

From: [Andrews, Jessica](#)
To: [Steen, Raimee](#); [Dacayanan, Melissa](#)
Subject: FW: PL-PDI-2026-000015 Director Initiated Repeal of Ordinance 19-38 - Landowner response to SHPD comments
Date: Monday, April 20, 2026 8:50:34 AM
Attachments: [PL-PDI-2026-000052 Xie Response to SHPD Comments 2026.04.19.pdf](#)

Aloha – Please include this letter in the board packet for the LPC.

Thanks,
Jessica

From: Daryn Arai <[REDACTED]>
Sent: Sunday, April 19, 2026 12:41 PM
To: Jackson, Maija <Maija.Jackson@hawaiicounty.gov>; Andrews, Jessica <jessica.andrews@hawaiicounty.gov>
Cc: Andy Xie <[REDACTED]>; Richard Wheelock <[REDACTED]>
Subject: PL-PDI-2026-000015 Director Initiated Repeal of Ordinance 19-38 - Landowner response to SHPD comments

Aloha Mrs. Jackson and Mrs. Andrews,

Please find attached the landowner's response to comments provided by SHPD as it relates to this Director-initiated action.

A copy of this response has been uploaded into EPIC.

Feel free to contact me should there be any questions.

Daryn

[Daryn Arai](#)

[Mobile: \(808\) 895-3218](#)

Daryn Arai
Land Use Planning Consultant

April 19, 2026

Mr. Jeffrey Darrow, Planning Director
County of Hawai'i Planning Department
101 Pauahi Center, Suite 3
Hilo, HI 96720

Dear Director Darrow:

Subject: Response to SHPD Comments regarding Repeal of Change of Zone Ordinance
No. 19-38 to allow for reversion of zoning districts of 6.467 acres of land to its
original zoning district designations of RD-3.75 and A-5a (formerly Unplanned)
Landowners: Andy Xie and Kerry Xie as Trustees of the Andy and Kerry Xie Family Trust;
Fred Ming Li; Jack Qun Fang and Bo Han as Co-trustees of the Fang/Han Living
Trust, U/A; Wei Lin Zhao; and Eulix Chiu
TMK: 7-5-010:013 (Lots A-1 & A-2 Road Widening Lot), Hienaloli 4th & 5th, North Kona

The owners of the above-described property, through this letter, wishes to respond to State Historic Preservation Division (SHPD) comments dated April 7, 2026 in response to the above-described action pending before your office and the Leeward Planning Commission.

While the SHPD has indicated that it has “...*no objections to the proposed repeal of the existing zoning ordinance*”, it does go on to indicate that the previous archaeological survey completed by Barrera in 1990 does not meet the current standards for an AIS established in Hawaii Administrative Rules (HAR) Chapter 13-276. SHPD also states that previously unidentified historic properties may be located within the subject parcel and requests the opportunity to review any future projects within the current parcel in order to determine the potential for a proposed project to have an adverse impact to historic properties. SHPD therefore concludes that it “...*has insufficient information to determine the potential of future development to impact historic properties*” and requests that an archaeological literature review and field inspection (LRFI) be conducted.

The Planning Director's Background Report nicely summarizes the assessment of historic resources within the subject property over the past many years that began with an archeological inventory survey (AIS) of the subject property in 1990 that identified a section of the Kuakini Wall and a burial site. The AIS recommended that the sites be designated for preservation for which a preservation plan was prepared and approved by SHPD in 1992 that stipulates a 10-foot “no excavation” buffer and a 20-foot “no construction” buffer around the burial site. Additionally, the approved preservation plan states that the Kuakini Wall must be preserved and stabilized, with the exception of a single breach for a roadway.

In a letter dated June 22, 2009 (PD Exhibit 6), SHPD indicated a site visit was conducted and the preservation buffer fencing around the burial site was not properly in placed at the 20-foot buffer line, additional features at the burial site were noted that need to be further assessed for historic significance, and a breach in the Kuakini Wall was made which needs to be stabilized, and protective fencing needs to be placed as a 15-foot buffer between the wall and fencing. SHPD then recommended implementation of the interim and permanent preservation measures in the approved preservation plan prior to initiation of construction activities on the property.

It is unfortunate that SHPD did not disclose the submittal of an Archaeological Field Inspection conducted on the subject property by Scientific Consultant Services, Inc. in 2019 and submitted to SHPD via its HICRIS system (HICRIS 2019PR31052), a copy of which is enclosed with this letter response.

As requested by SHPD in its June 22, 2009 letter, an archaeological field inspection and site documentation was conducted on several days in May 2019 by Senior Archaeologist Glenn Escott, M.A. and Suzan Escott, B.A. that confirmed the proper installation of orange protective fencing around the Kuakini Wall segments and the burial site. This field investigation also discovered a previously unidentified feature (likely a temporary habitation platform) that was recommended to be preserved in-place as it is also situated within the previously approved buffers that surround the Kuakini Wall segments and the burial site. Finally, the archaeologists confirm that both ends of the Kuakini Wall at the existing breach have been stabilized.

In recent informal discussions with SHPD, the landowner has found that SHPD has not and will not review the archaeological field inspection that was requested in its June 22, 2009 letter and prepared and submitted to SHPD in 2019. Landowner's understanding is that SHPD will review the archaeological field inspection report it requested only if it is made a part of a new project proposed on the subject property, which the landowner is unable to proceed with at this time until the Planning Director-initiated repeal of Ordinance No. 19-38 has been acted upon by the Hawai'i County Council.

