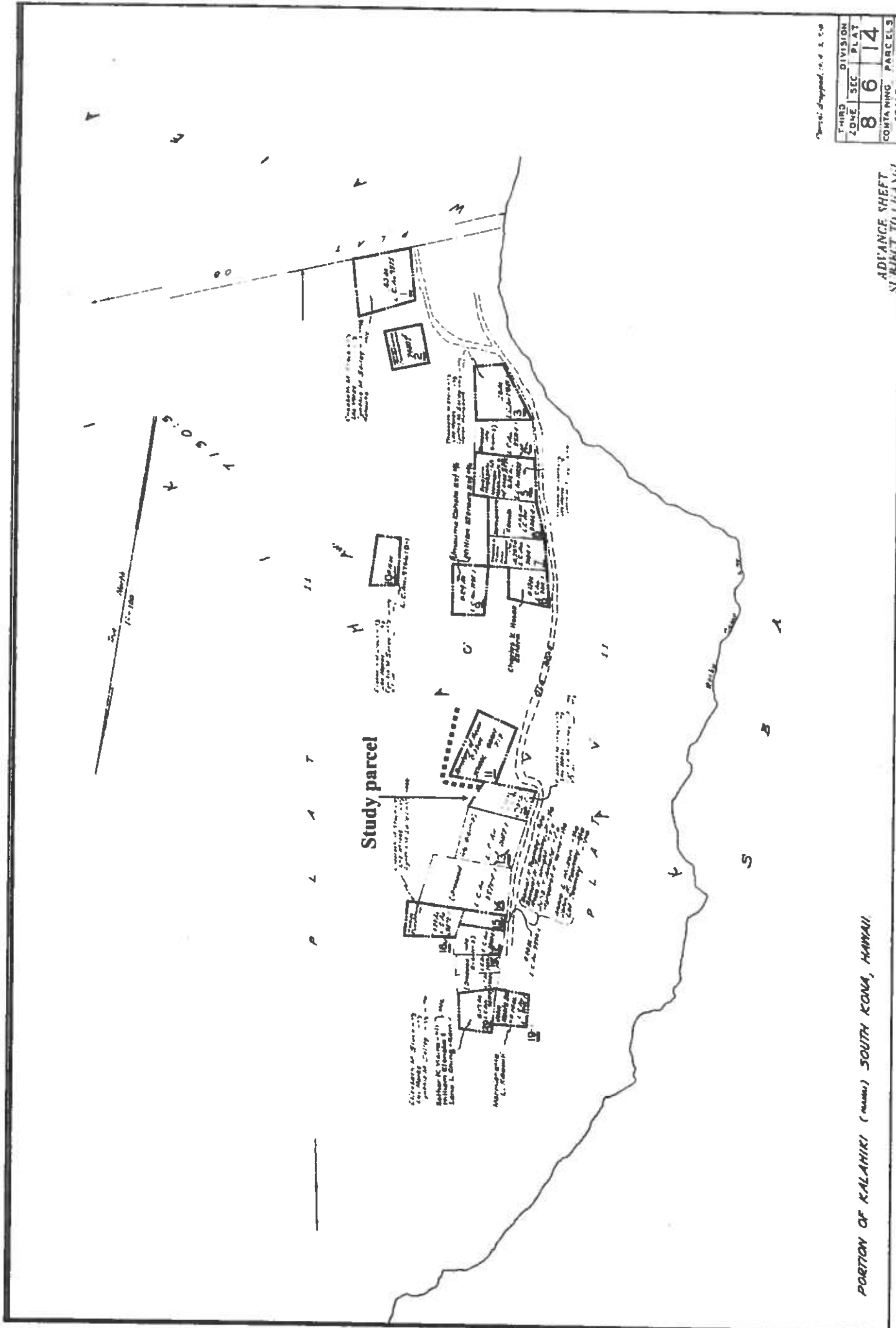


Figure 2. Tax Map Key (TMK:3-8-6-14) showing study parcel (012).

Figure 3. Overview of pecked basins on coastal shelf.

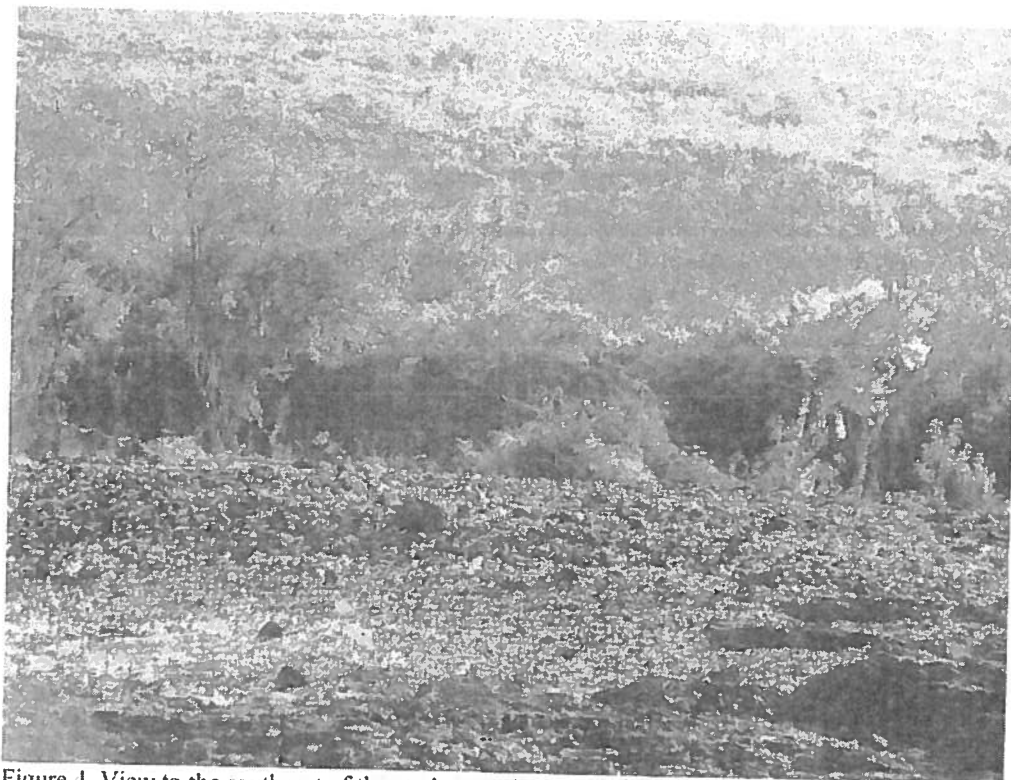


Figure 4. View to the southeast of the study parcel.

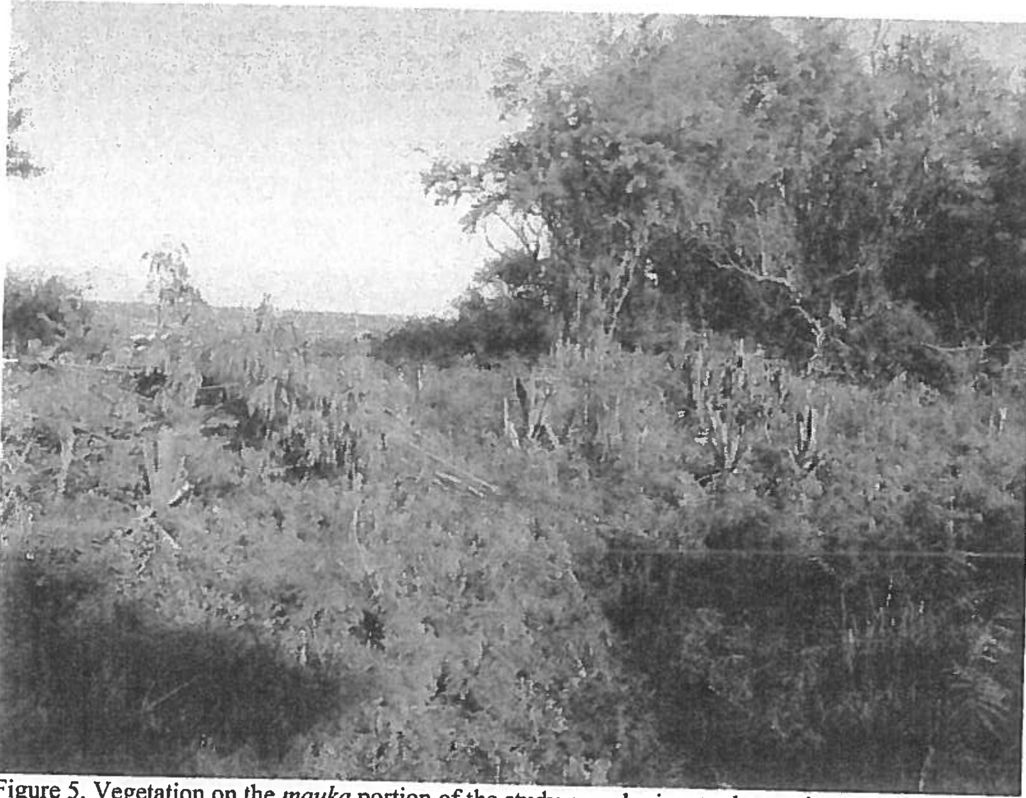


Figure 5. Vegetation on the *mauka* portion of the study parcel, view to the northwest.

