**Appendix C. The Letter of Acceptance of the Preservation Plan** for the burial site #2539 states "This partnership between private landowners, the State of Hawai'i and Native Hawaiians is a unique opportunity to create precedent for handling future treatment of family associated burial areas affected by development." Also a letter responding to the Heiau Preservation Plan which the applicant and the Kalani community presented, stating that "The proposed preservation measures for the *heiau* are acceptable."

#

Appendix C

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII

MICHAEL D. WILSON, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY
GILBERT COLOMA-AGARAN

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STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

July 17, 1998

LOG NO: 21902
DOC NO: 9807KM10

Mr. Richard Koob
Director
Kalani Honua Oceanside Retreat
Institute for Culture and Wellness
RR 2 Box 4500
Pahoa, Hawai'i 96778

Re: Acceptance of Preservation Plan for Koob Trust Property, Kalani Kai Subdivision, Ke'eke'e, Puna, Island of Hawaii TMK: (3) 1-2-09:29

Dear Mr. Koob:

Thank you for your extreme patience regarding the approval of your preservation plan for the burial sites on the aforementioned property. This partnership between private landowners, the State of Hawaii and Native Hawaiians is a unique opportunity to create precedent for handling future treatment of family associated burial areas affected by development. Unfortunately, such a novel approach on behalf of the State of Hawaii has created a somewhat lengthy process and it is our hope to expedite your portion of the preservation plan so as not to adversely affect your time schedules.

The preservation plan for burial site #2539 is acceptable. The Hawaii Island Burial Council determined to preserve these burial sites in place at their meeting of December 18, 1997. The 50 foot construction and permanent buffer zone you propose is adequate in light of the proposed development around the area.

Your proposal to deed the burial portion of TMK: (3) 1-2-09:29 to the Kanaka'ole Foundation is also quite acceptable as a long term perpetual preservation plan for the site.

The Department of Land and Natural Resources is in the process of approving a curatorship agreement with the Kanaka'ole Foundation for the portion of the burial site which is now owned by the State of Hawaii.

Finally, several recommendations are made by ACP, Inc. in regards to cultural resource management of archaeological resources located on the subject property (refer to Table 3).

1) It is recommended that the *heiau* (Site 21143) be preserved. This will require a Preservations Plan, and the execution of this plan which will also need to meet Federal, State and Local policies.

2) It is recommended that the cemetery (Site 2539) be preserved. This will require a Burial Treatment Plan according to Federal, State and Local policies.

3) Some additional archaeological investigations will be necessary concerning the Lower Puna Field System (Site 21139) and the archaeological features characterizing this field system. This should be detailed in a Data Recovery Plan. The extent and nature of future archaeological investigations concerning archaeological features located on the subject property and relating to the Lower Puna Field System will be dependent on the nature of the research questions and approaches presented in the Data Recovery Plan. However, an adequate sample of the Lower Puna Field System has been collected on the subject property such that a future Data Recovery Plan need not be overly demanding.

4) Finally, it is recommended that no further work is necessary for the historic enclosures (Sites 21140-21142) as these archaeological features have been adequately mapped and assessed.

APPENDIX C

TIMOTHY E. JOHNS, CHA
BOARD OF LAND AND NATURAL RE
COMMISSION ON WATER RESOURCE MAN

DEPUTIES
JANET E. KAWELO
LINNEL NISHIOKA

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

AQUATIC RESOURCES
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CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS
WATER RESOURCE MANAGEMENT

January 04, 2000

LOG NO: 24539
DOC NO: 9912PM02

Mr. Richard Koob
Koob Family Partnership
Kalani Honua
RR 2, Box 4500
Pahoa, Hawaii 96788

Dear Mr. Koob:

SUBJECT: **Revised Preservation Plan for Site 21143**
**Ke`eke`e, Puna, Hawaii Island**
**TMK: 1-2-09:29**

Thank you for your letter of September 19, 1999 with the revisions to the Draft Preservation Plan for Site 21193, a *heiau* that was identified during the archaeological inventory survey conducted by Joseph Kennedy of Archaeological Consultants of the Pacific. Our apologies for the delay in answering your letter, which responded to our review letter of August 4, 1999 on the draft plan.

