
Draft
Interim Protection Plan for
Victoria Ward, Limited's
Block B East Development Project, Kaka'ako Ahupua'a,
Honolulu (Kona) District, O'ahu
TMK: [1] 2-3-001:005 (por.)

Prepared for
Victoria Ward, Limited

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Section 1 Introduction

At the request of Victoria Ward, Limited (VWL), Cultural Surveys Hawai'i, Inc. (CSH) prepared this Interim Protection Plan (IPP) for the Block B East development project. This document was prepared for the review and acceptance of the Hawai'i Community Development Authority (HCDA) and the State Historic Preservation Division (SHPD). As outlined below, its overall purpose is to support the project's State of Hawai'i historic preservation review compliance, and to ensure the maximum protection of identified archaeological historic properties in the project area while this historic preservation review process is completed.

Section 2 Project Description

The Block B East project is located in the central portion of the Ward Warehouse commercial complex [Kaka'ako Ahupua'a, Honolulu (Kona) District, O'ahu Island, Tax Map Key [TMK]: [1] 2-3-001:005 (por.)]. It is bounded to the northeast by Auahi Street and to the southwest by Ala Moana Boulevard. The project area is depicted on the 1998 Honolulu U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle (Figure 1), a tax map plat (Figure 2), and a 2013 aerial photograph (Figure 3).

The Block B East project is a discrete development project of VWL's approximately 60.5-acre (24.5-hectare) Ward Neighborhood Master Plan, described as "a long-range development plan of 20-plus years that would evolve over time to fulfill the needs of the community." The 60.5-acres encompass 58 tax map parcels which the Ward Neighborhood Master Plan grouped into six "Land Blocks" (Figure 4). The Block B East project is located within Land Block 2. The Ward Neighborhood Master Plan follows the guidelines set forth in the Mauka Area Plan of the HCDA.

The 1.9-acre (0.77-hectare) Block B East project consist of a high-rise residential tower with commercial space located on the ground floor. Ground disturbance associated with project construction will include demolition and removal of a portion of Ward Warehouse and at-grade parking, borings related to foundation pile installation, and excavation related to the project area's development, including structural footings, utility installation, roadway and parking area installation, and landscaping.

The project area is owned, and the Block B East project construction will be funded by, VWL. The project's area of potential effect (APE) for archaeological historic properties is defined as the entire approximately 1.9-acre project area. The project area's surrounding built environment is urban (paved streets and low-rise commercial buildings).

