

County of Hawai'i

DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION

Paid: 3658
REC#: 332567

STOCKPILING PERMIT NO. 6134

Fee: \$ 37.00
Check only – payable to:
County Director of Finance

Owner: TIO International Observatory, LLC

Address: 100 W. Walnut St., Suite 300
Pasadena, CA 91105

Phone: (626) 395-1654

Civil Eng. / Surveyor: M3 Engineering & Technology Corp.
License No.: Daniel H. Neff, License No. C-7714

Address: 2051 W. Sunset Rd., Suite 100
Tucson, AZ 85704

Phone: (520) 293-1488

Contractor: Goodfellow Bros., LLC
License No.: CT-36307

Address: 68-1244 Waikoloa Rd., PO Box 383729
Waikoloa, HI 96738

Phone: (808) 887-6511

Location: Mauna Kea Loop Road

Tax Map Key: (3) -4-4-15:9, Hamakua District Quantity (CY): Approx. 16,155 CY

Start Date: February 15, 2019 6/4/19
(minimum 2 working days after issuance date)

Reference Grading Permit No.: 6133
Completion Date: February 15, 2020 (est.) 5/31/20

Remarks: _____

Submit to: DLNR.Intake.SHPD@Hawaii.gov

1. STATE DLNR – HISTORIC PRESERVATION DIVISION

Received By: _____ Date: _____

Approved: _____
LOG NO: 2018.02990
DOC NO: 19055550 Date: _____

2. PLANNING DEPARTMENT

Received By: _____ Date: _____

Approved: _____
[Signature] Date: 5/31/19

3. DEPARTMENT OF PUBLIC WORKS

Received By: [Signature] Date: 12/7/18

Approved: _____
[Signature] Date: 5/31/19

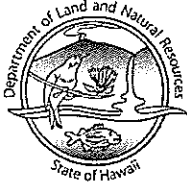
I hereby certify that all work as requested above will conform to Chapter 10 of the Hawai'i County Code.

Owner: [Signature] DATE FOR THE OWNER Date: Dec. 7, 2018

Return to the Department of Public Works, Engineering Division, upon completion of work.

Certification Accepted by: _____ Date: _____
(DPW inspector / engineer) L:SS

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD., STE 555
KAPOLEI, HI 96707

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

May 21, 2019

Michael Yee, Planning Director
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, HI 96720
planning@hawaiicounty.gov

IN REPLY REFER TO:
Log No.: 2018.02990
Doc. No.: 1905SN58
Archaeology

Dear Mr. Yee:

**SUBJECT: Chapter 6E-42 Historic Preservation Review -
County of Hawaii Grading and Stockpiling Permit for the TIO International Observatory LLC
Ka'oho Ahupua'a, Hāmākua District, Island of Hawai'i
TMK: (3) 4-4-015:009 por.**

This letter provides the State Historic Preservation Division's (SHPD's) review of this County of Hawaii (COH) grading and stockpiling permit application that was received by our office on December 20, 2018. The TIO International Observatory LLC. (sub-lessee) proposes grading and stockpiling activities on a 6.9-acre portion of the 12.7-acre State of Hawaii-owned parcel. The permit application indicates that rough grading will take place on a 4.90-acre portion of the project area, development of 0.61 acres for infrastructure will occur along a proposed asphalt road, and approximately 1.39 acres will be used to facilitate construction staging and stockpiling at a separate site.

The following summarizes SHPD's record of prior correspondence in our files pertaining to the previous grading and stockpiling permit application received for the 6.9-acre project area:

- 2014 – The SHPD received a grading and stockpiling permit application for TMK: (3) 4-4-015:009 por. According to the application, 6.9 acres would be graded to facilitate construction of the Thirty Meter Telescope (TMT), entirely within land owned by the State of Hawaii.
- The SHPD indicated in a letter dated April 14, 2014 (Log Nos. 2014.01449 and 2014.01450, Doc. No. 144SN08 [sic; 1404SN08]), that our office had received information that the above-mentioned grading and stockpiling project would receive federal funds and, thus, the project is a federal undertaking requiring consultation in accordance with National Historic Preservation Act (NHPA) Section 106. The SHPD further indicated that NHPA Section 106 consultation had not been initiated and that the requirements of 36 CFR 800 needed to be completed, including a determination of the significance and function of the archaeological "find spots" identified in proximity to the project.
- 2014 – The SHPD received a letter dated May 19, 2014, from Watanabe Ing, LLP, providing comments on behalf of the applicant, in response to SHPD's letter dated April 14, 2014. They indicated that the NSF's Federal Historic Preservation Officer provided, via email, NSF's position that CA AST-1251529 is not a federal undertaking, that the Kahu Kū Mauna Council determined only Find Spot (FS) 2005.08 would be impacted by the Three Meter Telescope (TMT) project, that FS 2005.08 is not a historic property, but is a modern structure consisting of two single uprights and, thus, SHPD's comments regarding the grading and stockpiling applications have been adequately addressed.

