

MAR 13 2013

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# SENATE CONCURRENT RESOLUTION

URGING CONTINENTAL PACIFIC, LLC, TO PLACE AN IMMEDIATE STAY OF  
EVICTION TO ALLOW RESIDENTS OF KAHUKU VILLAGE TO REMAIN IN  
THEIR HOMES UNTIL AN ARCHAEOLOGICAL INVENTORY SURVEY CAN BE  
COMPLETED FOR THE ENTIRE PROJECT.

1           WHEREAS, in 1890, the Kahuku Sugar Plantation was founded  
2 on the property owned by James Campbell; and

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4           WHEREAS, workers were imported from Asia and elsewhere and  
5 housed onsite to keep up with the production demands of the  
6 sugar mill; and

7  
8           WHEREAS, this is how the town of Kahuku began and was  
9 populated; and

10  
11           WHEREAS, in 1971, the Kahuku Sugar Mill ceased operation  
12 and the James Campbell Estate worked with the community to  
13 buffer the negative impact of its closure by allowing tenants to  
14 stay in Kahuku Village at a reduced rent; and

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16           WHEREAS, historically, plantation camps have been the  
17 responsibility or "kuleana" of large landowners to provide  
18 lifelong housing to their tenant workers and tenant workers'  
19 families; and

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21           WHEREAS, large landowners have long recognized the value  
22 and intrinsic connection between the success of the plantations  
23 and the sacrifices made by their tenant workers; and

24  
25           WHEREAS, today, Kahuku Village tenants include multi-  
26 generational families who have deep personal connections and  
27 experiences with the former Kahuku Sugar Plantation or Kahuku  
28 Town; and

29  
30           WHEREAS, Kahuku Village V currently comprises about seventy  
31 residential homes originally built for plantation workers on the



1 makai side of Kamehameha Highway on land formerly owned by the  
2 James Campbell Estate; and

3  
4 WHEREAS, in 2006, Continental Pacific, LLC (Continental  
5 Pacific), purchased Kahuku Village from the James Campbell  
6 Estate with plans to convert Kahuku Village into a condominium  
7 property regime, a process that will allow for the sale of  
8 single-family residential lots to the Kahuku Village occupants;  
9 and

10  
11 WHEREAS, additionally, necessary infrastructure  
12 improvements are planned to be completed in and around the  
13 Village, such as existing and new roadway improvements, new  
14 water lines for fire protection, replacement of existing  
15 cesspools with septic tanks, storm run-off remediation and  
16 related drainage improvements; and

17  
18 WHEREAS, in January 2012, Continental Pacific began  
19 construction at Kahuku Village by installing a road; and

20  
21 WHEREAS, during the construction, Continental Pacific  
22 unearthed burials in an area outside of the planned construction  
23 area that was designated by permit; and

24  
25 WHEREAS, the State Historic Preservation Division of the  
26 Department of Land and Natural Resources has indicated that no  
27 new permits will be granted to Continental Pacific until the  
28 developer has conducted an archaeological inventory survey in  
29 the area; and

30  
31 WHEREAS, the State Historic Preservation Division never  
32 reviewed the Kahuku Village project to determine whether an  
33 archaeological inventory survey was necessary before Continental  
34 Pacific started road, sewer, and water work; and

35  
36 WHEREAS, the Department of Land and Natural Resources  
37 reported that the City and County of Honolulu Department of  
38 Planning and Permitting never notified the State Historic  
39 Preservation Division when the Department of Planning and  
40 Permitting issued permits, as required under city law; and

41  
42 WHEREAS, the issuing of permits would have triggered a  
43 state review; and

44



1 WHEREAS, as a result, an archaeological inventory survey  
2 was never conducted prior to the start of construction; and

3  
4 WHEREAS, Continental Pacific is currently working with  
5 community members to formalize a burial treatment plan; and

6  
7 WHEREAS, section 514B-83, Hawaii Revised Statutes, requires  
8 a developer's public report to contain any facts, documents, or  
9 information that would have a material impact on the use or  
10 value of a unit or any appurtenant limited common elements or  
11 amenities of the project available for an owner's use, or that  
12 may be required by the Real Estate Commission; and

13  
14 WHEREAS, section 514B-83, Hawaii Revised Statutes, also  
15 requires a developer to promptly amend the public report to  
16 report any pertinent or material change or both in required  
17 information; and

18  
19 WHEREAS, however, in February 2012, Continental Pacific  
20 initiated the process of instituting a condominium property  
21 regime that would allow for the sale of single-family  
22 residential lots to the Kahuku Village occupants, many of whom  
23 are descendants from the original Kahuku Plantation workers; and

24  
25 WHEREAS, to date, no single-family residential lots have  
26 been sold to Kahuku Village occupants, and sixteen Kahuku  
27 Village occupants have been sent eviction notices by Continental  
28 Pacific while numerous other occupants have been forced to  
29 relocate due to construction; now, therefore,

30  
31 BE IT RESOLVED by the Senate of the Twenty-seventh  
32 Legislature of the State of Hawaii, Regular Session of 2013, the  
33 House of Representatives concurring, that Continental Pacific,  
34 LLC, is urged to place an immediate stay of eviction to allow  
35 residents of Kahuku Village to remain in their homes until an  
36 archaeological inventory survey can be completed for the entire  
37 project; and

38  
39 BE IT FURTHER RESOLVED that the State Historic Preservation  
40 Division of the Department of Land and Natural Resources is  
41 urged to work with Continental Pacific to:

- 42  
43 (1) Develop and implement an archaeological inventory  
44 survey for the entire Kahuku Village project;



- 1
- 2 (2) Ensure that the burial remains unearthed during
- 3 construction that fell outside of the scope of the
- 4 permit are properly treated in accordance with state
- 5 law;
- 6
- 7 (3) Develop and implement an appropriate burial treatment
- 8 plan in an expeditious manner;
- 9
- 10 (4) Ensure that within the scope of the permits granted to
- 11 Continental Pacific no further burial sites are
- 12 disturbed without an archaeological inventory survey;
- 13 and
- 14
- 15 (5) Consult with the Department of Planning and Permitting
- 16 of the City and County of Honolulu to ensure that the
- 17 project proceeds properly within the scope of the
- 18 permits granted to Continental Pacific; and
- 19

20 BE IT FURTHER RESOLVED that Continental Pacific is  
 21 requested to consult with the Real Estate Commission to ensure  
 22 that the project adheres to the statutory requirements for  
 23 condominium property regimes; and

24  
 25 BE IT FURTHER RESOLVED that the State Historic Preservation  
 26 Division submit a written report to the Legislature regarding  
 27 the Kahuku Village project with respect to the development and  
 28 implementation of a burial treatment plan and archaeological  
 29 inventory survey no later than twenty days prior to the  
 30 convening of the Regular Session of 2014; and

31  
 32 BE IT FURTHER RESOLVED that certified copies of this  
 33 Concurrent Resolution be transmitted to the Chief Executive  
 34 Officer of Continental Pacific, LLC; Administrator of the State  
 35 Historic Preservation Division of the Department of Land and  
 36 Natural Resources; Chairperson of the Real Estate Commission;  
 37 and Director of the Department of Planning and Permitting of the  
 38 City and County of Honolulu.

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 41 OFFERED BY: 