The proposed preservation measures for the *heaiu* are acceptable. This site will be protected by a 10 meter wide buffer zone. The visual integrity of the site will be maintained by the keeping of the coconut grove adjacent to the site and the existing path. No building activity will take place on the property that could affect the integrity of this site.

Before we give our final approval to the preservation plan, there are a couple of matters relating to the burials (Site 2539) that need to be settled. The first issue is the conveyance of the burials on your property to the Kanakaole Foundation. It is our understanding that this process has not been completed. The second issue is a concern recently expressed by a former Hawaii Island Burial Council member that the burials are part of a self-guided walking tour in which visitors are given a map that identifies both plants and what you call heritage sites. The burials should not be included in these tours, if this is indeed what is happening.

Please contact the head of our Burials Program, Kai Markell (587-0044) regarding the two burials issues.

Aloha,

DON HIBBARD, Administrator
State Historic Preservation Division

PM:ah

Note - a response was sent noting that the burial sites have never been part of a self-guided or any other tour.
- RKoob

We look forward to working with you and the Kanaka'ole Foundation in the execution of this preservation plan. Once again, thank you for your plan and patience and ¶f you have any questions, please contact Kai Markell, Esq. at 587-0047.

Sincerely,

Nathan Napoka

for DON HIBBARD, Administrator
State Historic Preservation Division

km

c. Punahele Lerma, Chair, Hawai'i Island Burial Council
Ulu Garmon, Kanaka'ole Foundation

# KALANI HONUA

Oceanside Retreat
Institute for Culture and Wellness
RR 2 Box 4500
Pahoa, Hawai'i 96778
*PHONE* (daily 8am-8pm Hawaii time):
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(800) 800-6886 (registration)
*FAX* (808) 965-0527
*Internet Web views of colorful Kalani:*
**www.kalani.com**

**E-MAIL: kalani@kalani.com**
*Member: Hawaii Visitors Bureau and Hawaii Ecotourism Association; Hawaii Travel Agent Lic. 4095*

*Founded in 1980 by Richard Koob and Earnest Morgan*



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Kalani Honua, Inc.,
is a not-for-profit, tax exempt,
educational organization.


March 17, 1999

Don Hibbard, Administrator
State Historic Preservation Division
33 South King St., 6th Floor
Honolulu, HI 96813



*Smooth beach stones at Lono Heiau site (#21143). Signage (below).*




Aloha Mr. Hibbard,
This is in reply to your letter of December 3, 1998, in which you made recommendations for changes. Your recommendations have been incorporated into the following revised plan.

HEIAU PRESERVATION PLAN
RE: Heiau located within TMK (3) 1-2-09:29, owned by Koob Family Partnership

1. An important historical site, a "probable" Lono Heiau, has been determined to be present and significant on the above property. The site has been designated as #21143 in "An Archaeological Inventory Survey Including Subsurface Testing for a Portion of the Ahupua'a of Ke'eke'e Located at TMK:1-2-09:29 (The Kalani Kai Subdivision), Puna District, Island of Hawai'i, August 1996," prepared by Archaeological Consultants of the Pacific, Inc., Joseph Kennedy, M.A., Senior Archaeologist. Attached are pages 61-66, which describe site #21143. Also attached are maps (pages 4, 5, 6 and 35) indicating the location of the site.

2. Agreement that the heiau site be preserved in place was the unanimous decision of the owners of parcel TMK (3) 1-2-09:29, represented by owner-partner Richard Koob. Leaders in preservation from the State of Hawaii's Department of Land & Natural Resources, and Archaeological Consultants of the Pacific, Inc., have expressed appreciation for our preservation intents. Property owners agreed, at a meeting held August 14, 1998, in New York City at the offices of Koob & Magoolaghan, Attorneys at Law, that " the ancestral, cultural and spiritual heritage of the Kalani Kai property is an important feature valued by both current and future owners. Preservation of the two identified important site areas (heiau and burial cluster) is assured by implemented preservation plans, by covenants and restrictions, and by the fact that present and future stewards of the land are aligned with the cultural and educational purpose of the adjoining property, Kalani Honua Institute for Culture and Wellness." In fact the Preservation Plan for the burial site (#2539) has been commended and approved. (A copy of the DLNR acceptance letter is attached.).