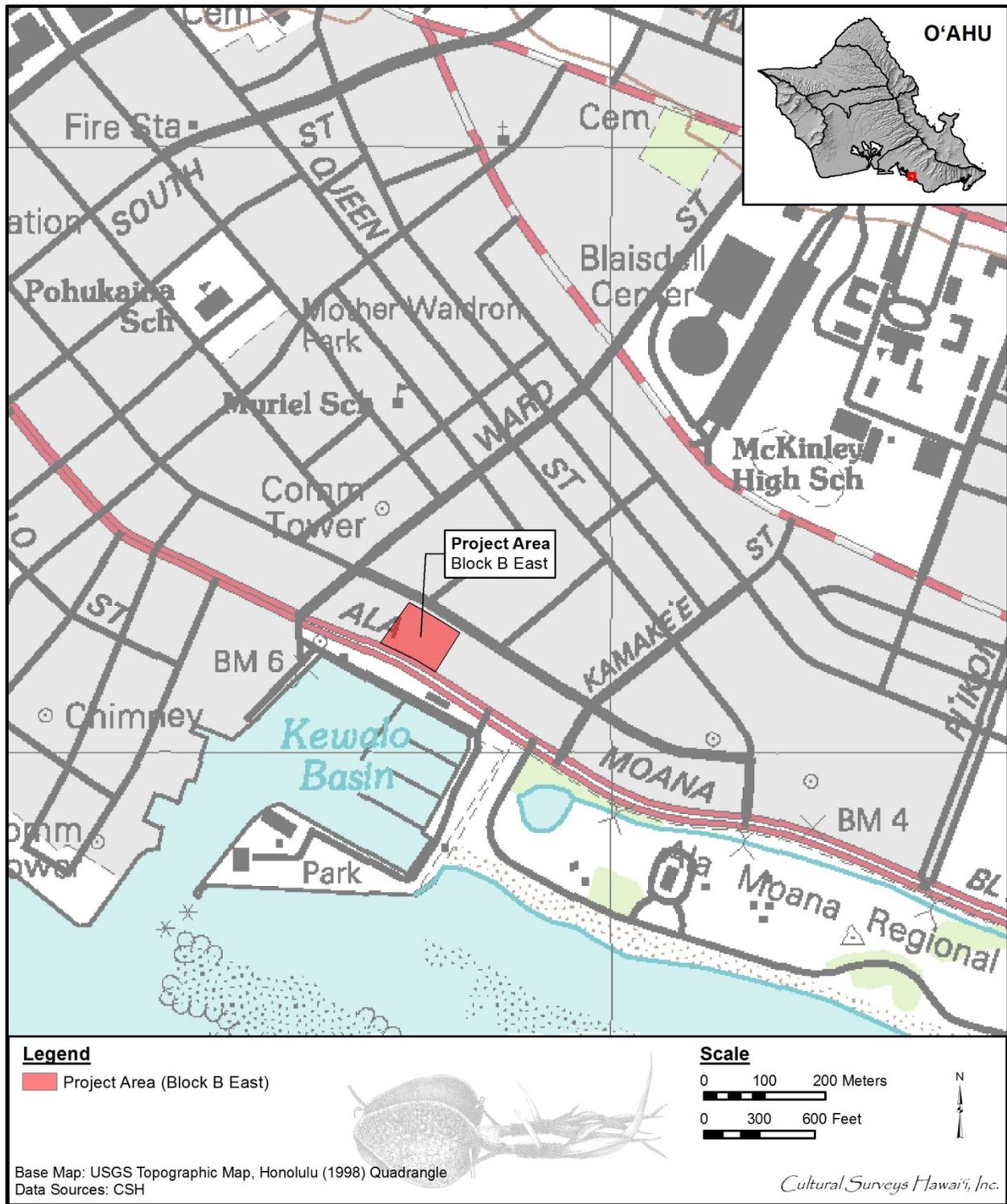


Figure 1. 1998 Honolulu USGS 7.5-minute topographic quadrangle showing the location of the Block B East project area south of the intersection of Auahi Street and Ward Avenue