Due to this quandary with SHPD processing, the landowner assures the Planning Department, Leeward Planning Commission and Hawai'i County Council that it will not conduct any land alteration or construction activities nor establish any permitted uses upon the subject property until such time the requirements of SHPD have been completely satisfied. The landowner inspected the subject property on April 16, 2026 and found that the orange protective fencing the surrounds the required buffer zones around Sites 13673 (habitation platforms and burial cyst) and the Kuakini Wall segments (Site 7276) have either fallen down or are faded, although the supporting fence stakes remain. The area in proximity to the identified archaeological sites do not appear to have been recently altered in any way due to extensive and mature vegetative growth that currently exists, such as trees, when compared with the site

Mr. Jeffrey Darrow, Planning Director
County of Hawai'i Planning Department
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conditions as documented in the Archaeological Field Inspection and Site Documentation Letter Report dated August 2, 2019.

As attested to above, the landowner will not proceed with any land alteration or construction activities nor establish any permitted uses on the subject property until such time the Planning Director-initiated repeal of Ordinance No. 19-38 has been acted upon by the Hawai'i County Council, proposed development plans have been prepared, and SHPD review of the 2019 archaeological field investigation report has been completed, and all archaeological mitigating actions required by and approved by SHPD have been properly implemented. Note that SHPD, in its June 22, 2009 letter, required the erection of protective fencing "*...prior to the initiation of construction work on the site*". As no construction plans have yet been prepared and final review and approval of archaeological mitigation protocols have not yet been issued, the landowners believe that leaving things "as-is" and untouched until such time these reviews and approvals are secured from SHPD is the best course of action at this time.

We hope that this letter provides an adequate and appropriate response to the comments received from the reviewing agencies. Should additional information be necessary, please do not hesitate to contact me.

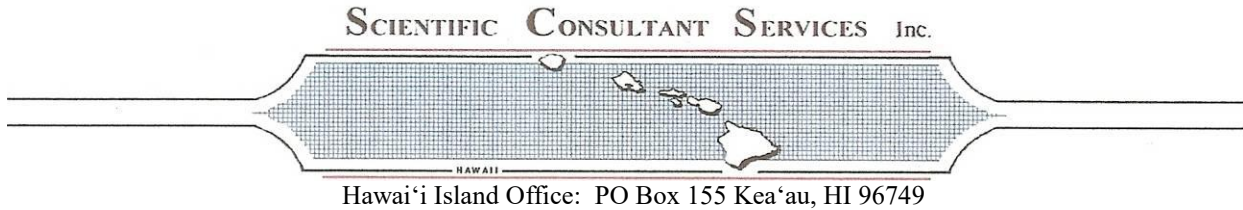
Sincerely,

A handwritten signature in black ink, appearing to read 'Daryn Arai', written in a cursive style.

DARYN ARAI
Land Use Planning Consultant

Enclosure: Scientific Consultant Services, Inc. Archaeological Field Inspection and Site Documentation Letter Report dated August 2, 2019

copy w/enclosure via email: Andy Xie, et. al.



August 2, 2019

Sean Naleimaile
Hawai'i Island Assistant Archaeologist
State Historic Preservation Division
40 Po'okela Street
Hilo, HI 96720

Re: Archaeological Field Inspection and Site Documentation Letter Report for Site #50-10-28-7262 and Site #50-10-28-13673 Located on a 6.558-Acre Parcel in Hienaloli 4th Ahupua'a, North Kona District, Island of Hawai'i [TMK: (3) 7-5-010:013 (por.)].

Aloha e Mr. Naleimaile:

At the request of the Hawai'i State Historic Preservation Division (SHPD), in a letter dated June 22, 2009 (Log No. 2009.2433, Doc No. 0906TD07) [Enclosure 1], Scientific Consultant Services, Inc. (SCS) conducted an archaeological field inspection (AFI) and site documentation Site #50-10-28-7262 and Site #50-10-28-13673 located on a portion of TMK: (3) 7-5-010:013 in Hienaloli 4th Ahupua'a, North Kona District, Island of Hawai'i [Enclosures 2 through 5].

The property is undeveloped land bounded by undeveloped pasture land to the north and east. There is a residential subdivision along the property south boundary and an assisted living facility along the northwest corner of the property. The property is bounded to the west by Hualalai Road. The property is zoned commercial and is owned by REV Capital Fund, Ltd. Their mailing address is 1585 Kapiolani Blvd. #1080; Honolulu, HI 96814.

Previous Archaeological Studies

An archaeological inventory survey (AIS) report (Barrera 1990, H-1269) for Parcel 013 documented seven sites (Sites 50-10-28-7276, and 13670 through 13675). The sites included the Great Wall of Kuakini (Site 7276), three rock walls associated with Historic era ranching (Sites 13671, 13672 and 13675), two pre-Contact era habitation platforms (Sites 13670 and 13673), and a modified lava blister (Site 13674). The AIS report recommended partial preservation of Site 7276; data recovery at Sites 13670, 13673 and 13674; and no further work at wall Sites 13671, 13672 and 13675 (Barrera 1990:3).

A data recovery (DR) report (Barrera 1995, H-1428) for Sites 13673 and 13674 documented a cyst burial in the east corner of the platform at Site 13673 (Barrera 1995:10-13). The DR report was approved by SHPD (Log No. 15323, Doc No. 9508PM15).

An archaeological preservation plan (AMP) for the Great Wall of Kuakini (Site 7276) recommended that the wall be preserved and stabilized, with the exception of a single breach necessary for the passage of automobile and pedestrian traffic and the placement of an informative sign (Barrera 1992:1).

The SHPD approval letter for the Site 7276 AMP and Site 13673 BTP (Log No. 6821, Doc No. 9211KS23) recommended Site 7262 be preserved except for a single breach for the passage of vehicular and pedestrian traffic and a 10-foot buffer zone be established to protect the wall during construction. The approval letter also stipulated that, as recommended by the Hawai'i Island Burial Council (HIBC) at the August 26, 1992 meeting, a 10-to-20 foot buffer zone around the burial platform at Site 13673 [Enclosure 6] be marked and flagged by a qualified archaeologist and that the construction crew be briefed about the burial. The letter also requested that initial construction in the immediate vicinity of the two preserves be monitored by a qualified archaeologist.