BACKGROUND

This section of the report describes and synthesizes prior cultural, historical, and archaeological studies that are relevant to the current project area; and provides a brief cultural-historical background of Kalāhiki Ahupuaʻa and the general South Kona region.

Cultural-Historical Context

In Hawaiian society, natural and cultural resources are one and the same. Native traditions describe the formation (the literal birth) of the Hawaiian Islands and the presence of life on and around them in the context of genealogical accounts. All forms in the natural environment, from the skies and mountain peaks, to the watered valleys and lava plains, and to the shoreline and ocean depths were believed to be embodiments of Hawaiian deities. One Hawaiian genealogical account, records that Wākea (the expanse of the sky–father) and Papa-hānau-moku (Papa—Earth-mother who gave birth to the islands)—also called Haumea-nui-hānau-wā-wā (Great Haumea—Woman-earth born time and time again)—and various gods and creative forces of nature, gave birth to the islands. Hawaiʻi, the largest of the islands, was the first-born of these island children. As the Hawaiian genealogical account continues, we find that these same god-beings, or creative forces of nature who gave birth to the islands, were also the parents of the first man (Hāloa), and from this ancestor, all Hawaiian people are descended (cf. Beckwith 1970; Malo 1951:3; Pukui and Korn 1973). It was in this context of kinship, that the ancient Hawaiians addressed their environment and it is the basis of the Hawaiian system of land use.

Archaeologists and historians describe the inhabiting of these islands in the context of settlement that resulted from voyages taken across the open ocean. For many years, researchers have proposed that early Polynesian settlement voyages between Kahiki (the ancestral homelands of the Hawaiian gods and people)

and Hawai'i were underway by A.D. 300, with long distance voyages occurring fairly regularly through at least the thirteenth century. It has been generally reported that the sources of the early Hawaiian population—the Hawaiian Kahiki—were the Marquesas and Society Islands (Cordy 2000; Emory in Tatar 1982:16-18).

For generations following initial settlement, communities were clustered along the watered, windward (*ko'olau*) shores of the Hawaiian Islands. Along the *ko'olau* shores, streams flowed and rainfall was abundant, and agricultural production became established. The *ko'olau* region also offered sheltered bays from which deep sea fisheries could be easily accessed, and near shore fisheries, enriched by nutrients carried in the fresh water, could be maintained in fishponds and coastal waters. It was around these bays that clusters of houses where families lived could be found (McEldowney 1979:15). In these early times, Hawai'i's inhabitants were primarily engaged in subsistence level agriculture and fishing (Handy et al. 1972).

Over a period of several centuries, areas with the richest natural resources became populated and perhaps crowded, and by about A.D. 900 to 1100, the population began expanding to the *kona* (leeward side) and more remote regions of the island (Cordy 2000:130). In Kona, communities were initially established along sheltered bays with access to fresh water and rich marine resources. The primary "chiefly" centers were established at several locations—the Kailua (Kaiakeakua) vicinity, Kahalu'u-Keauhou, Ka'awaloa-Kealakekua, and Hōnaunau. The communities shared extended familial relations, and there was an occupational focus on the collection of marine resources. By the fourteenth century, inland elevations to around the 3,000-foot level were being turned into a complex and rich system of dryland agricultural fields (today referred to as the Kona Field System). By the fifteenth century, residency in the uplands was becoming permanent, and there was an increasing separation of the chiefly class from the common people. In the sixteenth century the population stabilized and the *ahupua'a* land management system was established as a socioeconomic unit (see Ellis 1963; Handy et al. 1972; Kamakau 1961; Kelly 1983; and Tomonari-Tuggle 1985).

Over the generations, the ancient Hawaiians developed a sophisticated system of land and resources management. By the time 'Umi-a-Līloa rose to rule the island of Hawai'i in ca. 1525, the island (*moku-puni*) was divided into six districts or *moku-o-loko* (cf. Fornander 1973–Vol. II:100-102). On Hawai'i, the district of Kona is one of six major *moku-o-loko* within the island. The district of Kona extends from the shore across the entire volcanic mountain of Hualālai, and continues to the summit of Mauna Loa, where Kona is joined by the districts of Ka'ū, Hilo, and Hāmākua. One traditional reference to the northern and southern-most coastal boundaries of Kona tells us of the district's extent:

> *Mai Ke-ahu-a-Lono i ke 'ā o Kani-kū, a hō'ea i ka 'ūlei kolo o Manukā i Kaulanamauna e pili aku i Ka'ū!*—From Keahualono [the Kona-Kohala boundary] on the rocky flats of Kanikū, to Kaulanamauna next to the crawling (tangled growth of) 'ūlei bushes at Manukā, where Kona clings to Ka'ū! [*Ka'ao Ho'oniua Pu'uwai no Ka-Miki* in *Ka Hōkū o Hawai'i*, September 13, 1917; Translated by Kepā Maly (Maly and Maly 2002:7)]

Like other large land units on the Island of Hawai'i, Kona is divided into two smaller units of land and is referred to as North and South Kona. The *ahupua'a* of Kalāhiki is located in South Kona within a sub-region traditionally known as *Ka-pali-lua*, translated as "the two cliffs" (Pukui and Elbert 1986). This descriptive term refers to the prominent coastal bluffs of the area. South Kona is noted for its steep slopes, former extensive upland agricultural plantations beginning near the former *ala loa* (ancient trail, later *alanui aupuni* [government road] and currently approximating the alignment of Māmalahoa Highway), and rich near shore and deep sea fisheries. The portion of *Ka-pali-lua* in which the current project area is situated includes the *makai*-most sections of the former extensive agricultural areas.

According to Pukui et al. (1974:73), Kalāhiki literally means "the sunrise". A story of how Kalāhiki Ahupua'a acquired its name is found in "The Heart Stirring Story of Ka-Miki". Historians John Wise and J.W.H.I. Kihe published "The Heart Stirring Story of Ka-Miki" over a period of four years (1914-1917) in the Hawaiian newspaper Ka Hōkū o Hawai'i. While "Ka-Miki" is not an ancient account, it is a mixture of local traditions, tales, and family histories that provide site-specific histories. In the following account we learn of a *heiau* at Kalāhiki and about two sacred chiefesses, one of which Kalāhiki Ahupua'a was named after.

