

EXHIBIT 3

DRAFT REPORT

STUDY TO IDENTIFY THE PRESENCE OF PREVIOUSLY UNIDENTIFIED TRADITIONAL CULTURAL PROPERTIES IN SECTIONS 1 – 3 FOR THE HONOLULU RAIL TRANSIT PROJECT

Management Summary



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Hawaiian Perspectives on the Land

The Relationship between Hawaiians and the 'Āina

One day I saw one interesting looking plant surrounded by California grass. So I started pulling the weeds around it. I started carrying water and I started carrying a weed whacker... and an amazing thing happened. This plant turned into one tree. ... Okay, there's a story here. I saw me. I saw that if I can move all this stuff away... and if you nurture this person, it will grow.

Interview with Shad Kane, August 26, 2011 (Maly and Maly 2011b: 752)

The relationship between Hawaiians and the 'āina (land/environment) is both simple and complex. The simplicity resides in the expression "aloha 'āina," love for one's native land; it connotes caring for the land, which in turn cares for the people. The complexity lies in the fundamental and complete intertwining of physical and spiritual connections between Hawaiians and the 'āina, which makes it impossible to separate culture from nature.

The notion of caring for the land acknowledges the relationship between the gods, nature, and people that exists through the identification of places where specific events, supernatural and natural, occurred. It is a shorthand for an elaborate system of resource management that extends from the mountains into the sea, and it is reflected in the maintenance of the hierarchical social system of the akua (gods), ali'i (nobility and chiefs) kahuna (priests and experts) and maka'āinana (people of the land, the common people). It acknowledges the spiritual relationship that directly links gods, land, and people through lineages, "the demigod status of ancestors," and the physical manifestations of these supernatural beings on the landscape.

In the interviews conducted for this study, for example –

... God makes them [resources] available in the Ko'olaus or the Wai'anaes or at the top of Wai'ale'ale. He makes them available for you to take care of. You take care of it, you have many resources. Therefore, you have to put yourself aside and wait for these things to be given to you in time, at the correct time. And your job is to use them correctly, and honestly, and truthfully. And not waste them. (Interview with Roen Hufford, September 9, 2011, Maly and Maly 2011b:788)

[I] remember growing up where everything was found from the ocean to the mountains, how you got your food. And most of our food came from the ocean, the fish from the ocean, and the 'o'opu. Our taro patch was up in the mountains. (Interview with Mary Serrao, August 29, 2011, Maly and Maly 2011b:776)

The Hawaiian system of land divisions begins at the island level, with the moku (district) being the largest partition. Each moku is further divided into ahupua'a, which extend from the mountains to the sea (mauka to makai) and cross the island's varied resource zones. The 'ili is an additional land division within the ahupua'a, usually allocated to extended families ('ohana). 'Ili may also be discontinuous; the lele is a parcel of land belonging to one 'ili but located within

a second. By transecting the islands ecological zones, the ahupua'a contain virtually all of the resources necessary for the subsistence and other needs of the people. People within an ahupua'a had gathering rights to all necessary resources, predicated on their responsibility to honor the gods, chiefs, and stewardship of the 'aina.

The administrative hierarchy of traditional Hawaiian society mirrored that of the physical land divisions. The mō'i (supreme chief) maintained authority over the entire land and gave other ali'i (nobles, chiefs) authority over the moku. These, then, authorized an ali'i 'ai ahupua'a (chief who controlled given ahupua'a) or konohiki (land agents, usually lesser chiefs) to administer the ahupua'a lands. Finally, the konohiki allocated the 'ili to the maka'āinana. Authority over land and resources was considered a trusteeship rather than outright ownership of the land. This trusteeship was granted by the next higher level in the administrative hierarchy, with the mō'i's authority coming from the gods.

Herman (1999:81) describes three different aspects of the Hawaiian's relationship with their environment. The first is a Hawaiian "natural science," wherein life commenced with a primordial slime that established the earth. From the earth, life-forms of increasing complexity were born.

The second aspect of the relationship is the close kinship relationship between the gods, land, and people. This kinship is literal and explicit. In Hawaiian traditions, the still-born first son of the gods Wākea and Ho'ohōkūkalani is identified with the kalo (taro) plant. Hāloa, the second son of Wākea and Ho'ohōkūkalani, became the progenitor of the Hawaiian people. He tended to his elder brother, the kalo, so that it flourished. The kalo, in turn, has sustained Hāloa and his descendants. The Hawaiian islands themselves share a kinship with the Hawaiian people, since the islands are the first born children of the same gods and of other creative forces that parented Hāloa.