SHPD Request for Site and Buffer Inspection for Site 7276 and Site 13673

SHPD conducted an inspection of Sites 7276 and 13673 on May 20, 2009. In a letter dated June 22, 2009 (Log No. 2009.2433, Doc No. 0906TD07), SHPD requested that a qualified archaeologist inspect the construction buffer fencing, ensure that the Kuakini Wall breached-ends are stabilized, and inspect Site 13673 for additional features. The letter states the Kuakini Wall construction buffer fencing should be set at 15 feet from the wall, though the AMP states 10 feet.

Archaeological Field Inspection and Site Documentation

On May 1, 7 and 29, 2019, SCS Senior Archaeologists Glenn Escott, M.A. and Suzan Escott, B.A. inspected Site 7276 and Site 13673, documented an additional feature at Site 13673, and inspected the orange construction buffer fencing at both sites.

The AIS (Barrera 1990) and DR (Barrera 1995) reports identified a single rectangular platform feature at Site 13673 [Enclosure 7]. The platform measured 5.2 m long by 3.8 m wide and had a height of 0.5 m. Five one by one meter excavation units were excavated in the east corner of the platform and a cyst burial was encountered. The platform was reconstructed after determining it was a burial feature.

During the SCS inspection of Site 13673, a second low, paved, rectangular platform (Feature 2) was identified immediately northeast of the burial platform (Feature 1) documented in Barrera (1990 and 1995) [Enclosure 8].

The Feature 2 platform identified by SCS archaeologists is located between the Feature 1 platform and the Kuakini Wall (Site 7276). The Feature 1 platform has dimensions and an orientation that matches those of the platform documented in the AIS and DR reports, so that Feature 2 could not have been a portion of the original platform that was disturbed during the DR excavations.

Feature 2 is a low rectangular platform measuring 4.5 m long (NW/SE) by 2.5 m wide by 0.35 m in maximum height. The *makai* (SW) edge of the Kuakini Wall is collapsed onto, and is covering, the *mauka* (NE) edge of Feature 2. The platform does not extend under the Kuakini Wall to the *mauka* side of the wall.

Feature 2 is constructed of angular and subangular basalt cobbles and small boulders [Enclosures 9 through 12]. Portions of the outer perimeter of the platform are constructed of large cobbles and small boulders piled and stacked two to three courses high. The southwest edge of Feature 2 is roughly faced. The interior top surface of the platform is a level cobble and small boulder paving. The appearance of Feature 2 is similar to Feature 1, except that it is slightly smaller and lower in height.

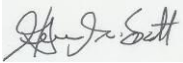
Based on the construction, shape and size of Feature 2, its proximity to Feature 1, and based on debitage and midden recovered from excavation of Feature 1, it is likely that Feature 2 is a temporary habitation platform used while tending to agricultural pursuits in this inland location. While there is no depression in the top surface of Feature 2, it is still possible that Feature 2 might contain a burial. Feature 2 appears unaltered and is in good condition. The platform possesses integrity of location, setting and materials. It is eligible for listing under criterion “d” for information important to the prehistory of the area; and is possibly eligible under criterion “e” as it might have important value to native Hawaiian people if it contains a burial.

It is recommended that Feature 2 be preserved in-place. Feature 2 is between the *makai* side of the Kuakini Wall and Site 13673 Feature 1. Feature 2 is at the center of the buffers established for Site 7276 and Site 13673 and will be protected by those buffers.

Orange construction buffer fencing is in place at the correct distance around Site 13673, including the additional feature recorded by SCS [Enclosures 13 through 16]. Both ends of the Kuakini Wall (Site 7276) breach have been stabilized and the orange construction buffer fencing has been installed at the correct distance surrounding both segments of the wall [Enclosures 17 through 19].

Archaeological commitments, including an Archaeological Inventory Survey (AIS) report, Burial Treatment Plan (BTP) and Archaeological Preservation Plan (PP) have been approved by SHPD. This letter report documents an additional platform (Feature 2) at Site 13673 and confirms the installation of orange construction buffer fencing at Site 7276 and Site 13673. Site 13673 Feature 2 is a possible burial and will be preserved within the temporary and permanent buffers established in the SHPD-approved BTP and PP. No further archaeological studies or plans are recommended for Site 7276 and Site 13673.

Sincerely,



Glenn G. Escott, MA
Senior Archaeologist
Scientific Consultant Services, Inc.
PO Box 155 Kea'au, HI 96749
808-938-0968 (cell)

Enclosures

- Enclosure 1: SHPD June 22, 2009 Letter
- Enclosure 2: USGS Hawai'i Island Project Area Map
- Enclosure 3: USGS Project Area Map
- Enclosure 4: TMK Project Area Map
- Enclosure 5: Project Area Aerial Photograph
- Enclosure 6: Site 13763 Buffer Plan View Map
- Enclosure 7: Site 13673 Plan View Map
- Enclosure 8: 13673 Feature 1 and Feature 2 Plan View Map
- Enclosures 9 through 12: Photographs of Site 13673 Feature 2
- Enclosures 13 through 16: Photographs of Site 13673 Buffer Fencing
- Enclosures 17 through 21: Photographs of Site 7267 Buffer Fencing

REFERENCES CITED

Barrera, W.

- 1990 *Hienaloea 4th, North Kona, Hawaii Island: Archaeological Inventory Survey*. Chiniago, Inc. report prepared for United Projects, Inc. Holualoa, HI.
- 1992 *Hienaloea 4th, North Kona [TMK: 7-5-10: 13] Archaeological Site Preservation Plan*. Chiniago, Inc. report prepared for United Projects, Inc. Holualoa, HI.
- 1995 *Hienaloea 4th, North Kona, Hawaii Island: Archaeological Data Recovery*. Chiniago, Inc. report prepared for International Assets, Ltd. Perth.

ESRI

- 2013 *Arc GIS Explorer*. Environmental Systems Research Institute, Redlands, Ca.