> Kahauwawaka was a priest of the *hulihonua* and *kuhikuhi pu'eone* (a seer and reader of the lay of the land-one who directed the construction of important features); he was a counselor to the *ali'i* Kauhakō and Pāhoehoe, whose names are commemorated as places to this day.
>
> The *heiau*, by the name Kahauwawaka, at Kalāhiki, was named for this priest, as were a plantation in which *iholena* bananas, *'awa*, *kalo*, and other crops were planted; and a fisherman's *ko'a* near the shore. When Ka-Miki and Maka-'iole approached the compound of the chief Kauhakō, Kahauwawaka discerned the supernatural nature of the brothers and warned the chief not to challenge them to a contest...Kauhakō did not heed the warnings of the priest, and he was killed as a result of his arrogance...Following their contest, the brothers traveled to the plantation of Kahauwawaka, and Kahauwawaka invited them to his home for a meal.
>
> Now the house was built high atop a hillock, and it was completely surrounded by stones. The brothers understood that the reason for this was to protect the priest from attack. It was difficult to get to the house, and if someone should try to reach the priest, he would pelt them with sling stones.
>
> While Kahauwawaka was preparing food, Ka- Miki went to fetch *'awa* from the priests' garden, which was some distance upland, in the *'ōhi'a* and *'ie'ie* forest...
>
> Once the *'awa* was prepared and the offerings made, they all ate together and drank the *'awa*. The *'awa* was so powerful that Maka'iole and Kahauwawaka were quickly embraced in sleep. Ka-Miki then descended to the shore of Kalāhiki, at Kōwa'a, where he met with the head fisherman Kūalaka'i, and the people of the area.
>
> The shore line at this part of Kalāhiki was called Kaulanawa'a, and it was here that the *'ōpelu* fishermen were landing their canoes. The fishermen's usual practice was to haul or drag their canoes on *hau* (Hibiscus tiliaceus) and *wiliwili* (Erythrina sandwicensis) *lona* (rollers) up to the *hālau wa'a* of Kuaokalā. Ka-Miki saw the canoes landing, and grabbed a canoe with the nets, three men and fish still in it and carried the entire load, placing the canoe in the *hālau*.
>
> ...Kūalaka'i, the lead fisherman offered Ka-Miki half of their catch. Ka-Miki moved by Kūalaka'i's generosity, told him, "As you have given me these fish, so the *'aumākua lawai'a* (fishermens's deities) shall empower you (*a e mana iā 'oe*...). "*Kūalaka'i* you, your wife *Kailohiaea*, and your descendants shall have all the fish you need, and your practices will be fruitful"...With these words, Ka-Miki picked up the net with his portion of *'ōpelu*, and in the wink of an eye, he disappeared to the uplands, arriving at a place called Pīnaonao.
>
> The forest of Pīnaonao was filled with *lehua* trees, *'i'iwi* and *'akakane* (*'apapane*) birds...
>
> And from within the forest came the laughter of two young women, who were making *lehua* garlands. This forest region was protected and not open to anyone but these two girls, the sacred chiefesses, Ka-lā-hiki-lani-ali'i and Waiea-nui-hāko'i-lani, for whom the lands of Kalāhiki and Waiea were named. (Kihe et al. in Maly and Maly 2002:11-13)

In Kona, where there were no regularly flowing streams to the coast, access to potable water (*wai*), was of great importance and played a role in determining the areas of settlement. The waters of Kona were found in springs and caves (found from shore to the mountain lands), or procured from rain catchments and dewfall. Traditional and historic narratives abound with descriptions and names of water sources, and also record that the forests were more extensive and extended much further seaward than they do today. These forests not only attracted rains from the clouds and provided shelter for cultivated crops, but also in dry times drew the *kēhau* and *kēwai* (mists and dew) from the upper mountain slopes to the low lands (Rechtman and Maly 2003).

Handy et al. (1972) noted that the worship of Lono was centered in Kona. Indeed, it was while Lono was dwelling at Keauhou, that he is said to have introduced taro, sweet potatoes, yams, sugarcane, bananas, and *'awa* to Hawaiian farmers (Handy et al. 1972). The rituals of Lono "The father of waters" and the annual *Makahiki* festival, which honored Lono, were of great importance to the native residents of this region (Handy et al. 1972: 349). The significance of rituals and ceremonial observances in cultivation and in all aspects of life was of great importance to the well being of the ancient Hawaiians, and cannot be overemphasized, or overlooked when viewing traditional sites of the cultural landscape.

In the 1920s-1930s, Handy et al. (1972) conducted extensive research and field interviews with elder native Hawaiians. In lands of North and South Kona, they recorded native traditions describing agricultural practices and rituals associated with rains and water collection. Primary in these rituals and practices was the lore of Lono—a god of agriculture, fertility, and the rituals for inducing rainfall. Handy et al., observed:

> The sweet potato and gourd were suitable for cultivation in the drier areas of the islands. The cult of Lono was important in those areas, particularly in Kona on Hawai'i . . . there were temples dedicated to Lono. The sweet potato was particularly the food of the common people. The festival in honor of Lono, preceding and during the rainy season, was essentially a festival for the whole people, in contrast to the war rite in honor of Ku which was a ritual identified with Ku as god of battle. (Handy et al. 1972:14)

It was the limited access to fresh water that necessitated the need for planting in zones according to rainfall and moisture. Handy et al. (1972: 524–525) provide insight into the native cultivation and agricultural practices that were required in South Kona:

> In the time of intensive native cultivation, South Kona was planted in zones determined by rainfall and moisture. Near the dry seacoast potatoes were grown in quantity, and coconuts where sand or soil among the lava near the shore favored their growth. Up to 1,000 feet grew small bananas which rarely fruited, and poor cane; from 1,000 to 3,000 feet, they prospered increasingly. From approximately 1,000 to 2,000 feet, breadfruit flourished.
>
> Taro was planted dry from an altitude of 1,000 to 3,000 feet. An old method of planting taro in Kona, described to us by Lakalo at Ho'okena, was to plant the cuttings in the lower, warmer zone where they would start to grow quickly and then to transplant them to the higher forest zone where soil was rich and deep and where moisture was ample for their second period of growth, in which their corms are said to have developed to an average of 25 pounds each.

Kalāhiki Ahupua'a likely provided a variety of sustainable resources to the Precontact Hawaiians residing there and to the *ali'i* who claimed the land. The *ahupua'a* residents utilized the land in accordance with specific elevation zones (Handy et al. 1972). These land use zones reflected different environments where specific natural resources were readily acquired and where varying degrees of modification of the

terrain produced a sustainable amount of agricultural goods. Dryland planting techniques in the upland regions included the *'umokī* (planting in mulched holes); *pu'epu 'e* (planting in earthen or stone mulched mounds); and *pā kukui* (planting in *kukui* groves where trees were felled and used as mulch) (Handy et al. 1972: 105-110).

Given the environmental conditions of the region, the native residents practiced a subsistence-based system of seasonal travel and residence across the land. Traditions recorded in the nineteenth and early twentieth centuries, and oral histories collected from individuals born in the early 1900s, document that the families of the region maintained residences at various elevations. Primary residences were situated near the *ala loa* and along the shore. Temporary residences, which were used recurrently over long periods of time, were maintained in the upland planting zones. Travel between residences was carried out over a system of *mauka/makai* trails in each *ahupua'a*. Coastal residences in different *ahupua'a* were also connected by trails. Many of these trails continued to be traveled on foot by residents and landowners through the early 1900s. The locations of these trails were documented on a 1932 U.S. Army map (Figure 6). By the 1930s, some of the trails were modified for vehicular travel.

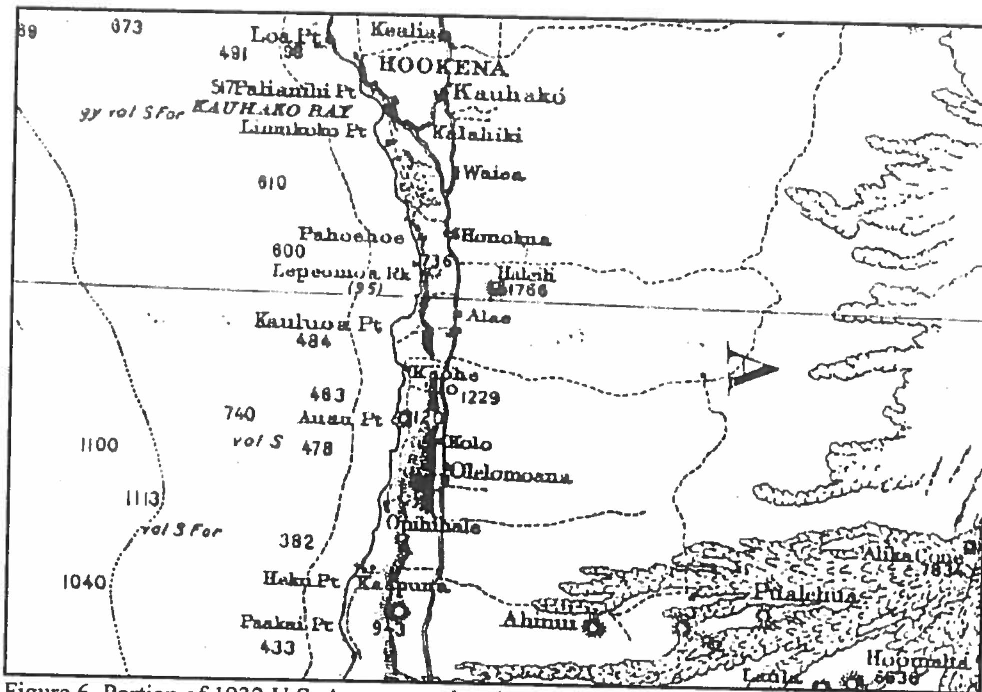


Figure 6. Portion of 1932 U.S. Army map showing roads and trails.