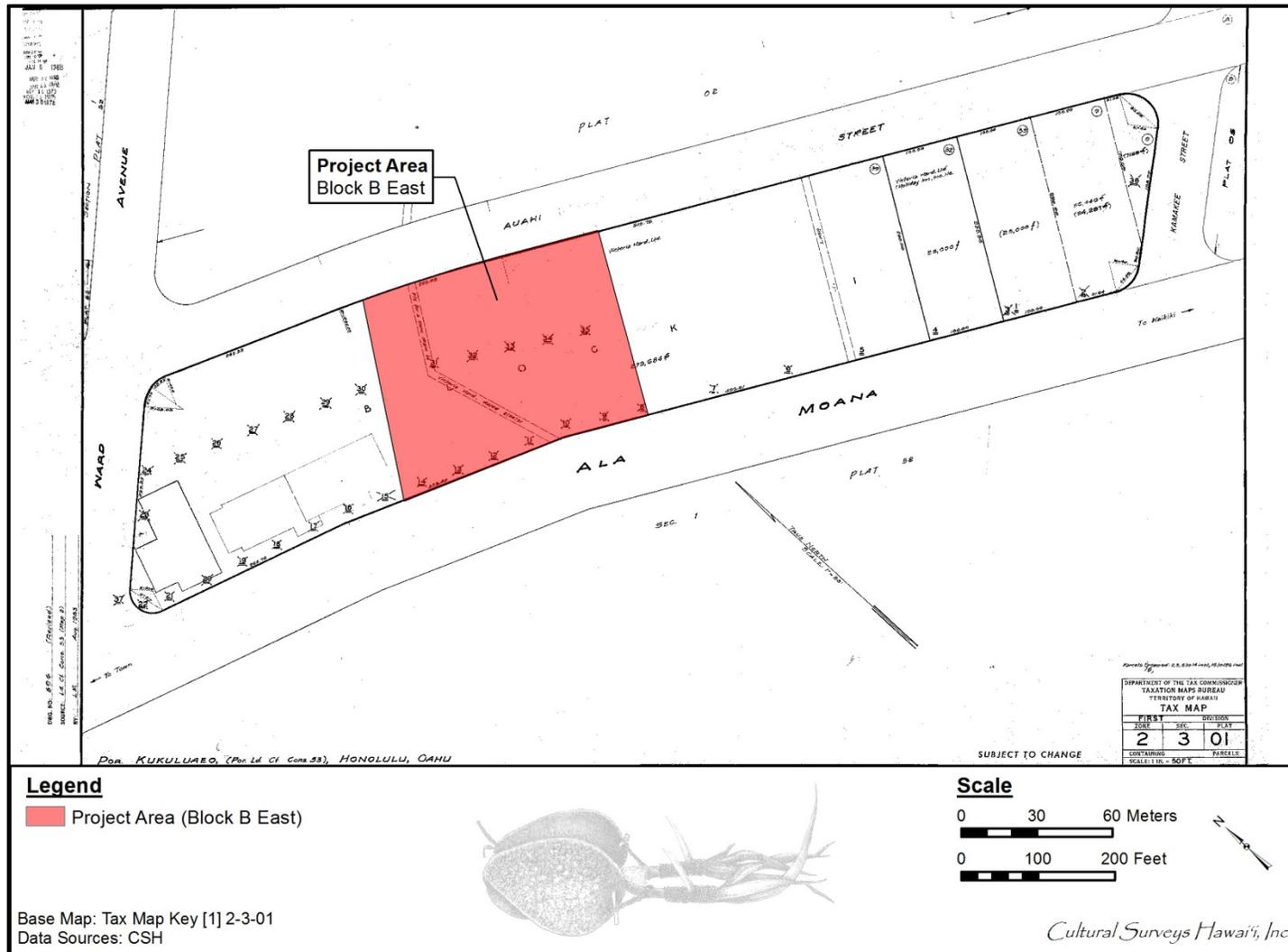


Figure 2. Tax map key (TMK): [1] 2-3-01, showing the location of the Block B East project area



Figure 3. Aerial photograph showing the location of the Block B East project area (base map: Google Earth 2013)