Google Earth

- 2019 *Google Earth Imagery*. Google Earth. Mountain View, Ca.

Enclosure 1: SHPD June 22, 2009 Letter.

LINDA LINGLE
GOVERNOR OF HAWAII



PLANNING DEPARTMENT
COUNTY OF HAWAII

JUN 25 PM 3:29

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELSEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAMOOAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

June 22, 2009

Steven S. C. Lim, Esq.
Carlsmith Ball LLP
P.O. Box 686
Hilo, HI 96721

LOG NO: 2009.2433
DOC NO: 0906TD07
Archaeology

Dear Mr Lim:

**SUBJECT: Chapter 6E-42 Historic Preservation Review -
Amendment to a Change of Zone Ordinance 06-137 & 06-138
(REZ 709, Docket Ref. No. 91-000003; REZ 524, Docket Ref. No. 85-00034)
Hienaloli Ahupua'a, North Kona District, Island of Hawai'i
TMK: (3) 7-5-10: 13 (por.)**

This is a follow up of our letter to Christopher Yuen dated December 4, 2008 regarding the historic preservation status of the subject residential condominium project. In our prior letter, we requested an opportunity to conduct a site visit to determine the condition of two historic properties that were designated for preservation within the project area. The applicant contacted our office in April and SHPD staff visited the project area May 20, 2009.

The preservation sites include a section of the Kuakini Wall (SIHP Site 7276) and a burial site that was identified during inventory survey in 1990 (SIHP Site 13673). The preservation plan for the burial site, approved by our office in 1992, stipulated a 10-foot no excavation buffer and a 20-foot no construction buffer. During the May 20 site visit, an interim protection fence was observed around Site 13673; however it does not appear to be at the 20-foot no construction buffer zone line. We request that prior to initiation of construction work on the site, the protective fencing be adjusted around Site 13673 so that it follows the 20-foot buffer line.

During the May 20 site visit, we also noted the presence of what appear to be additional features at Site 13673. It is uncertain whether these features are remnants of the original platform that was at the site (which was supposedly reconstructed), or are new features that were not recorded or tested during the 1990 survey. The general area of Site 13673 will need to be further assessed to determine the origin of these additional features, and they will possibly need to be documented prior to ground alteration in the vicinity of this site.

The approved preservation plan states that the Kuakini Wall will be preserved and stabilized, with the exception of a single breach for a proposed roadway. During the May 20 site visit, it was determined that the breach has been made in the wall. The edges of the breach will need to be stabilized on both sides and all remaining sections of the wall will need to be protected during additional construction activities. At this time, there is no protective fencing along the wall to indicate that it is in preservation status. We request that prior to initiation of construction work on the site, interim protective fencing is installed along both sides of the intact portions of the Kuakini Wall. The protective fencing should be set at with 15-foot construction buffer between the wall and the fencing.

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We will be requesting either a site visit by our staff, or a written statement from an archaeologist, to verify that the fencing around both sites is correctly in place, and the questions regarding Site 13673 are addressed prior to recommending approval of a grading permit for this project.

Please contact Theresa Donham at (808) 933-7653 if you have any questions regarding this letter.