'Ohana is family, relative, kin; this word comes from the Hawaiian word 'ohā, which describes the offspring of the kalo. The 'ohā grow and are nurtured by the makua. The makua is the head of the stalk (kalo). The kūpuna, the grandparents and ancestors, are those who stand at the spring, literally the source of water, and are above. The keiki (offspring), and the mo'opuna (grandchildren) are connected back to the spring or source of the family.
Pers. comm. M.K. Pukui, cited in Maly and Maly (2011b:57)

Maly and Maly (2011a:13) describe this relationship as follows:

Mo'olelo (traditions) tell us that the sky, earth, ocean, wind, rain, natural phenomena, nature, animate and inanimate forms of life—all forms of the natural environment, from the skies and mountain peaks, to the valleys and plains, the winds and rains, the shoreline and ocean depths, were the embodiment of Hawaiian gods and deities.

In discussing the concept of pono, Kamelelehiwa, cited in Silva (2008:66), explains that the 'aina is cast in the role of the older sibling, whose responsibility it is to feed, love, and protect their younger siblings, the Hawaiian people:

... it is the reciprocal duty of the elder siblings to hānai (feed) the younger ones, as well as to love and ho'omalū (protect) them. ... it is the 'Āina (land), the kalo (taro), and the Ali'i Nui

who are to feed, clothe, and shelter their younger brothers and sisters, the Hawaiian people. ... Clearly, by this equation, it is the duty of Hawaiians to Mālama 'Āina (care for the land), and as a result of this proper behavior, the 'Āina will mālama Hawaiians. In Hawaiian, this perfect harmony is known as pono, which is often translated in English as "righteous," but actually denotes a universe in perfect harmony. (Kamelelehiwa 1992:25).

From the land comes the resources, nurtured by the water, and fed by our hard work. So if the land is not there to give us the growth, the ulu, then what have we got? (Interview with Roen Hufford, September 9, 2011, Maly and Maly 2011b:788)

... out of the soil I can feed my family, and I can feed that artistic part of me that is just as important as the hunger in my belly. Totally important. And it gives me just as much satisfaction to be satisfied in my stomach as to be satisfied in my heart and my head. (Interview with Roen Hufford, September 9, 2011, Maly and Maly 2011b:788)

You know, they [kūpuna] weren't as mobile as we are, but they knew that if you didn't value this resource that the wai flowed through, you wouldn't be able to live here. You wouldn't be able to grow your food. You wouldn't be able to beat your kapa. You wouldn't be able to raise your children. So they honored the gods who made this place by telling, and reminding us, "We know what our connection to you is, and this name is important for this place." (Interview with Roen Kahalewai McDonald Hufford, September 9, 2011, Maly and Maly 2011b:796)

The final aspect of the relationship between Hawaiians and the 'āina is what Herman calls "a 'spiritual ecology' wherein energies flow across the boundary between the manifest and unmanifest worlds" (1999:81). What Herman is describing is more commonly termed mana (supernatural or divine power).

Mana is the name for a form of spiritual energy that exists in all things. It is the amount of mana that one has that, in part, distinguishes it in the natural and spiritual realms (cf. Dudley 1990). Thus, humans have more mana than plants – although less than the kalo (taro) plant, man's elder brother. The amount of mana flows from the akua, to the 'aumakua, to the ali'i, to the maka'āinana. Mana is also the result of a balance between gods, land, ancestors and humans (cf. Elbert 1957:268; Oliver 1989 [1961]:72), as cited in Marshall 2011:3). Tribute that the maka'āinana paid to the ali'i was payment to the gods, as well. In turn, the gods gave mana to the 'āina and the people. It is also through the acquisition of mana that ancestors (kūpuna) can become demigods or spirits ('aumakua), and can manifest in a physical form in nature.

Thus, deities (gods and demigods) manifest as natural phenomena – plants, weather, animals, and geological features. These transformations are further expressions of the seamless relationship between gods, nature, and people. They underscore the continuing interconnections between Hawaiians and the natural and supernatural worlds.

mountains, the limited precipitation in some areas, and other harsh environmental factors, but eventually both agriculture and aquaculture became important components of the Hawaiian subsistence-settlement system.

