

Machida, Laurie

SUB 7235

From: Garrett Smith [gsmith@co.hawaii.hi.us]
Sent: Wednesday, April 06, 2011, 12:32 PM
To: Machida, Laurie; Holmes, Jonathan; Cheplic, Ed
Subject: FW: Destruction of Archeology and 2 Burials in Opihihale
Sensitivity: Private

FYI

From: BJ Leithead-Todd [mailto:bjltodd@co.hawaii.hi.us]
Sent: Wednesday, April 06, 2011 12:22 PM
To: Smith, Garrett; Masunaga, Margaret; Mark, Bennett; Arai, Daryn; Surprenant, April; Gamiao, Joaquin
Cc: Self, Amy
Subject: RE: Destruction of Archeology and 2 Burials in Opihihale
Sensitivity: Private

No response necessary. Since this is litigation and there is the potential that we get dragged into it, I am copying Amy on my response.

From: Garrett Smith [mailto:gsmith@co.hawaii.hi.us]
Sent: Wednesday, April 06, 2011 11:51 AM
To: Leithead-Todd, Bobby Jean; Masunaga, Margaret; Mark, Bennett; Arai, Daryn; Surprenant, April; Gamiao, Joaquin
Cc: Smith, Garrett
Subject: FW: Destruction of Archeology and 2 Burials in Opihihale
Importance: High
Sensitivity: Private

BJ et all –

Below and attached is a plead/complaint/request sent to a number of parties. Dean Gilpin is identifying concern over lack of protection for archeological sites and hopes that the various levels of government as well as consultants, etc. take notice. In review of the attached it stems from prior approval of a SUB/PUD but he also has a case going on with lack of disclosure to him when he purchased the property.

Don't know if any response is necessary but thought you all should know, also for us to potentially assess our department's role in review and approval of all types of projects and permits when archeological/historical preservation is involved. I've be forwarding it to my SUB staff to verify against our files to see if there was anything that could have been done different. From what I read it appears the initial developer disregarded sensitivity to the site.

G.

From: Planning [mailto:planning@co.hawaii.hi.us]
Sent: Monday, April 04, 2011 1:07 PM
To: Smith, Garrett
Subject: FW: Destruction of Archeology and 2 Burials in Opihihale
Importance: High
Sensitivity: Private

4/6/2011

From: Dean R Gilpin [mailto:deanrgilpin@gmail.com]
Sent: Thursday, March 31, 2011 2:48 PM
To: aric_arakaki@nps.gov; planning@co.hawaii.hi.us; surveys@wtahawaii.com; Theresa.K.Donham@hawaii.gov; ropa@hawaii.rr.com; Randolph.M.Lee@hawaii.gov; bob@scshawaii.com; bob@rechtmanconsulting.com; dchang@keck.hawaii.edu; donaldrullo@gmail.com; ejpeck@hawaiiantel.net; kloll297@earthlink.net; pulotusinkona@hawaiiantel.net; mpulotu@svchi.com; ethan@ethansharkey.com; jwshuster@aol.com; xclaims@aol.com; happyhal@kona.net; lcsalazar@comcast.net; colettem@oha.org
Cc: 'Gary Victor Dubin'; garygenco@gmail.com
Subject: Destruction of Archeology and 2 Burials in Opihihale
Importance: High
Sensitivity: Private

3/31/2011

Aric Arakaki
Superintendent
Ala Kahakai National Historic Trail
73-4786 Kanalani Street, #14
Kailua-Kona, Hawaii 96740
(808) 326-6012 aric_arakaki@nps.gov

County of Hawaii Planning Department
Bobby Jean Leithead-Todd, Director
Hanama Place
75-5706 Kuakini Hwy, Suite 109
Kailua-Kona, HI 96740
(808) 323-4770 planning@co.hawaii.hi.us

Colette Machado
Chairperson
Office of Hawaiian Affairs
711 Kapi'olani Blvd., Ste. 500
Honolulu, HI 96813
(808) 282-4354 colettem@oha.org

Crystal Thomas Yamasaki, LPLS
Wes Thomas & Associates Inc.
75-5749 Kalawa Street Suite 201
Kailua Kona, HI 96740
(808) 329-5334 surveys@wtahawaii.com

Cynthia Nazaro
Cultural Research Specialist
P.O. Box 5684
Kailua-Kona, HI 96745
(808) 756-0105 cynazara@gmail.com

Kimo Lee, Chairman
Hawaii Island Burial Council
State Historic Preservation Division

4/6/2011

State Department of Land and Natural Resources
Kakuhihewa Building
601 Kamokila Blvd., Suite 555
Kapolei, Hawai'i, 96707
(808) 933-7650 Theresa.K.Donham@hawaii.gov

Michael J. Riehm, A.I.A.
Riehm Owensby Planners Architects
P.O. Box 390747
Kailua-Kona, Hawaii 96739
(808) 322-6115 ropa@hawaii.rr.com