Aloha,

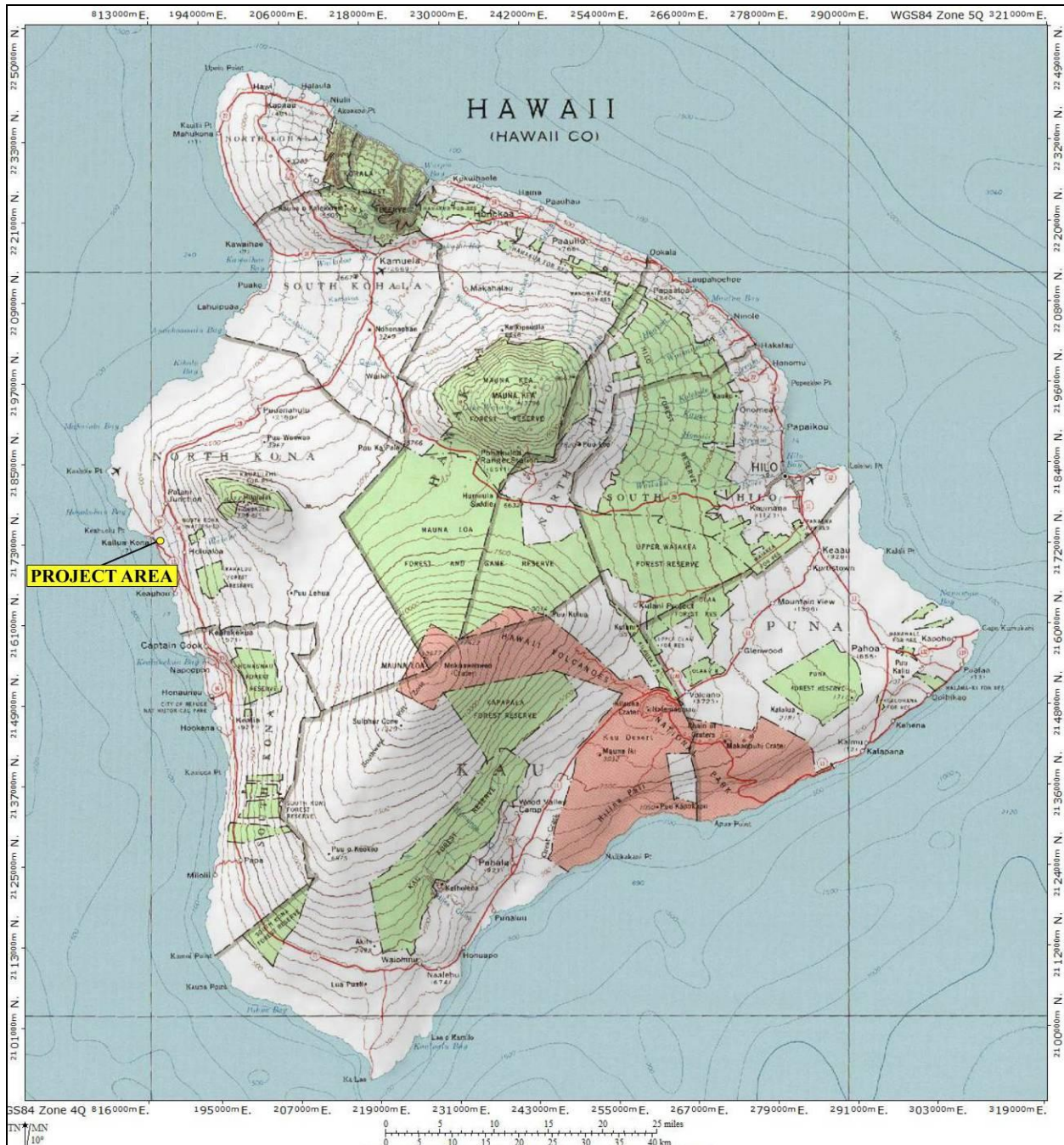
Nancy A. McMahon

Nancy McMahon, Deputy SHPO/State Archaeologist
and Historic Preservation Manager
State Historic Preservation Division

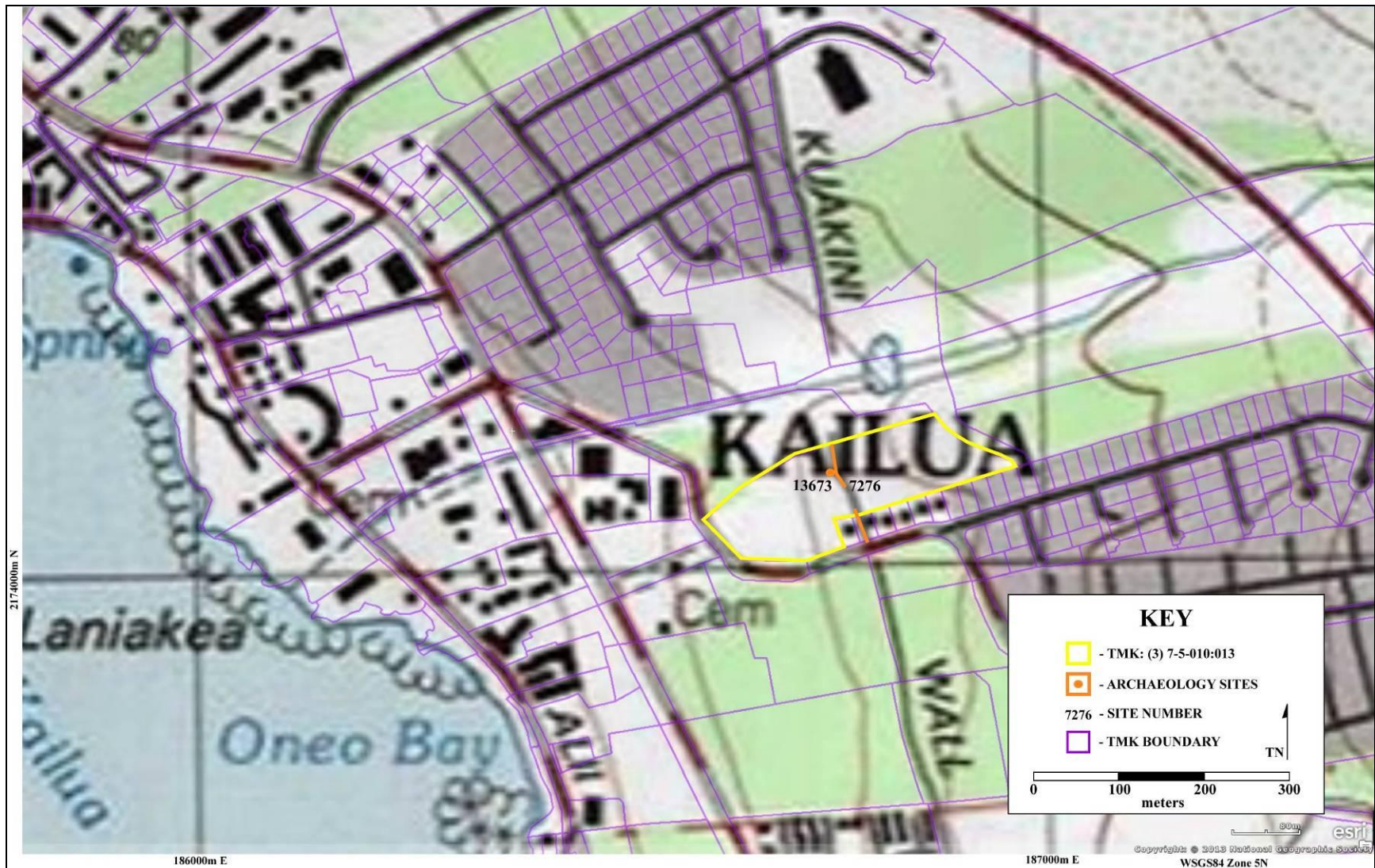
cc: Bobby Jean Leithead-Todd, Planning Director
County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720-4224

Analu K. Josephides, Culture Historian, SHPD
40 Po'okela Street, Hilo, Hawai'i 96720