During the early colonization period, Hawaiian society probably was based on chiefdoms, although with little hierarchical differences between them initially. Over time, Hawaiian culture developed the hierarchical socio-political and elaborate kapu systems recorded at the time of Western contact. Archaeologists attribute these changes in part to increased population, which required migration inland into previously unoccupied areas. This resulted in the development of inland agricultural systems and dispersed populations. The establishment of the ahupua'a land division system meant that territorial boundaries were more rigidly defined and less unclaimed land available for exploitation. As a result, warfare became an increasingly effective way for chiefs to maintain and expand their power. Class stratification and territorialism became rigid, and were intricately linked with the religious hierarchy. In the two centuries prior to European contact involved a series of battles between ruling chiefs attempting to expand their kingdoms, even beyond the limits of individual islands. By 1810, Kamehameha had unified the Hawaiian islands, ending the old political order.

In 1778, Captain James Cook first sighted the Hawaiian Islands, initiating 40 years of intermittent contact with European foreigners. The Islands were a convenient way station for ships, and became important stop for trading ships. Eventually, Europeans began settling on the Hawaiian Islands. It became fashionable for chiefs to employ foreigners, both as tradesmen and as foreign advisors. Europeans married into the native population, established business interests, and settled within the Hawaiian communities. European influences on material culture, socio-economics, and traditional beliefs had profound effects on the Native Hawaiian culture. The arrival of the missionaries to Hawaii led to proselytizing and ultimately the rise of a Christian Hawaiian community. The overthrow of the kapu system was another significant point at which traditional Hawaiian culture was undermined. Finally, as discussed elsewhere in this study, changes in land rights further disrupted the traditional way of life.

Hawaiian oral traditions and historic documents record places that are associated with important people or where a number of significant events in Hawaiian pre-recorded and recorded history. Property types associated with this historic context include battle fields and other site of conflict; birth and death places of important individuals; and structures associated with significant events.

Places of the Traditional Resource Management System

Throughout this study, we have noted that Hawaiian culture is rooted in the 'āina (land/environment). The concept of *mālama 'āina* – caring for the land and natural resources – was an essential part of Hawaiian culture, permeating their cosmology, and social and subsistence practices. With no distinction between nature and culture, the well-being of the Hawaiian environment and resources (land, sea, and air) was a practical, moral, and spiritual obligation for Hawaiians. This obligation was reciprocated – Hawaiians cared for the 'āina (environment), and it cared for and sustained them. Supernatural beings, gods and demi-gods, also participated in this system, being forces of nature, plants, animals, and geological features.

Hawaiians developed an integrated system of resource management to use and conserve natural resources that created a self-sustaining structure. This system starts, practically speaking, at the level of the ahupua'a, and continues to the smallest garden patch, fish pond, or stand of trees within the ahupua'a. It was not limited to land parcels and resources, but extended through the social organization and the roles, rights, and obligations of people from the mō'i (high chiefs) to the ali'i (nobles) to 'ohana (extended families) and individual maka'āinana. Gathering rights assured people of access to all necessary resources within the ahupua'a. Resources were not limited to subsistence items, but also included the raw materials for tools, crafts, and ornamentation, such as bird feathers, canoe, weapons, clothing, and household goods. Lands were set aside whose resources were worked and harvested for the ali'i.

This resource management system included set parameters of rules, prohibitions, and guidance from the deities for working agricultural lands and aquatic resources. The system required konohiki, land managers with an intimate knowledge of the land, to place restrictions (kapu) on aspects of the resource collection system. For example, with agricultural goods, these restrictions might involve limiting who might plant or harvest resources, or the location at which these resource could be planted or harvested. Others, such as priests of the papa huluhonua and kuhikuhi pu'uone (priests who specialized in knowledge of the earth, its natural systems, and the placement of structures upon the land), ensured the physical and spiritual well-being of inhabitants of the ahupua'a, and maintained balance and compatibility with the landscape (Maly 2001).

The ahupua'a was probably the most important unit of land in the traditional Hawaiian land management system. Ahupua'a are typically wedge-shaped land divisions extending from the tops of the mountain down to the coast, and beyond, into the coral reefs. Passing through the various ecological zones of the island, ahupua'a were essentially self-contained ecological and economic production systems.

The ahupua'a were divided into smaller land units, related in part to their function and resources. The kīhāpai – cultivated areas – for example distinguished between the lo'i (irrigated terraces, or pond fields) and dry gardens (māla). Kō'ele were agricultural parcels worked by commoners for the chiefs. This system included not only parcels of lands, but also areas of water (fresh, brackish, and ocean), with fish, seaweed (limu) and other resources on them.