Pua Aiu, PhD, Administrator
State Historic Preservation Division
State Department of Land and Natural Resources
Kakuhihewa Building
601 Kamokila Blvd., Suite 555
Kapolei, Hawai'i, 96707
(808) 692-8015 Randolph.M.Lee@hawaii.gov

Robert L. Spear, Ph.D.
President
SCS Archaeology
Scientific Consultant Services, Inc.
711 Kapi'olani Boulevard, Suite 975
Honolulu, Hawaii 96813
(808) 597-1182 bob@scshawaii.com

Robert Rechtman, Ph.D.
Rechtman Consulting, LLC
507-A E. Lanikaula Street
Hilo, HI 96720
(808) 969-6066 bob@rechtmanconsulting.com

Deborah Chang
President
Na Ala Hele
PO Box 6384
Kamuela, HI 96743
dchang@keck.hawaii.edu

Deborah Meltzer and Harold Meltzer
Real Estate Consultants-Kona
P. O. Box 4711
Kailua Kona, HI 96745
(808) 329-5538 happyhal@kona.net

Donald Rullo (Lot Owner/ Developer)
75-5782 Kuakini Hwy, Suite C2C
Kailua-kona, HI 96740
donaldrullo@gmail.com

Eric Peck and Eric Johns Peck Trust (Lot Owner)
P.O. Box 390325
Keauhou, HI 96739
ejpeck@hawaiiintel.net

Keith Allan Loli (Lot Owner)
3875 South Andes Way
Aurora, CO 80013
kloll297@earthlink.net

Puaita and Marcy Pulotu (Lot Owner)
P.O. Box 841
Honaunau, HI 96726
mpulotu@svchi.com pulotusinkona@hawaiiintel.net

Roberto & Loida Salazar (Lot Owner)
107 Lytham Way
Vallejo, CA 94591
lcsalazar@comcast.net

Ethan and Karen Sharkey (Lot Owner)
3888 Blackwood Street
Newbury park, CA 91320
(818) 384-3130 ethan@ethansharkey.com

Minnie Hewitt & Cy Hewitt (Lot Owner)
4492 Piper Drive
San Jose, CA 95129

Raymond & Judith Shuster (Lot Owner)
113 Justa Bout Farms Road,
Venetia, PA 15367
jwshuster@aol.com xclaims@aol.com

Dear Sirs:

I am writing this letter with good intention and much reserve. It would be far easier for me to ignore the disrespectful treatment of the existing ancestral native Hawaiian unmarked burials than to expose this on a property that I own.

It would be far easier to turn my head and look the other way at the destruction and desecration of the culturally significant archaeology and let "someone else" deal with it in the future, but that is what the past owners, their representatives, and the authorities have done and I know that is wrong.

I am writing this letter to all the parties involved, including the owners, previous owners, their representatives and consultants, and the State and County governmental authorities because ALL of us have a responsibility and duty to the others and the public in taking action in preserving,

4/6/2011

restoring and maintaining these historically and culturally significant properties and doing the right thing.

If you are receiving this it is because you have been chosen and after reading it you will make a choice also. You can choose to ignore it and hope someone else deals with it or you can proactively contact the other parties and collectively come up with a solution that is in the best interest of as many of the parties as possible. If you received this in error and have nothing to do with you I apologize, you can ignore it or pass it on as you see fit.

Additionally since I am currently involved in multiple lawsuits regarding this property and the archaeology thereon, some of you listed and some of the people who will be adversely affected by my coming forward and exposing this will claim that my coming forward has something to do with the lawsuits. This is untrue since the outcome of the lawsuits and my damages are not dependent on whether or not the archeology is ever restored or preserved. In fact if you and everyone else ignore it, it is an open invitation to the current and future owners to continue "business as usual in South Kona".

The activity started on or about 1996 on TMK 3-8-7-13:6 and is continuing on the surrounding properties in the original Create 21 Chuo subdivision also known as Opihihale Sunset View Estates in South Kona on the Big Island of Hawaii. The original subdivision commenced construction, was granted a grading permit, and later was granted Final Hawaii County Subdivision Approval in 2000 WITHOUT the developer ever submitting a final preservation and mitigation plan and WITHOUT the developer in any way preserving any of the 8 sites slated for preservation or performing the remaining data recovery on the 16 existing other sites. Since that time 4 homes have been built on, around and over many of these sites. It is believed that the Heiau may still be intact, much of the trail will still be there, and that the burials have been dozed over.

In 2004 this same property applied for a Planned Unit Development (PUD 2005-000002) representing the archeology survey on the above property as what was required for the lower 168+ acres. This PUD was approved in 2005 based on this erroneous archeology survey.

I have attached a declaration that I made in the legal proceedings that are ongoing. This explains most of what has happened. I have attached other information that should help you in your investigations. I am available to assist you in any way to get you any and all information that I personally have or have access to.

Thank you in advance, I know you will do what you know is right in your hearts.

Dean Gilpin
Managing Member Ho'omau I Mua LLC
4129 E Turney Avenue
Phoenix, AZ 85018
602-317-1000