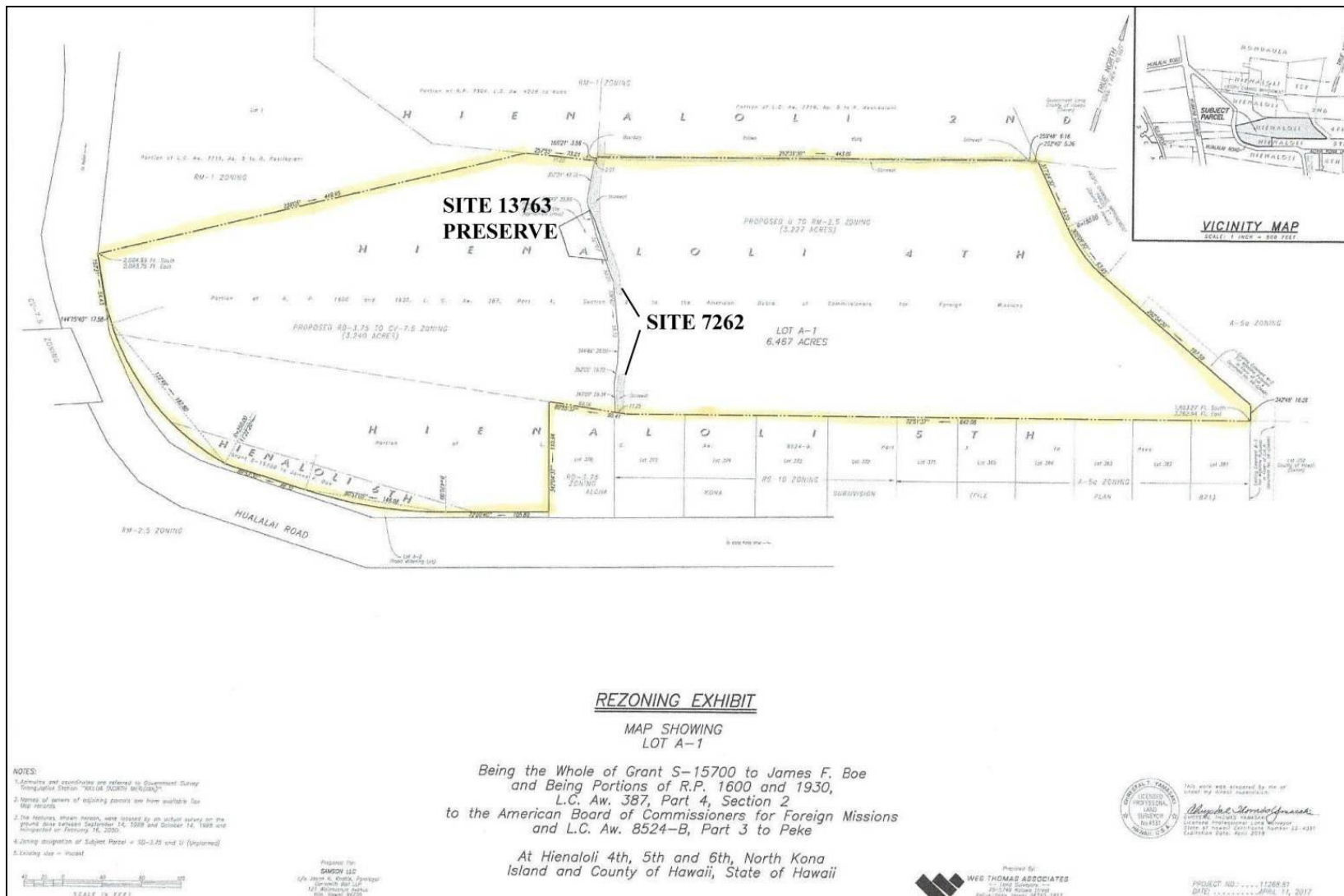
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☐ DRAFTSMAN	_____
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☐ SECRETARY TO COMMISSION	_____
☐ HELP	☐ REVIEW AND COMMENT
☐ ME	☐ APPROPRIATE ACTION
☐ CALCULATE	☐ INVESTIGATE & REPORT
☐ DRAFT REPLY	☐ RECOMMENDATION
REMARKS _____	



Enclosure 2: 5,500 K-Series Map of Hawai'i Showing Location of Project Area (National Geographic Topo!, 2003. Sources: National Geographic Society, USGS).



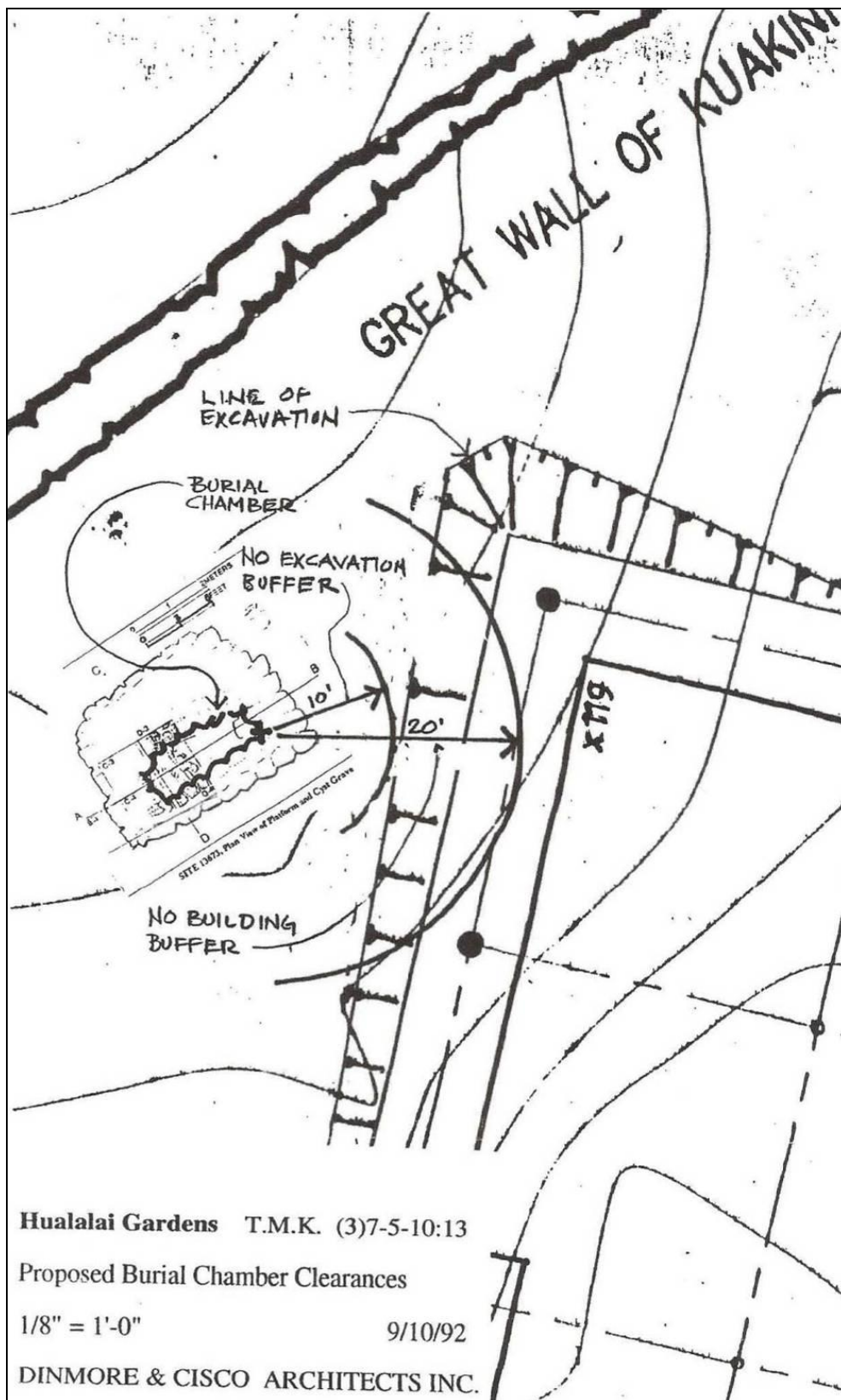
Enclosure 3: 7.5-Minute Series USGS Topographic Map Showing Project Parcel and Preservation Sites (Kailua Quad, ESRI, 2013. Sources: National Geographic Society, USGS.).