Wai, (water), and the natural flow of fresh water is important to the Native Hawaiians, and is a part of the structure of the ahupua'a and traditional resource management system. Wai falls as rain in the mountains as a gift from the gods (Paman 2010). It flows over waterfalls and into kahawai (streams) and can be used for irrigation

Our staff of life is the ua, the water.
... We people live on an island surrounded by water. The ocean gives birth when the two meet. For you and I, it's water and air quality. With the ocean, people take the limu for granted in the ocean. Like every plant, it's a vegetable, so it's water quality. The ecosystem depends on that water quality. So what ever is happening on the 'āina is going to effect the ocean. ...
[Water] is our staff of life.

Interview with Henry Chang Wo and others, August 29, 2011 (Maly and Maly 2011b:777-778)

via auwai (traditional ditch systems) to grow crops, such as taro and sweet potato. Water links the mountains to the sea in each Ahupua'a and is an integral part of the land tenure system.

'Ohana (extended families) of maka'ainana (people of the land, commoners) were given rights/trusteeship to resource parcels. Through relationships that spanned the ahupua'a, extended families had access to most of the resources that they needed to sustain themselves. Gathering rights supplemented this system, thereby ensuring that people had access to essentially all of the natural resources available in their ahupua'a (Maly 2001; cf. Kamakau 1961, Boundary Commission Testimonies 1873-1890, and Handy and Handy with Pukui 1972). Ahupua'a resources also supported the royal community of the region. For example, ko'ele were agricultural lands that maka'ainana worked for the chiefs.

Table 1 summarizes information presented in the section on the Summary of Land Use/Residency Practices in the Technical Report (Maly and Maly 2011b:230-238), compiled from the Mahele records for the lands from Honouliuli to Moanalua. As noted in that report, the picture of subsistence practices and work that this table summarizes may be incomplete because of the limitations of the Mahele documents. Nevertheless, Table 1 demonstrates a minimum of the types of uses and activities supported by the ahupua'a. It provides some insight into the extent to which subsistence resources were available within a given ahupua'a.

Konohiki or lesser chief-landlords, appointed by an ali'i-ai-ahupua'a (chief who controlled the ahupua'a resources), had jurisdiction over entire ahupua'a, or portions of them. The ali'i-ai-ahupua'a answered to an ali'i ai moku (chief who claimed the abundance of the entire district) (Maly 2001). Konohiki had an intimate knowledge of the environment as well as the ability to coordinated communal labor within the ahupua'a. The konohiki and priests regulated land, water, and ocean use in the ahupua'a through the kapu (taboo, prohibition) system. They would place restrictions on collecting specific resources at certain times of the year or limit who could participate in the resource collection. The Hawaiian traditional resource management system integrated the various resources throughout the ahupua'a along with the social classes who cultivated and used them.

Table 1. Uses and Activities Recorded in the Mahele Documents.
The X indicates that Mahele documents include this use or feature. (Information extracted from Maly and Maly 2011b:230-238)

Testimony on uses and features	Ahupua'a													
	Honouliuli	Pu'uloa*	Ho'ae'ae	Waikele	Waipi'o	Waiawa	Manana	Waimano	Waiau	Waimalu	Kalauao	'Aiea	Halaawa	Moanalua
Ala, ala hele, ala nui (trails and government roads)	X			X	X	X	X			X	X			X
Hale, kahuahale, pa hale (houses and house lots)	X	X	X	X	X	X	X	X	X	X	X	X	X	X
'Iliahi (sandal wood) harvested from mountains											X			
Kahawai, 'auwai and muliwai (River-stream flow, irrigation channels and estuaries) supported	X		X	X	X	X	X	X	X	X	X	X	X	X