In Precontact Hawai'i, all land and natural resources were held in trust by the high chiefs (*ali'i 'ai ahupua'a* or *ali'i 'ai moku*). The use of lands and resources, including fisheries were given to the *hoa'āina* (native tenants), at the prerogative of the *ali'i* and their representatives or land agents (*konohiki*), who were generally lesser chiefs.

By all accounts, the Hawaiian people attempted to practiced resource conservation, trying never to deplete their fisheries or over harvested their plant resources. Once a fisherman discovered an area full of fish, it became his special feeding spot (*ko'a*) (Titcomb 1972). Here he would feed the fish so they would became accustomed to visiting the *ko'a* and frequent it often. Then he would take only as much fish so as to not alarm the other fish and not deplete the resource. Not only was the inherent need for conservation a way to preserve the fisheries, but there were also certain restrictions placed on the fisheries. Fish, such as

the *aku* and *'opelu*, who run in large schools, were not to be taken during the spawning season. There were also restrictions as to where people could fish, so that they did not take from another *ahupua'a*.

It was King Kamehameha I who united the Hawaiian Islands. Early in his reign there were troubles. Many of the chiefs and landlords under him oppressed the common people. During this period, Kalāhiki Ahupua'a is reported to be one the locations where Kamehemeha's chiefs Alapa'i-malo-iki and Ka-uhi-wawae-ono "went out with their men to catch people for shark bait" (Kamakau 1992:232). Troubles with oppressing and greedy chiefs led Kamehameha I to make this law:

> The number of landlords (*haku'aina*) over the keeper of the land (*hoa'aina*) shall be [but] one. The people (*maka'ainana*) shall not be made to come long distances to work for the keeper (*konohiki*); the chiefs and keepers shall not strip the people of their property leaving them destitute; no man shall give many feasts and absorb the property of the poor; no landlord shall compel a man to work for him who does not want to, or to burden him in any way; he should be impartial and judge his people aright. (Kamakau 1992: 231)

Captain Cook arrived in 1778 and with the arrival of foreigners came disease, and different views on politics, land and fishing tenure, religion, and tradition. During the time period between Captain Cook's arrival in 1778 and the death of King Kamehameha I in 1819 settlement and subsistence practices continued to operate much as it had prehistorically (Handy et al. 1972). After Kamehameha's death in 1819, many of the traditional Native Hawaiian ways were being altered to adjust to the influence of foreign entities.

Within six months after the death of Kamehameha I, and during the rule of his successor Liholiho (Kamehameha II), the traditional socio-religious (*kapu*) system had been dismantled. And, with the end of the *kapu* system, changes in the social, religious, and economic patterns began to affect the lives of the common people. Liholiho died in 1824, but during his short reign drastic changes occurred affecting the course of Hawaiian history. The friendly reception afforded to the missionary arrival in 1820 was among the most significant of Liholiho's actions.

William Ellis was a missionary who toured the Island of Hawai'i in 1823 searching for communities in which to establish and promote the Calvinist mission. Besides preaching at various villages along his route, Ellis also recorded features of the land, customs of the people he encountered and various other details about the island and its people. At one point along his journey, Ellis, along with Mr. Harwood and fellow missionaries Thurston, Goodrich, and Bishop departed from Honaunau and traveled south. After some distance they came to and rested at Kalāhiki. It is in the following passage that we gain insight into the early Historic Period of Kalāhiki Ahupua'a.

> Mr. Harwood being indisposed, and unable to travel, and being myself but weak, we proceeded in the canoe to Kalahiti [Kalāhiki], where we landed about 2 p.m. and waited the arrival of our companions. The rest of the party traveled along the shore, by a path often tedious and difficult. (Ellis 2004: 163)

The party that had traveled by foot to Kalāhiki:

> ...passed through two villages, containing between three and four hundred inhabitants, and reached Kalahiti [Kalāhiki] about four in the afternoon. Here the people were collected for public worship, and Mr. Thurston preached to them from John VI. 38. They gave good attention, and appeared interested in what they heard.
>
> The evening was spent in conversation on religious subjects, with those who crowded our lodgings.

> At this place we observed many of the people with their hair either cut or shaved close on both sides of their heads, while it was left very long in the middle from the forehead to the back of the neck. When we inquired the reason of this, they informed us, that, according to the custom of their country, they had cut their hair, in the manner we perceived, on account of their chief who had been sick, and who they had heard was dead.
>
> We took leave of the friendly people of Kalahiti [Kalāhiki] about nine a.m. on the 25th. Messrs. Thurston, Bishop, and Goodrich, continued their journey along the shore, and I went in the canoe in company with Mr. Harwood.
>
> After leaving Kalahiti [Kalāhiki], Messrs. Thurston, Goodrich, and Bishop, proceeded over a rugged tract of lava, broken up in the wildest confusion, apparently by an earthquake, while it was in a fluid state. (Ellis 2004: 163, 164, 171, and 172)

Liholiho's successor was his younger brother Kauikeaouli (Kamehameha III). It was Kamehameha III who transformed Hawai'i into a constitutional monarchy (Kamakau 1992:370). It is under a constitutional monarchy that grievances against oppressing chiefs could be considered and settled upon. Before Hawai'i was a constitutional monarchy, property rights for "both chiefs and commoners were unstable..." (Kamakau 1992:376). Kamehameha III redistributed the land between himself, the chiefs, and the commoners.

In 1839, Kamehameha III defined and distributed the fishing rights of the native tenants, the chiefs, and himself. As a result, the fishing grounds fronting the land, including the coral reefs, were for the *konohiki* of that given *ahupua'a* and the people who lived on that land. The deep ocean was open to all. Some fish, during certain seasons, were tabooed and set-aside for the king. At other times, these fish were to be split between the people and the king. On Hawai'i Island, the albacore was the tabooed fish reserved for the King (Maly and Maly 2003). Not only were certain fish reserved for the king, but also for the *konohiki*. *Konohiki* were given the right to set-aside a species of fish for themselves that lived within the waters fronting their *ahupua'a*. The common people were not allowed to catch the fish that had been reserved for the *konohiki*. The *konohiki* were required to give notice to their tenants, telling them of the species of fish that was restricted. The following letter to the Minister of the Interior from Kinimaka (Kalāhiki *ali'i* awardee) states that the restricted fish is the *'opelu*. (Maly and Maly 2003)

> ***March 2nd, 1852***
> ***Kinimaka; to Keoni Ana, Minister of the Interior:***
> ...As a help towards the proper carrying out of the duties of your office according to law, therefore, I notify you of my prohibited fish:
>
> ...Kalahiki, Kona, Hawaii. *Opelu* is the prohibited fish....
>
> These are the lands belonging to me where the fish is forbidden... (HSA Int. Dept. Lands in Maly and Maly 2003: 35)

Kamehameha III also promoted education among Native Hawaiians. He believed that educated people would become intelligent skilled laborers and that this would benefit the kingdom. He is quoted as saying "My kingdom is a kingdom of learning" (Ke Au 'oko'a in Kamakau 1992:373).

In 1840, Kamehameha III created a "Statute for the Regulation of Schools" (Maly and Maly 2001). The statute stated that in a village with fifteen or more children, the parents needed to choose a teacher and apply for money in which to pay the teacher, acquire land for the school and building materials necessary to build the school. The school records were originally kept by the missionaries, but by 1847 the records were kept by government officials. In Kalāhiki Ahupua'a there was a school grant (School Grant 7:9) located adjacent to the southeastern corner of the current project area. It is unclear if this was the location of the Kalāhiki School. What follows are School Inspector's reports found in the series of Public Instruction that specifically mention the school at Kalāhiki. These were located in Maly and Maly (2001:90 and 92).