- 2014 – The SHPD letter dated August 4, 2014 (Log No. 2014.02339, Doc. No. 1406SN23) summarizes correspondence received from the Office of Mauna Kea Management (OMKM) regarding Find Spot FS 2005.08 and correspondence from the Advisory Council of Historic Preservation regarding NHPA Section 106. Additionally, the SHPD stated that “SHPD believes the proposed project will have an adverse effect on a potential historic property.” Further, under HRS 6E, “SHPD has reached a determination of **effect with agreed upon mitigation commitments**, with those agreements in place, construction activities may proceed.” The specified mitigation was data recovery of FS 2005.8 and installation of a 15-ft-wide protective buffer around FS 2005.8 prior to the start of construction activities that would remain in place until FS 2005.08 was adequately documented.
- 2014 – On August 22, 2014, the SHPD received a letter report titled, *Find Spot 2005.08, Thirty Meter Telescope Project, Ka'ohē,, Hāmākua, Island of Hawai'i* from ASM Affiliates. In that letter report, ASM confirmed that the interim protection measures were in place, consisting of a 15-ft.-wide buffer surrounding the Site (FS 2005.08). In addition, ASM was asked to determine if Find Spot 2005.08 was a historic property (pursuant to Hawaii Revised Statutes [HRS] §6E-2). Based on their investigation, ASM concluded that FS 2005.08 was not a historic property and, therefore, was not subject to historic preservation review and treatment pursuant to HRS 6E.
- 2014 – In a letter dated October 22, 2014 (Log No. 2014.04532, Doc. No. 1410SN13), the SHPD concurred with the determination that FS 2005.08 was of modern origin and not a historic property as defined by HRS §6E-2. However, the SHPD further stated that, the SHPD continues to assert that the function of FS 2005.08 may still be connected to ongoing cultural practices relating to the cultural significance of Mauna Kea. Jurisdiction of this Find Spot falls under Kahu Kū Mauna and the Office of Mauna Kea Management.
- 2014 – The SHPD received a response letter dated October 31, 2014, from Watanabe Ing, LLP. The letter reiterated the prior correspondence history and determinations, including that NHPA Section 106 does not apply as the project has not applied for federal funding and has no current plans to apply for such funding. Additionally, all SHPD requests have been met with respect to FS 2005.08, which has been determined to be modern.

The County of Hawaii submitted the **current subject grading and stockpiling permit application**, which our office received on December 20, 2018. The County's submittal includes:

- A County of Hawaii Grading and Stockpiling permit application;
- A SHPD HRS 6E Submittal Form, completed by the County of Hawaii on behalf of the applicant, Mr. Jose Teran – Project Manager for M3 Engineering and Technology Corporation and TIO International Observatory, LLC;
- A TMT Civil Package drawing, Revision 2 Modifications; and
- Copies of previous SHPD and Watanabe Ing., LLP correspondence.

On April 30, 2019, the SHPD received information that the County of Hawaii was working off of a third revision of the TMT Civil Package drawing. In a phone discussion with M3 Engineering [Sean Nāleimaile to M3 Engineering], the project proponent indicated that the current revisions reflected changes over the course of a few years. The SHPD requested this new information be provided including a summary of the changes. On May 1, 2019, the SHPD received the requested information via email [David Adriaanse to Sean Nāleimaile].

The SHPD concurs with the County of Hawaii's project effect determination of, “no historic properties affected” for the current grading and stockpiling permit. **The current project shall be conducted in accordance with the conditions specified in the CDUP and the Collins et al. (2013) archaeological monitoring plan (AMP)**. The SHPD approved the Collins et al. (2013) AMP in a letter dated April 24, 2013 (Log No. 2012.2764, Doc. No. 1304SN17). The Collins et al. (AMP) outlines the monitoring provisions that will be followed during TMT-related construction activities. The archaeological monitoring activities are required and authorized in the Mauna Kea Comprehensive Management Plan (CMP-Ho'ākea 2009) and the Cultural Resources Management Plan (CMP-McCoy et al. 2009). The project area is within the boundaries of the Mauna Kea Summit Region Historic District (State Inventory of Historic Places [SIHP] Site 50-10-23-26869).