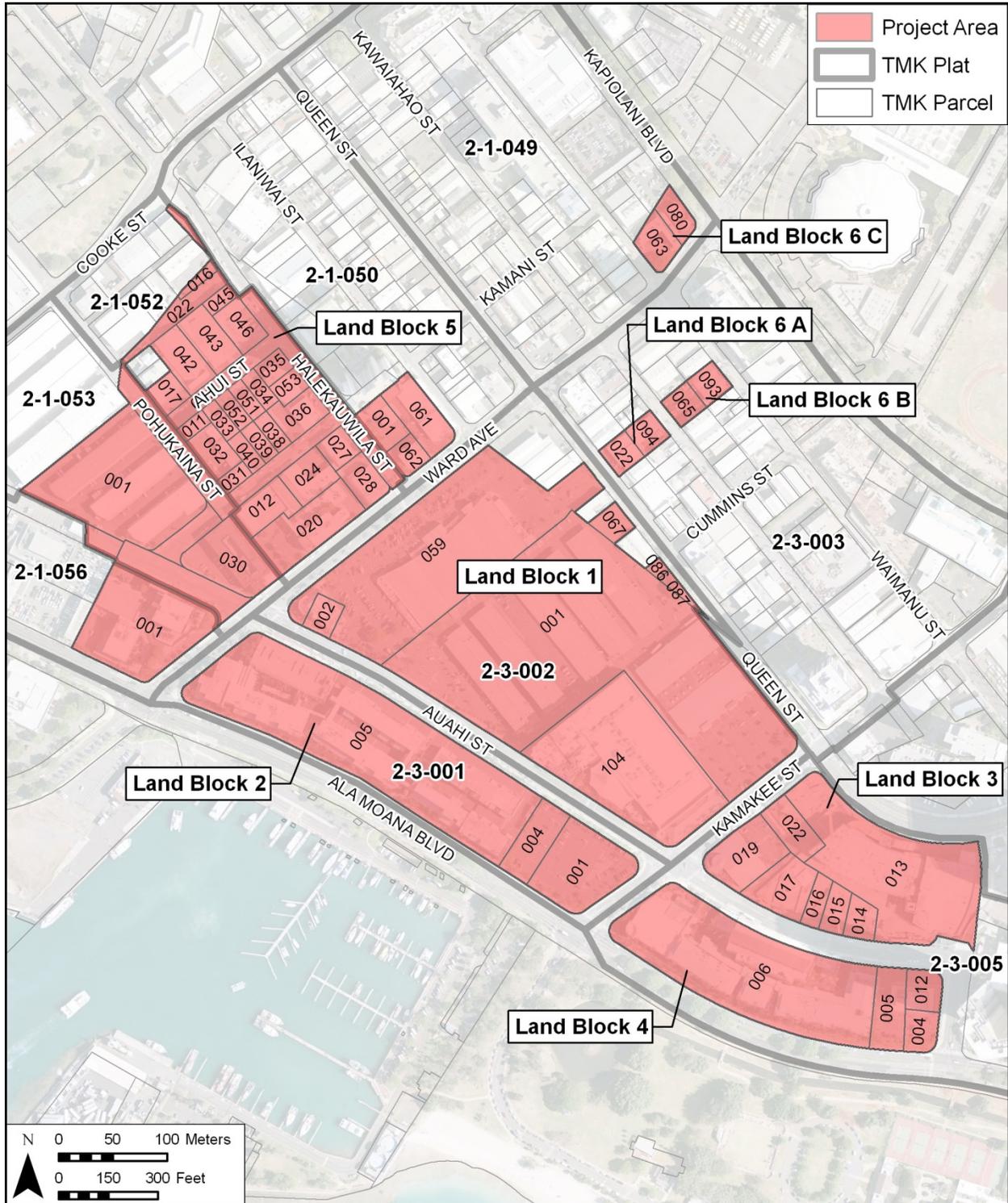


Figure 4. Ward Neighborhood Master Plan area, divided into six “Land Blocks.” The current project area is located within Land Block 2.

Section 3 Historic Preservation Regulatory Context and Block B East AIS Summary

VWL's Block B East project, located on private land and privately funded, is subject to Hawai'i State environmental and historic preservation review legislation (Hawai'i Revised Statutes [HRS] §343 and HRS §6E-42 and Hawai'i Administrative Rules [HAR] §13-284, respectively). As part of the historic preservation review process, a cultural impact assessment (CIA) (Cruz et al. 2012) and an archaeological literature review and predictive model study (O'Hare et al. 2012) of the entire Ward Neighborhood Master Plan project area were submitted to the SHPD on 20 July 2012. An archaeological inventory survey plan (Sroat et al. 2014) for the Block B East project was accepted by the SHPD in a letter dated 24 January 2014 (LOG NO: 2013.6925, DOC. NO: 1401SL19). The Block B East archaeological inventory survey (AIS) report (Pammer et al. 2014) was prepared to address the Block B East component of the Ward Neighborhood Master Plan and was prepared in accordance with the requirements for an AIS report as stated in HAR § 13-276-5.

This IPP is based on the project's on-going historic preservation review process. The project's AIS report has been written and was submitted to SHPD for review and acceptance on 3 July 2014. This AIS report describes the archaeological historic properties in the project's area of potential effect (APE), assesses the significance of these identified historic properties, evaluates the project's potential effect on the significant archaeological historic properties, and recommends mitigation measures that will mitigate the project's effect on these archaeological historic properties.

As described in the Block B East AIS report (Pammer et al. 2014), five significant archaeological historic properties were documented in the Block B East project area. These archaeological historic properties are depicted in Figure 5, and described and their mitigation recommendations summarized in Table 1.