July-September 1865
Chas. Gulick (School Inspector's Report, Island of Hawaii: Inspector's tour conducted between July 19th to September 1st, 18665; reporting that 85 out of 94 common schools were visited), to Board of Education:

> …Kiilae. Another stone coffin without a lid, standing on strange land, the original school lot lying elsewhere. The proficiency of the scholars, some thirty in number, was rather better than the foregoing [Kalahiki], in fact reading and writing were good, but arithmetic and geography were not so good…

South Kona
April 28, 1877
H.R. Hitchcock (Inspector of Schools),
To C. R. Bishop (Pres. Board of Education):

> …The schools of Kalahiki, Hookena, Holualoa and Napoopoo are well taught…

The size of the population at Kalāhiki for this time period is unclear, but in 1846, Chester S. Lyman "a sometime professor" at Yale University journeyed to the island of Hawai'i and recorded the following observation at Kalāhiki:

> (September 4, 1846) At 3 h. 35 m., we passed Kalahiki, a long straggling village with a beautiful sand beach and extensive coconut groves (Lyman in Maly and Maly 2001: 35).

Although one can only speculate as to what constitutes "straggling," we know that there were at least fifteen or more children in Kalāhiki by 1865, prompting a school, which would also mean a fair number of adults rearing these children. Among the many changes that occurred during the early Historic Period, the change in land tenure was immense.

In 1848, the *Māhele 'Āina* radically altered the Hawaiian system of land tenure. The *Māhele* (division) defined the land interests of Kamehameha III (the King), the high-ranking chiefs, and the *konohiki*. As a result of the *Māhele*, all land in the Kingdom of Hawai'i came to be placed in one of three categories: (a) Crown Lands (for the occupant of the throne); (b) Government Lands; and (c) Konohiki Lands. Laws in the period of the *Māhele* record that ownership rights to all lands in the kingdom were "subject to the rights of the native tenants;" those individuals who lived on the land and worked it for their subsistence and the welfare of the chiefs.

As a result of the *Māhele*, Kalāhiki Ahupua'a was awarded to an *ali'i* named Kinimaka (LCAw. 7130). Kinimaka was a Maui chief who was imprisoned on Kaho'olawe Island in 1840 for forging Maui Governor Hoapili's will (Forbes 1998). The House of Nobles pardoned him in 1842.

A review of the *Waihona 'Aina Māhele* database showed thirty-two *kuleana* and two *ali'i* (both to Kinimaka, possibly a duplicate error) land holdings claimed in Kalāhiki Ahupua'a, but only twenty-five were awarded. Within the coastal portion of Kalāhiki there were nineteen LCAw. The current study parcel is one of these and was awarded to Auae (LCAw. 9746-C: 1). Auae claimed three sections; a house lot; an *ili* (Hanainui); and a taro *kihapai*. The current study parcel is the house lot awarded to Auae in 1847. His agricultural fields were located further inland at elevations ranging from 760 to 920 feet above sea level. In the following native testimony Auae reports that he received the house lot from Kahimahauna.

No. 9746C, Auae
N.T. 564v8

Oopa and Pahua, sworn, they had seen Holualoa write this claim.

Section 1 - Hanainui ili of Kalahiki from Nuhi in 1819.
Section 2 - House lot in Luailio from Kahimahauna in 1847.
Section 3 - Taro kihapai in Ulukaumakani ili from Nahua in 1846.

No one objected to Auae.

[Award 9746C; R.P. 3676; Kalahiki S. Kona; 2 ap.; 3.7 Acs]

The *kuleana* awarded along the coast included sixteen house lots, one agricultural lot (LCAw. 7184), and two undetermined (LCAw. 9575 and 9877B) (Table 1). Only sixteen of these coastal awardees received inland agricultural land (Figure 7). The inland agricultural *apana* claimed by the nineteen coastal awardees included the cultivation of taro, sweet potato, banana, coffee, and oranges. These crops were grown within either *kīhāpai* (cultivated patch, garden, orchard, or small farm) or *mala* (garden, field). There were at least 120 *kihapai/mala* mentioned in the *Māhele* testimony of the nineteen coastal LCAw. The awardees claimed between two to five *apana*. The average number of *apana* actually awarded was two. Some of the *apana* claimed by the coastal awardees were located in either the *ahupua'a* of Waiea or Ki'ilae.

Sixteen *'ili* (smaller land divisions within an *ahupua'a*) were mentioned. Of these sixteen, six *'ili* names were mentioned for the coastal LCAw. (see Figure 7). The spelling of some *'ili* differs between LCAw. One *'ili*, named Kapuai, was an *'ili kūpono*. An *'ili kūpono* is described as being "a nearly independent *'ili* division within an *ahupua'a*, paying tribute to the ruling chief and not to the chief of the *ahupua'a*" (Lucas 1995:41). Kapuai was retained by the government; independent of the *ahupua'a ali'i* award (LCAw. 7130). Kapuai was then sold to Mikahaka as a Royal Patent Grant in 1855 (Maly and Maly 2004). Mikahaka was a *Māhele* claimant and awardee in both Kalāhiki and Waiea *ahupua'a*.

In the testimony of nine LCAw., the recipients claimed that their house lot or agricultural lands were given to them by Pahua. In Pahua's testimony, he states that he has "*koele kihapais* of the *kupono*" (N.R. 609v8). "A *koele* was a piece of land seized by an *ali'i* while under cultivation by serf or peasant" (Emerson in Lucas 1995:55). In ten separate testimonies, Nuhi was stated to have given either house lots or agricultural lands. N[P]ahua, Mahu, and Nuhi were former *konohiki* of Kalāhiki Ahupua'a as mentioned in the boundary testimony below. The name Mahu was not mentioned in any of the coastal LCAw. claims, but based on the amount of typographic errors that could have occurred during recordation and/or translation of the *Māhele* documents, it's likely that LCAw. 9746 to Pakui states that the house lot was received from Mahu, not Pahu.

State Site Complex 50-10-56-4200
LCAw. 9746

The current study parcel is a *kuleana* house lot awarded to Auae in 1847 (LCAw. 9746) and is part State Site Complex 50-10-56-4200 (Figure 9). Archaeological surface features existing on the study parcel include three formerly stacked core-filled walls that are now mostly collapsed (Figure 10). There is no wall on the *makai* side of the study parcel. All three walls measure 1 meter wide. The northern wall follows the north boundary of the study parcel and measures 33 meters long. It stands 60 to 108 centimeters in height on the exterior and 80 to 95 centimeters in height on the interior. At the eastern terminus of the project area, the wall turns north and continues out of the study parcel for an undetermined distance. The eastern wall measures 20 meters long and is set back 11 meters west of the northeast parcel boundary and 4.5 meters west of the southeast parcel boundary. It stands 20 to 70 centimeters in height on the exterior and 40 to 65 centimeters in height on the interior. This wall appears to have been constructed at the same time as the northern and southern walls. The southern wall measures 21.5 meters long, standing 75 to 85 centimeters in height on the exterior and 60 to 70 centimeters in height on the interior.

The ground surface enclosed by the three walls is fairly level and transitions from waterworn cobbles and coral on the *makai* side, to beach sand, marine shell, and scattered cobbles in the middle, to exposed bedrock, angular cobbles, and dense vegetation on the *mauka* side. An enclosure extends south off the southern wall of LCAw. 9746 and is outside of the study parcel. This enclosure utilizes the southern wall of LCAw. 9746 as its north wall. There are no points of entry in this enclosure. It appears to have been built at the same time as the walls within the study parcel.

Cultural material observed on the ground surface of the study parcel includes a scatter of early to middle twentieth century bottle glass (Figure 11) and a large pecked boulder. The boulder is located in the west-central portion of the study parcel. It measures 100 centimeters by 60 centimeters and stands 30 to 50 centimeters in height. The surface contains a pecked basin measuring 15 centimeters by 15 centimeters and 2 centimeters deep (Figure 12). The function of this boulder is unknown, but appears to have been purposely placed in its current position.

Although the ground surface and underlying strata within the study parcel has been altered by ocean surf, an attempt at identifying a subsurface cultural deposit was made. Two Test Units (TU-1 and TU-2) were placed within the enclosed space of LCAw. 9746.