3. To further alleviate concerns of the families involved, and to further preservation interests of the Koob Family Partnership, and the educational purpose of Kalani Honua, an Institute for Culture and Wellness (on adjacent parcel TMK (3) 1-2-09:28), directed by Richard Koob, this Preservation Plan calls for the following:

(A) A 10 meter wide buffer zone will protect the heiau site from the remainder of Kalani Kai (TMK (3) 1-2-09:29) which is slated for subdivision into 3 acre agricultural-zoned parcels. This buffer zone will be left in a cared for, yet natural condition.

(B) In addition to the preserved heiau site and its protective buffer zone, the visual and historical integrity of the site will be maintained and enhanced by the controlled usage of the surrounding area. The coconut grove adjacent to the heiau (see attached page 35, "Site Location Map") will be preserved and the (Kalani Honua initiated) walk path along the Kalani Honua - Kalani Kai boundary (from approximate points "M" to "H" on the map) will continue to be used and maintained as a natural, low impact, traditional means to visit the heiau (as well as the preserved old Kama'ili school site at the front of the Kalani Honua property). Note photos of path, palm grove, and heiau site. No cutting, filling, subdivision construction or other altercation or activity will be undertaken which would damage the heiau or reduce its visual integrity.

BURIAL PRESERVATION PLAN

RE: Burial sites located primarily within State owned parcel TMK (3) 1-2-09:43 and a portion within Koob Trust owned parcel TMK (3) 1-2-09:29.

1. An important historical site, a cemetery, has been determined to be present and significant on the above properties. The site has been designated as #2539 in "An Archaeological Inventory Survey Including Subsurface Testing for a Portion of the Ahupua'a of Ke'eke'e Located at TMK:1-2-09:29 (The Kalani Kai Subdivision), Puna District, Island of Hawai'i, August 1996," prepared by Archaeological Consultants of the Pacific, Inc., Joseph Kennedy, M.A., Senior Archaeologist. Attached are pages 66-75, which describe site #2539. Also attached are maps (pages 4, 5, 6 and 28) indicating the location of the site.

2. Agreement that the cemetery site be preserved in place was that unanimous decision of the Hawai'i Island Burial Council and Richard Koob, representative of parcel TMK (3) 1-2-09:29 owner Koob Trust. This decision was agreed upon December 18, 1997, at the Hawai'i Island Burial Council Meeting.

3. To further alleviate concerns of the families involved, and to further preservation interests of the Koob Trust, and the educational purpose of Kalani Honua, an Institute for Culture and Wellness (on adjacent parcel TMK (3) 1-2-09:28), directed by Richard Koob, this Preservation Plan calls for the following.

(A) A 50 ft. wide buffer zone will protect the burial site from the remainder of Kalani Kai (TMK (3) 1-2-09:29) which is slated for subdivision into 3 acre agricultural-zoned parcels. This buffer zone will be left in its present natural condition.

(B) As interim protection, Richard Koob, Dottie Kealoha Kyser, and other Kalani Honua staff and community members have agreed to be watchful, and report any suspicious activity, or trespassing on the burial site area, to Ulu Gardner and Burial Council officials. It is deemed that fencing, flagging, and posting are not suitable means of protection because they draw attention by obstructing the natural flow of the landscape, thereby alerting potential vandals or poachers. When time comes for the surveying of subdivision lots and creation of the final subdivision plan, the 50' buffer will be identified and marked for preservation, so that no altercation takes place within the buffer and burial areas.