Table 1. Summary of All Archaeological Historic Properties and Their Mitigation from the Block B East AIS (Pammer et al. 2014)

| State Inventory of Historic Property (SIHP) # | Description/ Formal Type | Significance Per HAR 13-284-6 | Mitigation |
|---|--|-------------------------------|--|
| 50-80-14-7655 | Subsurface Salt Pan Remnants | "c" and "d" | Archaeological Data Recovery and Archaeological Monitoring |
| 50-80-14-7656 | Human Skeletal Remains | "d" and "e" | Burial Treatment Plan and Archaeological Monitoring |
| 50-80-14-7658 | Subsurface Historic Paving and Building Remnants | "d" | Archaeological Monitoring |
| 50-80-14-7659 | Historic Drainage Channel | "d" | Archaeological Monitoring |
| 50-80-14-7660 | Historic Artifact Cache | "d" | Archaeological Monitoring |

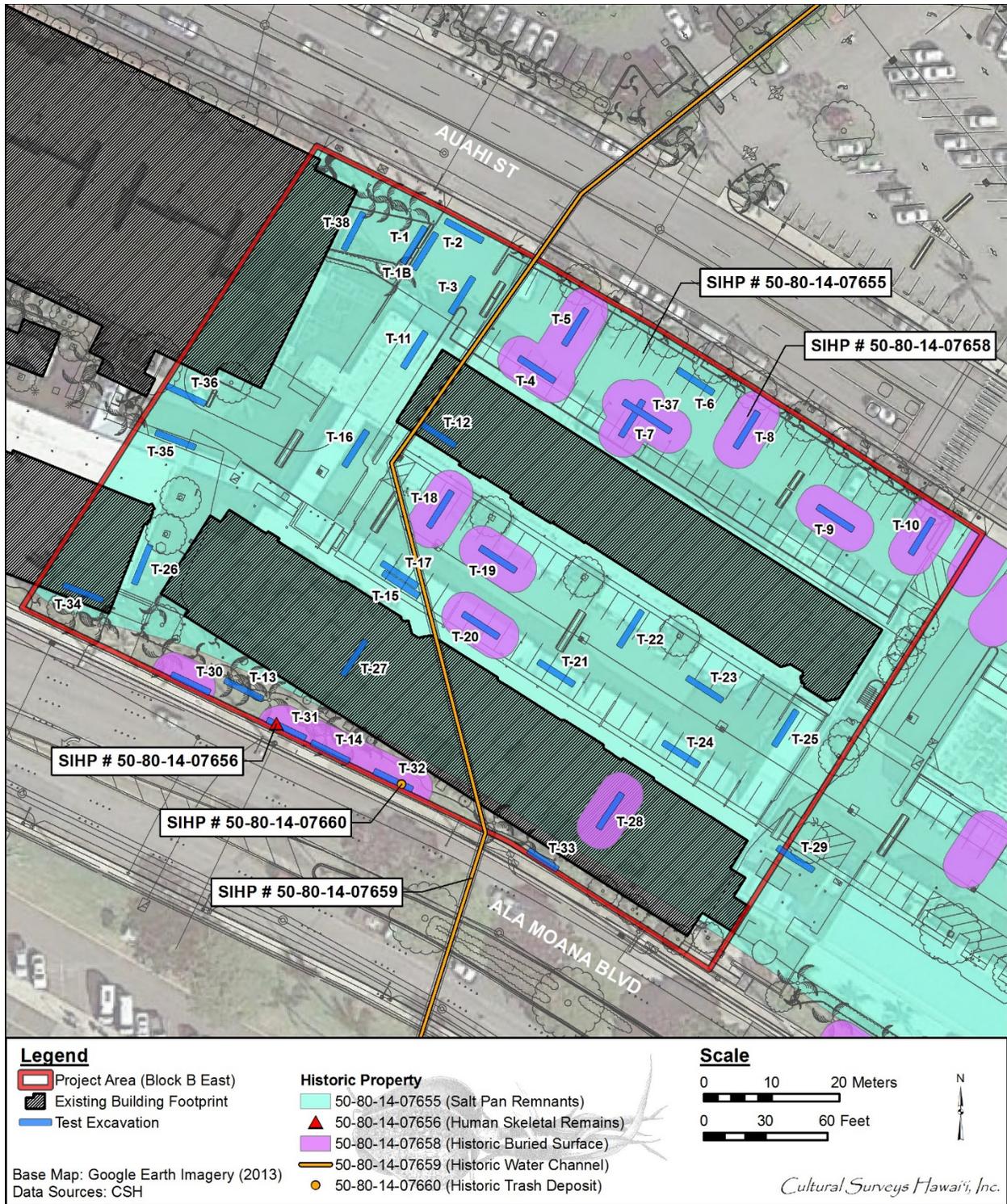


Figure 5. Aerial photograph showing the location of the five significant archaeological historic properties identified during the AIS of the Block B East project area (base map: Google Earth 2013)