TU-1 was placed in the south central portion of LCAw. 9746 and measured 1 meter by 1 meter (see Figure 9). The surface of the unit consisted of scattered cobbles, beach sand, a modern plastic water bottle cap, and a "Primo" beer bottle. Excavation of TU-1 revealed a single stratigraphic layer. Layer I Levels 1-3 consisted of very dark gray (2.5Y 3/1) sand (white and black granules mixed) with waterworn pebbles and cobbles. Layer I Levels 4-7 consisted of black (7.5YR 2.5/1) sand with angular *pāhoehoe* cobbles and gravels (Figure 13). Coral, waterworn cobbles, and marine shell increased with depth while the amount of sand decreased. All recovered cultural material is listed in Table 2 (waterworn coral was not collected). Excavation ended when a culturally sterile beach deposit was encountered (see Figure 13).

TU-2 was placed in the northeastern corner of LCAw. 9746 and measured 1 meter by 1 meter (see Figure 9). The surface of the unit was relatively flat with a covering of small cobbles. Bedrock was visible on the east side of the unit. Excavation of TU-2 revealed two stratigraphic layers (Figure 14). Layer I consisted of small and medium cobbles. Layer II consisted of 50 percent small cobbles mixed with 50 percent dark brown (7.5YR 3/3) soil. All recovered cultural material is listed in Table 3 (waterworn coral was not collected). Excavation ended at bedrock (see Figure 14).

Figure 10. Southern wall of *kuleana* parcel, view to the south.

Figure 11. Overview of glass bottle scatter.

RC-0521

Figure 12. Large pecked boulder, view to the west.

Table 2. Cultural material recovered from LCAw. 9746 TU-1 Layer I.

Acc. #	*Level*	*Material*	*Species/type*	*Count*	*MNI*	*Weight (g)*
017	1	Ceramic	Porcelain, white	1	-	2.5
018	2	Ceramic	Whiteware	1	-	7.4
019	2	Volcanic glass	Flakes	2	-	1.1
021	3	Mammal bone	*Sus* sp.	6	1	2.7
023	4	Mammal bone	Unidentified/small	3	-	0.8
025	4	Fish bone	Scaridae	1	1	0.3
027	4	Mammal bone	Unidentified	1	-	0.8
028	5	Bottle glass	Patinated fragment	1	-	2.8
030	5	Basalt	Flake with polish	1	-	4.1
031	7	Basalt	Flake with polish	1	-	0.7

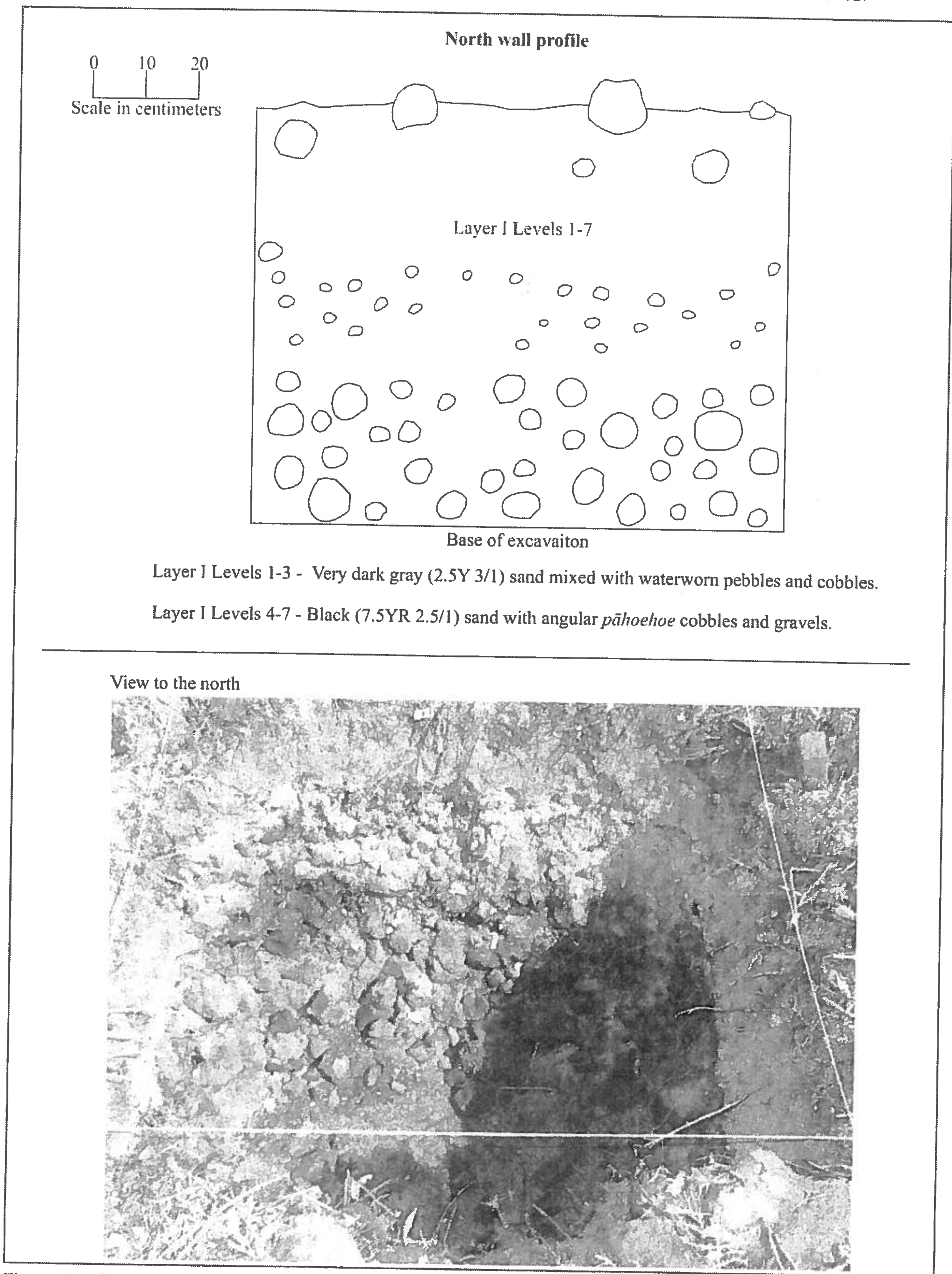
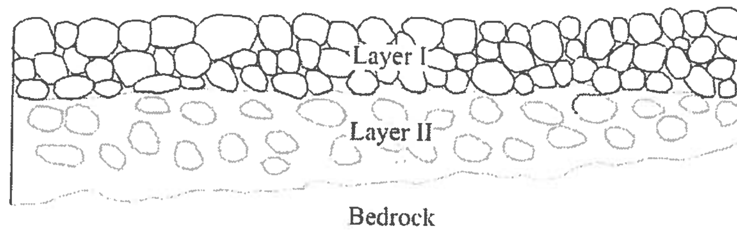


Figure 13. LCAw. 9746 TU-1 north wall profile and photograph.

Scale in centimeters: 0 10 20

North wall profile



Layer I - Small and medium cobbles.

Layer II - Dark brown (7.5YR 3/3) soil with 50% small cobbles.