(C) To facilitate long term preservation of the burial site, Koob Trust will, upon completion of subdivision plans and surveys, deed in full that portion of TMK (3) 1-2-09:29 which contains the burial site #2539. The property will be deeded without cost to the Kanakaole Foundation, as this organization is understood to represent the ancestors interred, and is committed to the care and curatorship of the cemetery.

Respectfully submitted,

Richard Koob

Koob Trust; Kalani Honua, Inc., RR2 Box 4500, Pahoa, Hawai'i 96778 808-965-7828

Attachments: *An Archaeological Inventory Survey Including Subsurface Testing for a Portion of the Ahupua'a of Ke'eke'e Located at TMK:1-2-09:29 (The Kalani Kai Subdivision), Puna District, Island of Hawai'i, August 1996* prepared by Archaeological Consultants of the Pacific, Inc., Joseph Kennedy, M.A., Senior Archaeologist. Pages 66-75, which describe site #2539. Pages 4, 5, 6 and 28, maps indicating the location of the site.



*Richard Koob, left, and Lanakila Brandt, center, following a re-consecration ceremony, June 13, 1998 at the Lono Heiau site (#21143).*



*Heiau site is to the left of foot path, palm grove and Kalani Honua entrance road.*



*Foot path provides visitor access to heiau site.*

(C) Kalani Honua recognizes the important heritage *mana* and educational importance of this heiau and incorporates visitations to the site in an study program of the area's history, flora, and fauna. This practice of reverence and understanding will continue, as it is entirely conducive to the educational mission of Kalani Honua. Additionally, a self-guided walk tour, following a map provided by Kalani Honua, which identifies plants and heritage sites, will continue to be available to visitors, free of charge, during Kalani Honua office hours. (Open hours are likely to continue as they have been for years -- 8 a.m. to 8 p.m., every day). Kalani Honua's maintenance department, headed since the beginning of facility construction in 1980 by native Hawaiian, Alu Like -trained, Miles Kajiyama, preserves an attractive landscape throughout, and removes trash on an at-least-weekly basis from the entire facility. This practice will continue, as it has for the past 25 years. (As an unofficial adoptee of several miles of the "Red Road" Kalani Honua also helps keeps several State and County areas clean.)

(D) DLNR "Historic Preservation" rules, Chapter 6E, will be abided by, as they apply to the preservation of this heiau site. Particularly, per section 6E-10, the landowner will notify the DLNR before commencing any construction, alteration, disposition or improvement on any nature which will affect this heiau site, apart from ordinary maintenance and repair that does not involve a change in design, material, or outer appearance or change in those characteristics which may qualify the historic property for entry onto the Hawaii register of historic places.

(E) As interim protection, Richard Koob, Dottie Kealoha Kyser, and other Kalani Honua staff and community members have agreed to be watchful. When time comes for the surveying of subdivision lots and creation of the final subdivision plan, the 10 meter buffer will be identified and marked for preservation, so that no altercation takes place within the buffer and heiau areas.

(F) On Saturday, June 13, 1998, the heiau was re-consecrated by kumu-kahuna Lanakila Brandt, director of Hale O Lono halau in Kealakekua. This ceremony was attended by halau members, Kalani Honua staff, board members and visitors. The consecration assures that the sacred importance of the site will be preserved and furthered in the hearts and minds of people who cherish this aina, now and generations hereafter.
Please expedite with recommendations or approval as soon as possible.

Respectfully submitted,

Richard Koob
Koob Family Partnership; Kalani Honua, Inc.,
RR2 Box 4500, Pahoa, Hawai'i 96778 808-965-7828

Attachments:

*An Archaeological Inventory Survey Including Subsurface Testing for a Portion of the Ahupua'a of Ke'eke'e Located at TMK: 1-2-09:29 (The Kalani Kai Subdivision), Puna District, Island of Hawai'i, August 1996* prepared by Archaeological Consultants of the Pacific, Inc., Joseph Kennedy, M.A., Senior Archaeologist. Pages 61-66, which describe site #21143 and pages 4, 5, 6, and 35, indicating the location of the site.

DLNR approval letter for Burial Site Preservation Plan.

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