Mr. Yee
May 21, 2019
Page 2

The permit issuance process may continue for the proposed grading and stockpiling activities.

SHPD requests written notification of initiation of project ground-disturbing work. Following completion of archaeological monitoring, the SHPD also looks forward to receiving for review and acceptance an archaeological monitoring report meeting the requirements of HAR §13-279-5.

Attach to permit: If historic properties such as lava tube openings, concentrations of artifacts, structural remains, or human skeletal remains are found during construction activities, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at (808) 933-7651.

Please contact Sean Nāleimaile at (808) 933-7651 or at Sean.P.Naleimaile@hawaii.gov for any questions or concerns regarding this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc. COH Public Works Department, public_works@hawaiicounty.gov
Robyn Matsumoto, Robyn.matsumoto@hawaiicounty.gov
Jose Teran, Jose.teran@m3eng.com
Robert Masuda, DLNR, Robert.k.masuda@hawaii.gov
Suzanne D. Case, DLNR, Suzanne.case@hawaii.gov

County of Hawai'i

DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION

Permit: ✓ # 3653
REC #: 333567

GRADING PERMIT NO. 6133

Fee: \$ 106.59
Check only – payable to:
County Director of Finance

Owner: TIO International Observatory, LLC

Address: 100 W. Walnut St., Suite 300
Pasadena, CA 91105

Phone: (626) 395-1654

Civil Eng. / Surveyor: M3 Engineering & Technology Corp.

Address: 2051 W. Sunset Rd., Suite 100
Tucson, AZ 85704

Phone: (520) 293-1488

License No.: Daniel H. Neff, License No. C-7714

Contractor: Goodfellow Bros., LLC

Address: 68-1244 Waikoloa Rd., PO Box 383729
Waikoloa, HI 96738

Phone: (808) 887-6511

License No.: CT-36307

Location: Mauna Kea Loop Road

Tax Map Key: (3) -4-4-15:9, Hamakua District

Cut (CY): Approx. 42,795 CY

Parcel Area (acre): 11,216 Acres

Area to be Graded (acre): 6.9 Acres

Disposal Site: Mauna Kea Stockpile Site (No Export)

Start Date: February 19, 2019 6/4/19

Completion Date: February 19, 2020 (est.) 5/31/20

Fill (CY): Approx. 26,640 CY

(minimum 2 working days after issuance date)

Borrow Site: TMT Disturbed Area (No Import)

Remarks: _____

Submit to: DLNR.Intake.SHPD@Hawaii.gov

1. STATE DLNR – HISTORIC PRESERVATION DIVISION

Approved:

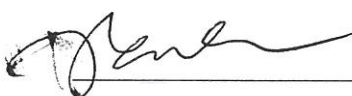
LOG NO: 2018-02990
DOC NO: 19055N58

Received By: _____ Date: _____

Date: _____

2. PLANNING DEPARTMENT

Approved:

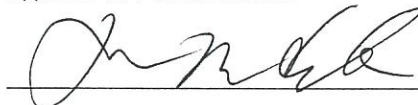


Received By: _____ Date: _____

Date: 5/31/19

3. DEPARTMENT OF PUBLIC WORKS

Approved for Permit Issuance:



Received By: JK Date: 12/1/18

Date: 5/31/19

I hereby certify that the work as requested above will conform to Chapter 10 of the Hawai'i County Code.

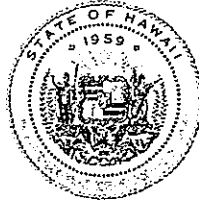
Owner: JOSE TROIAN, AGENT FOR THE OWNER Date: Dec. 7, 2018

Return to the Department of Public Works, Engineering Division, upon completion of work.

Certification Accepted by: _____ Date: _____

(DPW inspector / engineer) L123

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD., STE 555
KAPOLEI, HI 96707

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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AQUATIC RESOURCES
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 21, 2019

Michael Yee, Planning Director
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, HI 96720
planning@hawaiicounty.gov

IN REPLY REFER TO:
Log No.: 2018.02990
Doc. No.: 1905SN58
Archaeology

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Mr. Yee
May 21, 2019
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Mr. Yee
May 21, 2019
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Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc. COH Public Works Department, public_works@hawaiicounty.gov
Robyn Matsumoto, Robyn.matsumoto@hawaiicounty.gov
Jose Teran, Jose.teran@m3eng.com
Robert Masuda, DLNR, Robert.k.masuda@hawaii.gov
Suzanne D. Case, DLNR, Suzanne.case@hawaii.gov