View to the north

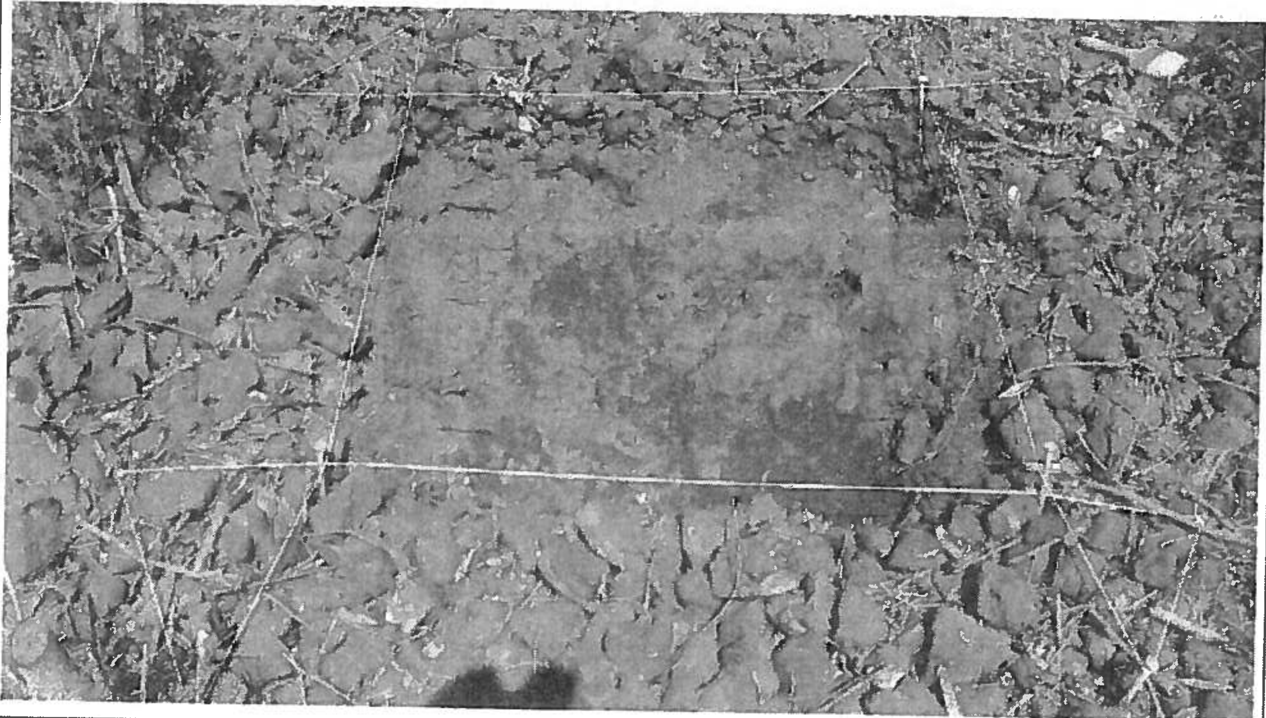


Figure 14. SIHP Site T-1 TU-2 north wall profile and photograph.

Table 3. Cultural material recovered from LCAw. 9746 TU-2.

Acc. #	*Layer*	*Material*	*Species/type*	*Count*	*MNI*	*Weight (g)*
001	I	Marine shell	*Conus* sp.	2	2	3.0
003	I	Marine shell	*Cypraea* sp.	2	2	9.8
003	I	Ceramic	Blue shell edge whiteware	1	-	10.5
004	II	Marine shell	*Conus* sp.	14	9	14.7
005	II	Echinoderm	Echinoidea	16	-	4.8
006	II	Marine shell	*Isognomon* sp.	1	1	0.3
007	II	Marine shell	*Cellana* sp.	1	1	0.1
008	II	Marine shell	*Hipponix pilosus*	2	2	0.2
009	II	Marine shell	Thaididae	3	2	0.8
010	II	Marine shell	*Drupa* sp.	3	2	3.4
011	II	Marine shell	*Morula* sp.	2	2	0.5
012	II	Marine shell	*Nerita picea*	10	8	2.9
013	II	Marine shell	*Cypraea* sp.	27	9	34.0
014	II	Mammal bone	*Sus* sp.	6	1	3.4
015	II	Bone	Unidentified	1	-	0.5
016	II	Marine shell	Unidentified	31	-	34.5

The cultural material recovered from TU-1 and 2 is consistent with a Historic Period occupation of the study parcel. The study parcel was Auae's house lot, which he received from Kahimahauna in 1847. The shell edge whiteware recovered from TU-2 was common between 1830 and 1860 and corresponds to the time period in which Auae would have been residing at the study parcel. Other household items recovered from the test units include fragments of whiteware and porcelain tableware. Food remains include pig, fish, and various edible marine invertebrates. Historic cultural material recovered from the test units and the presence of core-filled walls that conform to the *kuleana* house lot boundaries date occupation of the study parcel to the Historic Period. The presence of basalt flakes with polish suggests that production, use, and/or re-sharpening of adzes also took place. Adzes, which are primarily Precontact tools, were likely also used through and during the early Historic Period.

Summary

As a result of the archaeological fieldwork a *kuleana* house lot (LCAw. 9746) was recoded and is identified as part of a larger State Site Complex (50-10-56-4200). LCAw. 9746 represents the remains of a *kuleana* house lot awarded to Auae in 1847. Core-filled walls and a pecked boulder were the only surface features present on the study parcel. Subsurface testing revealed middle nineteenth century artifacts of European manufacture, basalt tool production or use, and a small amount of marine and faunal food remains.

SUMMARY OF CONSULTATION

As part of the current assessment study interviews were conducted with three individuals (Alfred Medeiros: Louis Alani; and Clarence Medeiros Jr.) as well as with a small gathering of community members tied to an organization called Kama'āina United to Protect the 'Āina (KUPA). These interviews were conducted by Robert B. Rechtman, Ph.D. with assistance from Herbert Poepoe B.A. The interviews were informal in nature, meaning that they were not recorded nor transcribed. Interviewees were asked about their relationship to and knowledge of the current study area, about any past and/or on-going cultural practices that took/take place within and around the current study area, and about any cultural impacts that might result from the construction of a single-family residence on the subject parcel.

Alfred Medeiros Jr.

Alfred Medeiros Jr. was born at Kealakekua in 1927. He is of Hawaiian-Portuguese ancestry. His mother, Mary Kalani, was descended from native families of the Kealakekua-Ka'awaloa vicinity. His father Alfred Medeiros Sr. worked for the Henry Greenwell Ranch until 1936, when he moved his family to the McCandless Ranch. Beginning at nine years old, Alfred lived at Honokua, and he began traveling (and eventually working) the lands of the McCandless Ranch. He started working on the ranch in 1941, and as a result of his years of work and his understanding of the unique South Kona ranching operations and lands, by the mid 1950s, he was appointed ranch foreman. He retired from his job as foreman in 1989. Alfred spoke with Robert B. Rechtman, Ph.D. and Herbert Poepoe, B.A. at the McCandless Ranch Headquarters in *mauka* Kalāhiki on April 4, 2008.

Alfred was very familiar with the current study area having spent a significant amount of work-related and personal time in the *makai* Kalāhiki portions of the ranch. He related that between 1940 and 1990, he saw very few people in the coastal portions of Kalāhiki. The only person he suggested who more frequently accessed the *makai* lands of Kalāhiki was Poli Alani. Alfred also commented that the large goat herds now present in the area did not arrive there until the 1970s, prior to that time and during his relationship with the land beginning in the late 1930s, there were no goats at Kalāhiki.

Louis "Poli" Alani

Louis "Poli" Alani was born in 1927 of Hawaiian-Chinese ancestry, and lived his entire life in South Kona. Louis was interviewed at his home along Māmalahoa Highway in Kahauko on August 21, 2008 by Robert B. Rechtman, Ph.D. Beginning at around 7 or 8 years old he traveled with his father, either on foot or by donkey, the *mauka/makai* and coastal trails down to and through Kalāhiki. He recollects that a couple of families still lived year round along the Kalāhiki coastline up until the early 1940s, and that these families had graves at the backs of their properties. He also remembers that there was an area on the shore designated for canoes, but never saw any in that area. When asked about his activities there, he explained that they would go and fish using line, as his family could not afford nets; other families however would throw and set nets along the Kalāhiki shore. He also spent a lot of time clearing and burning vegetation from the near shore area to maintain accessibility. When asked why the goats did not eat all the vegetation like they do today, he explained that there were no goats in coastal Kalāhiki until the 1970s. Louis was unaware of any specific resources or associated practices tied to the current study parcel, but did relate that the general coastal Kalāhiki area was a culturally significant place. Louis harbors immense upset toward McCandless Ranch relative to land ownership and access issues.

Clarence Medeiros Jr.

Clarence Medeiros Jr. was born at the Kona Hospital in 1952, to Clarence Arthur (Moku'ōhai) Medeiros Sr., and Pansy Wiwo'ole Hua-Medeiros. His family lived at Honokua. Clarence is of Hawaiian-Portuguese ancestry and is not related to Alfred. Clarence spoke with Robert, B. Rechtman, Ph.D. on July 29, 2008 at the beach pavilion at Ho'okena, and shared volumes of information about his genealogical ties to Kalāhiki

and the cultural practices of his ancestors relative to the coastal portions of the *ahupua'a*. Highlighted among these practices are fishing-related activities, goat hunting, canoe landing and launching, and the use of both shoreline and *mauka/makai* trails. While Clarence did not identify any impacts the construction of a single-family dwelling would have on any specific resources or practices, his did express his concerns about potential archaeological resources (including burials) that might exist within the study area, and about his rights as a cultural practitioner with genealogical ties to the area to hunt goats, fish, land canoes, and have access along the shoreline and the *mauka/makai* trails.