Testimony on uses and features	Ahupua'a													
	Honouliuli	Pu'u'loa*	Hō'ae'ae	Waikele	Waipi'o	Waiawa	Mānana	Waimano	Wai'au	Waimalu	Kalaueo	'Aiea	Hāiawa	Moanalua
agricultural practices														
Kai (fishery resources) harvested		X									X	X		
Kō'ele (agricultural fields) lands dedicated cultivation of crops for the king or chiefs	X		X	X	X	X	X	X	X	X	X		X	X
Kula (dryland parcels) used for diversified agriculture	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Kula (pasture lands) for grazing introduced ungulates	X	X	X	X	X	X			X	X	X	X	X	X
Lo'i kalo (taro pond fields)	X		X	X	X	X	X	X	X	X	X	X	X	X
Loko, loko i'a (fishponds) made and maintained to supply fish to chiefs and tenants	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Pā, pā 'āina (fences and walls) used to enclose land parcels and determine boundaries	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Pā pua'a (pig enclosures)														X
Pa'ahao (agricultural parcels) land worked/cultivated by prisoners as public service								X	X		X			X
Pa'akai (salt) processed and harvested	X	X		X						X				X
Pili grass gathered for thatching	X													
Pō'alima (Friday agricultural parcels) lands dedicated cultivation of crops for the chiefs/konohiki	X		X	X	X	X	X	X	X	X	X	X	X	X

*In traditional times, the land area known as Pu'u'loa was an 'ili of Honouliuli, it was sold as a separate land during the time of the Māhele. Though it is included, and listed separately here, Pu'u'loa is not an ahupua'a.

In practical terms, the [common people] fed and clothed the [ruling chiefs], who provided the organization required to produce enough food to sustain an ever-increasing population. Should a [commoner] fail to cultivate or [care for] his portion of [land], that was grounds for dismissal. By the same token, should a [ruling chief] fail in proper direction of the [common people], he too would be dismissed—for his own failure to mālama. ... Hence, to Mālama 'Āina was by extension to care for [the common people] and the [ruling chiefs], for in the Hawaiian metaphor, these three components [land, ruling chiefs, and common people] are mystically one and the same. (Kamelelehiwa 1992:32, cited in Marshall 2011:5)

Maly (2001) notes that the boundaries of the ahupua'a were generally defined by cycles and patterns of natural resources that extended from the mountains, to the ocean fisheries. Boundaries usually were marked by ahu (altars) with images of a pig, carved of kukui wood, placed upon them. Tribute of food and other goods were placed on the altars during the annual makahiki celebrations. The ahu would be built or rebuilt along the ahupua'a boundary near the trail. The konohiki or kahuna (priest) responsible for collecting tribute would then collect the tribute. This tribute was then distributed to the chiefs, from the konohiki to the ali'i nui.

This traditional resource management system was not exclusively a relationship between the Hawaiians and the 'āina, however. The gods also played a role in caring for, and being cared for by, the people and the land. For example, canoe-carving kahuna depended on the 'elepaio bird to identify which trees could be used for making canoes. 'Elepaio are believed to be a form of the canoe goddess, Lea, and therefore would, through its behavior, identify the trees that were healthy and suitable for making a canoe. Canoe-caving kahuna could observe these behaviors, and after conducting the appropriate prayers, offerings, and other ritual, cut down the tree and make the canoe (cf. Dudley 1990; Paman 2010).

The traditional Hawaiian resource management system was well established by the 1600s (e.g., Kirsch 2000; Maly and Maly 2011a). The Māhele and other land divisions led to the privatization of lands and the end of the traditional resource management system by 1855. Nevertheless, the ahupua'a is still a major land division that is used today. Fish ponds and kalo fields are still in use today, and traditional knowledge and practices are still employed in conducting subsistence activities (e.g., McGregor et al. 2003). Moreover, in 2006 and 2007, a variety of organizations sponsored a series of conferences for Native Hawaiian cultural practitioners to consider how to involve the Native Hawaiian community in natural resource management. In 2007 the 'Ahi Kiole Advisory Committee was created by the Hawaii Legislature as part of its Act 212 to gather information and provide the State with recommendations for best practices and a structure for the cultural management of natural resources in Hawaii (e.g., 'Aha Kiole Advisory Committee 2010). While there are many reasons why a contemporary system of natural resource management cannot replicate the traditional resource management system, the 'Aha Kiole Advisory Committee advocates adopting best practices from that system and adapting them to current conditions.

Table 1 provides a starting place for identifying properties associated with this historic context. Properties that would be expected under this theme include places of resource acquisition, management, and processing—including agricultural lands, fish ponds, salt manufacturing sites, kapa making facilities, irrigation systems or features, and springs. Boundary markers and tribute altars, while associated with the resource management system, are included in other historic contexts for the purposes of this study.

Property types associated with this historic context include springs and water systems; resource collection and processing sites (e.g., salt, kapa, canoe); wet- and dry-land agricultural fields; fish ponds; and other resource areas.