Section 4 Statutory/Legal Authority

This IPP is provided pursuant to the following Hawai'i Revised Statutes (HRS) and Hawai'i Administrative Rules (HAR):

- HRS § 6E: Historic Preservation. Including, but not limited to the following sections:
 - HRS § 6E-42: Review of proposed projects
- HAR § 13-277: Rules Governing Requirements for Archaeological Site Preservation and Development. Including, but not limited to, the following sections:
 - HAR § 13-277-4: Buffer zones
 - HAR § 13-277-5: Interim protection measures
- HAR § 13-284: Procedures for Historic Preservation Review to Comment on Section 6E-42, HRS, Projects. Including, but not limited to, the following sections:
 - HAR § 13-284-3: Conducting a historic preservation review; generally
 - HAR § 13-284-9: Verification of completion of the detailed mitigation plan

In addition, the Supreme Court of Hawai'i stated that "the rules permit a project to commence where an "interim protection plan is in place... [I]t is apparent that an interim protection plan is a form of mitigation that, under the sequential approach of the rules, can be developed only after an AIS has been completed." Kaleikini v. Yoshioka, 128 Hawaii 53, 57, 283 P.3d 60, 64 (2012). The AIS for the entire project has been completed and is currently under SHPD review. See also id. at 76 n.31, 283 P.3d. at 83 n.31 (explaining that "[a]lthough HAR § 13-284-3(a) is worded in the conjunctive, the additional insertion of the word 'any' appears to suggest that the intent was not to require both an interim protection plan and data recovery fieldwork. This makes sense since there could be projects where, for example, an interim protection plan would be adequate to protect existing burials from damage during construction and, therefore, there would be no need to recover data from those burial sites since they would presumably remain intact.")

Per HAR §13-284-9(d): In cases involving preservation, archaeological data recovery, or architectural recordation, the agency (VWL) has the option to request an accelerated, two-step verification, understanding that construction projects often need to proceed rapidly and that a completion report is often finished months after fieldwork is completed. Step 1: The agency shall submit documentation to the SHPD indicating that data recovery fieldwork, recordation, or interim protection measures for properties to be preserved have been successfully completed. The SHPD writes a letter within thirty days to the agency agreeing and stating construction may proceed, with the understanding that Step 2 (submittal of a completion report for the data recovery work, architectural recordation, or final preservation work at a future date) must be completed to conclude the historic preservation process.

Section 5 Interim Protection Measures

The following interim protection measures are based on the Block B East project's AIS report (Pammer et al. 2014), which is currently under SHPD review, including the historic property descriptions, significance assessments, project effect assessment, and mitigation measures. These protection measures ensure the maximum interim protection. No project-related construction or ground disturbing activities that could potentially affect the project's five significant archaeological historic properties will take place until the project has completed the State of Hawai'i historic preservation review process, which, based on the projects AIS investigation and on consultation with SHPD, will include the following steps:

1. SHPD's acceptance of the project's AIS report;
2. The preparation, SHPD-acceptance, and implementation of the project's archaeological monitoring plan (prepared pursuant to HAR § 13-279);
3. The preparation and implementation of the project's burial treatment plan (prepared pursuant to HAR § 13-300-33);
4. The preparation and SHPD-acceptance of the project's archaeological data recovery plan (prepared pursuant to HAR § Chapter 13-278); and
5. The completion of the project's archaeological data recovery fieldwork (pursuant to the SHPD-accepted data recovery plan) and acceptance by SHPD of the data recovery end-of-fieldwork letter [pursuant to HAR § 13-284-9(d)].

Further protection measures may be developed through the preparation and SHPD-acceptance of the project's archaeological monitoring plan and burial treatment plan by including appropriate use of buffer zones and interim protection measures as necessary, and as outlined in the HAR listed above. Additional limitations on construction may arise as a result archaeological data recovery investigations and preservation decisions related to the development of the project's burial treatment plan.

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