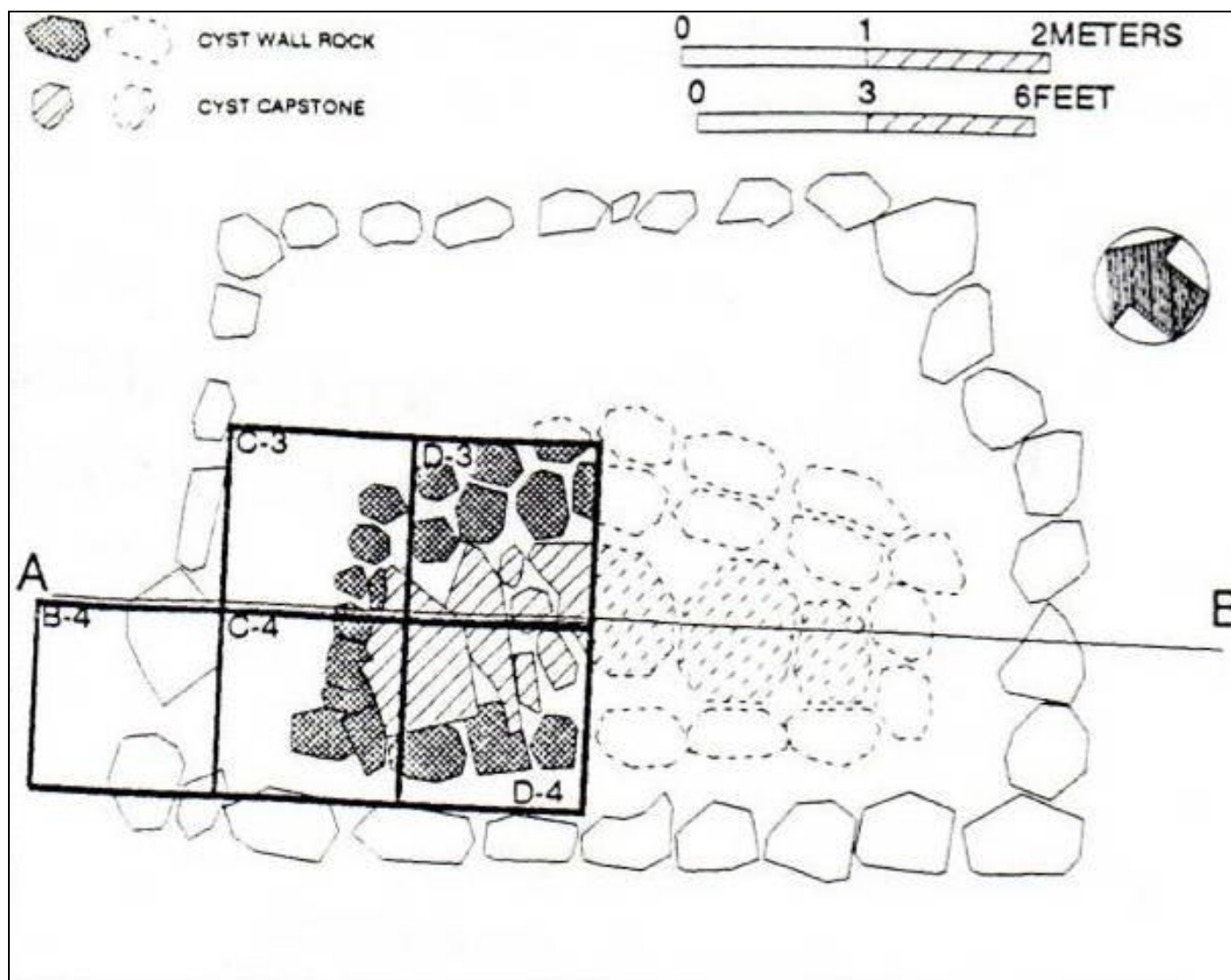
Enclosure 4: TMK: (3) 7-5-010:013 Plat Map Showing Location of Site 7267 and Site 13673 and Site 13673 Archaeological Preserve.