Kama'āina United to Protect the 'Āina (KUPA)

As their mission statement provides, KUPA is a non-profit corporation organized exclusively for the educational, charitable, and scientific purposes to preserve and protect the land, water, and other natural resources in South Kona for housing, economic development, cultural, and religious needs. On July 29, 2008 several members of KUPA, led primarily by Mr. Dennis Hart met with Robert B. Rechtman, Ph.D. at Ho'okena Beach Park. Collectively, they expressed two main concerns relative to the proposed construction, 1) that they did not want to see a vacation rental or a bed-and-breakfast built on the parcel; and 2) that the proposed development would not interfere with the use of a pedestrian trail on the *makai* side of the parcel. During this meeting it was explained to the group that the Conservation District rules prohibit the construction of a vacation rental or bed-and-breakfast, and it is the landowners' intention to build a single-family residence for their personal use. It was also explained that the parcel will be accessed from the *mauka* side and that the *makai* trail will not be physically impacted, nor will the landowners' affect the use of this trail. While receptive to this information the assembled group expressed their skepticism.

SIGNIFICANCE EVALUATION, TREATMENT RECOMMENDATIONS, AND IDENTIFICATION OF POTENTIAL CULTURAL IMPACTS

The above-described archaeological site is assessed for its significance based on criteria established and promoted by the DLNR-SHPD and contained in the Hawai'i Administrative Rules 13§13-284-6. This significance evaluation should be considered as preliminary until DLNR-SHPD provides concurrence. For a resource to be considered significant it must possess integrity of location, design, setting, materials, workmanship, feeling, and association and meet one or more of the following criteria:

A. Be associated with events that have made an important contribution to the broad patterns of our history;

B. Be associated with the lives of persons important in our past;

C. Embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; or possess high artistic value;

D. Have yielded, or is likely to yield, information important for research on prehistory or history;

E. Have an important traditional cultural value to the native Hawaiian people or to another ethnic group of the state due to associations with traditional cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events or oral accounts—these associations being important to the group's history and cultural identity.

LCAw. 9746 was a *kuleana* house lot occupied during the Historic Period and is considered significant under Criterion D for the information it has yielded relative to *kuleana* land use. It is argued that information collected during the current inventory survey has been adequate to successfully mitigate any potential impacts to this site resulting from the proposed development of TMK:3-8-6-14:12.

Additionally, The Office of Environmental Quality Control (OEQC) guidelines identify several possible types of cultural practices and beliefs that are subject to assessment. These include subsistence, commercial, residential, agricultural, access-related, recreational, and religious and spiritual customs. The guidelines also identify the types of potential cultural resources, associated with cultural practices and beliefs that are subject to assessment. Essentially these are natural features of the landscape and historic sites, including traditional cultural properties. A working definition of Traditional Cultural Property is as follows:

> "Traditional Cultural Property" means any historic property associated with the traditional practices and beliefs of an ethnic community or members of that community for more than fifty years. These traditions shall be founded in an ethnic community's history and contribute to maintaining the ethnic community's cultural identity. Traditional associations are those demonstrating a continuity of practice or belief until present or those documented in historical source materials, or both.

The origin of the concept of Traditional Cultural Property is found in National Register Bulletin 38 published by the U.S. Department of Interior-National Park Service. "Traditional" as it is used, implies a time depth of at least 50 years, and a generalized mode of transmission of information from one generation to the next, either orally or by act. "Cultural" refers to the beliefs, practices, lifeways, and social institutions of a given community. The use of the term "Property" defines this category of resource as an

identifiable place. Traditional cultural properties are not intangible, they must have some kind of boundary; and are subject to the same kind of evaluation as any other historic resource, with one very important exception. By definition, the significance of traditional cultural properties should be determined by the community that values them.

It is however with the definition of "Property" wherein there lies an inherent contradiction, and corresponding difficulty in the process of identification and evaluation of potential Hawaiian traditional cultural properties, because it is precisely the concept of boundaries that runs counter to the traditional Hawaiian belief system. The sacredness of a particular landscape feature is often times cosmologically tied to the rest of the landscape as well as to other features on it. To limit a property to a specifically defined area may actually partition it from what makes it significant in the first place.

However offensive the concept of boundaries may be, it is nonetheless the regulatory benchmark for defining and assessing traditional cultural properties. As the OEQC guidelines do not contain criteria for assessing the significance of Traditional Cultural Properties, this study will adopt the above-cited state criteria for evaluating the significance of historic properties, of which Traditional Cultural Properties are a subset.

While it is the practice of the DLNR-SHPD to consider most historic properties significant under Criterion D at a minimum, it is clear that Traditional Cultural Properties by definition would also be significant under Criterion E. A further analytical framework for addressing the preservation and protection of customary and traditional native practices specific to Hawaiian communities resulted from the *Ka Pa'akai O Ka'āina* v Land Use Commission court case. The court decision established a three-part process relative to evaluating such potential impacts: first, to identify whether any valued cultural, historical, or natural resources are present; and identify the extent to which any traditional and customary native Hawaiian rights are exercised; second, to identify the extent to which those resources and rights will be affected or impaired; and third, specify any mitigation actions to be taken to reasonably protect native Hawaiian rights if they are found to exist.

The archaeological site that was recorded as a result of the current study is considered a significant historic property, but not a Traditional Cultural Property. In fact there were no Traditional Cultural Properties, valued natural resources, or cultural beliefs and practices identified to be specifically associated with the current study parcel. As a result of the archival review and the consultation process, there were several potential cultural properties and associated practices identified for the general area, but none of these will be impacted by the construction of a single-family residence on this *kuleana* parcel, a parcel which was awarded as a residential house lot during the *Māhele*.

The proposed use of this parcel for a single-family residence raises an interesting point of some relevance. One possible cultural practice potentially associated with this or any *kuleana* parcel for that matter is the practice of building and maintaining a residence on the parcel. It is clear within legal jurisdiction that the use of a *kuleana* lot for residential purposes is considered an acceptable use, and a permitted one, even within the otherwise highly restrictive Conservation District. As Jocelyn Garovoy explains:

> In the Conservation District, *kuleana* come under the jurisdiction of the state Department of Land and Natural Resources ("DLNR"). The *kuleana* lots in areas zoned for Conservation have an associated right to build a house if it can be shown that the parcel was customarily used as a house lot. Hawaii law provides that: "[a]ny land identified as a *kuleana* may be put to those uses which were historically, customarily, and actually found on the particular lot including, if applicable, the construction of a single family residence" [Hawai'i Revised Statue §183C-5] (Garovoy 2005:544)

The established legal rights associated with *kuleana* parcels are based on Hawaiian cultural stewardship values (as documented in the Kuleana Act), which are a significant aspect for defining and maintaining both an individual's and a community's cultural identity. When you own a *kuleana* parcel you not only own the fee-simple land you also own the rights and responsibilities appurtenant to that land.

These legal rights are transmitted from one *kuleana* owner to the next. For an assessment of cultural practices and rights, the question then is whether cultural practices can be transmitted from one *kuleana* owner to the next, regardless of ethnicity. We believe this is a valid question given Hawai'i's long history of multi-ethnic communities and the concomitant cross-cultural blending of practices. As Phenice relates, "Hawaiian islanders come from many different backgrounds . . . [a]ll contribut[ing] to the humanity and social responsibility of Hawaii. Despite outward appearance of difference, the population embodies the social consciousness of the many ethnic peoples of Hawaii" (1999:107). This suggests that a group of adherents to a set of cultural values together form a community of practitioners. As a collective, *kuleana* owners form a group that shares a common set of vested rights and obligations as defined by both Hawaiian cultural values and legal authority.

It is pointed out that *kuleana* were not just awarded to people of Hawaiian ancestry, but were also awarded to people of European and other international ancestry. All of the *kuleana* awardees, Hawaiian or otherwise, were actively engaged in the use of their lands, which were jurisdictionally administered by the Hawaiian Government that established the culturally-based *kuleana* laws. One might then argue that if someone were to be denied the ability to build a single-family residence on a *kuleana* parcel that has been identified as having once had a residence on it, not only would they be denied a legal right they would also be denied a cultural right.

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