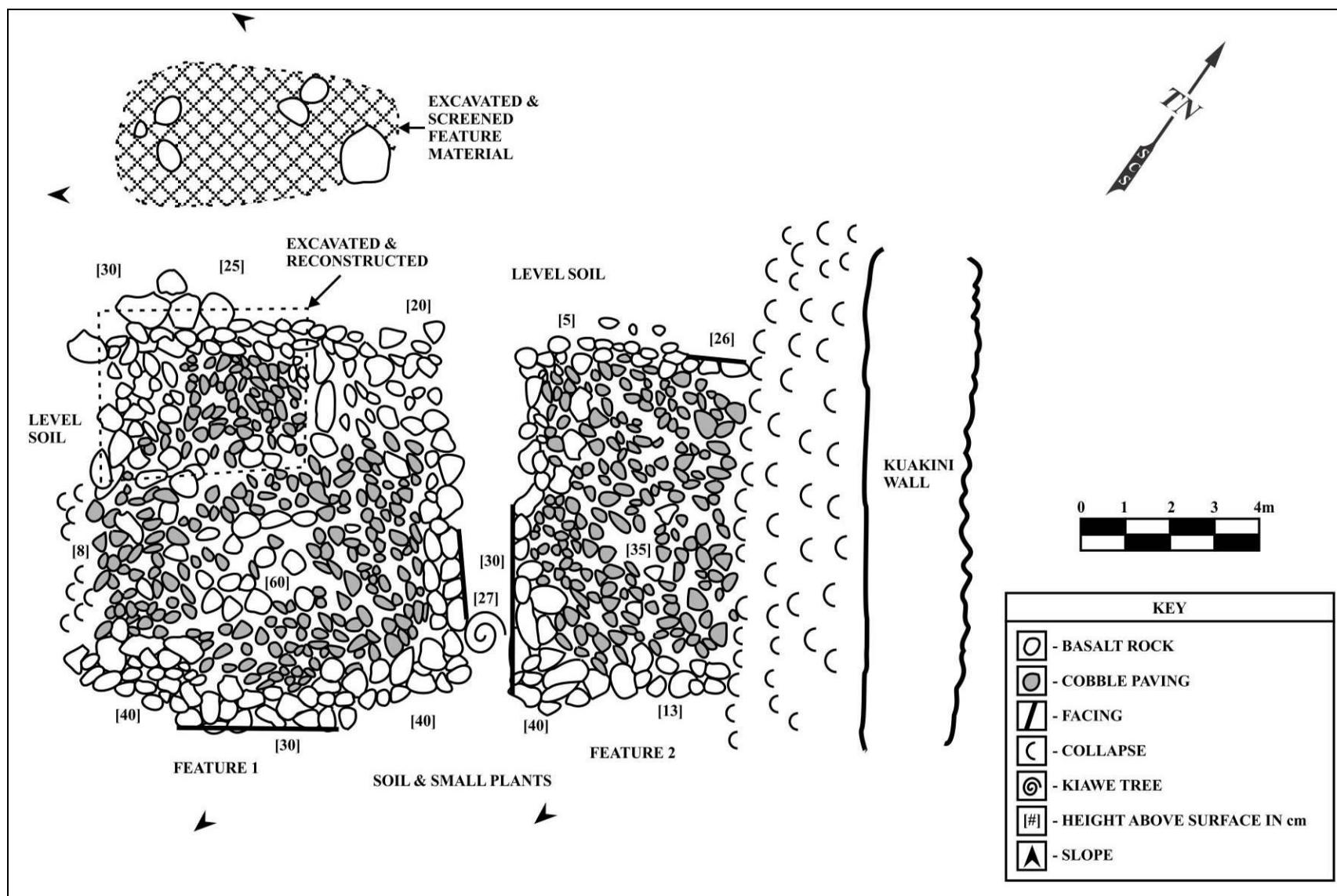
Enclosure 5: Aerial Photograph Showing Location of Site 13673 and Construction Buffers (Google Earth 2019, Kailua, HI, 5Q 186750m E, 2174105m N, 2013 Image).



Enclosure 6: AMP Map of Site 13673 Preservation Buffers.



Enclosure 7: Site 13673 Platform Plan View Map (Barrera 1995:13).



Enclosure 8: Site 13673 Feature 1 (Previously Recorded Burial Platform) and Feature 2 Platform Plan View Map.



Enclosure 9: Photograph of Site 13673 Feature 2 Looking Northwest (25 cm North Arrow Scale).



Enclosure 10: Photograph of Site 13673 Feature 2 Looking Northeast (25 cm North Arrow Scale).



Enclosure 11: Photograph of Site 13673 Feature 2 Looking East (25 cm North Arrow Scale).



Enclosure 12: Photograph of Site 13673 Feature 2 with Feature 1 in Top Right Corner, Looking South (25 cm North Arrow Scale).



Enclosure 13: Photograph of Site 13673 Construction Buffer Fencing, Looking North.



Enclosure 14: Photograph of Site 13673 Construction Buffer Fencing, Looking Northeast.



Enclosure 15: Photograph of Site 13673 Construction Buffer Fencing, Looking Southeast.



Enclosure 16: Photograph of Site 13673 Construction Buffer Fencing, Looking East.



Enclosure 17: Photograph of Stabilized South End of the Northern Segment of Kuakini Wall Site 7267, Looking North (25 cm North Arrow Scale).



Enclosure 18: Photograph of Stabilized North End of the Southern Segment of Kuakini Wall Site 7267, Looking South (25 cm North Arrow Scale).



Enclosure 19: Photograph of Site 7267 Construction Buffer Fencing, Looking Northeast.



Enclosure 20: Photograph of Site 7267 Construction Buffer Fencing, Looking Northeast.



Enclosure 21: Photograph of Site 7267 Construction Buffer Fencing, Looking Northeast.