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COMMISSION ON WATER RESOURCE MANAGEMENT

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LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

Kaua'i Ni'ihau Island Burial Council
Meeting Minutes

DATE: Wednesday, July 20, 2016
TIME: 09:00 am to 10:37 am
PLACE: Kauai State Building
2nd Floor Conference Room
Lihue, Hawaii 96766

KNIBC MEMBERS: Keith Yap, Landowner/Developer Representative
Mauna Kea Trask, Koloa Representative
Nathan Kalama, Kawaihau Representative
Leiana Robinson, Niihau Representative
Barbara Say, Hanalei Representative
Wayne Palala Harada, Napali Representative
Sandra Quinsaat, Koloa Representative

ABSENT/EXCUSED: Teddy Blake, Landowner/Developer

SHPD STAFF: Kauanoe Hoomanawanui, Kauai Island Burial Sites Specialists
Mary Jane, Kauai Island Archeologist

GUESTS: Jim Powell, SCS Archeology
Alex Hazlett, SCS Archeology
Loren Zulick, U.S. Army Corps of Engineers
Kalanikumai Hanohano, Malama Maha'ulepu
Kuppusamy Vernkatesan, County of Kauai
Kaliko Santos, OHA Kauai
Missy Kamai, CSH Archeology

I. CALL TO ORDER:

Keith Yap, KNIBC Chair called the meeting to order at 9:00am.

II. ROLL CALL/PULE

Kawaihau District Representative Nathan Kalama gave pule.

III. MINUTES

A. April 20, 2016

B. June 15, 2016

Mauna Kea Trask moved and Nathan Kalama seconded motion to approve minutes.

Chairman Yap opens the floor for discussion.

Motion approved unanimously.

IV. BUSINESS

A. None

V. SHPD INADVERTENT DISCOVERIES/SECTION 106 CORRESPONDENCE

A. Hawaii Revised Statute (HRS) Chapter 6E Consultation, Hawaii Dairy Farms Environmental Impact Statement (EIS) Preparation Notice, Maha'ulepu Ahupua'a, Koloa District, Kauai Island, TMK: (4) 2-9-003:001,006. Information/Discussion/Recommendation: Presentation by Group 70, International.

Jim Powell, of SCS introduced himself explaining briefly on behalf of Group 70. We are here to receive your comments regarding the letter we mailed to you. This is not a section 106 consultation as those rules don't reply. We did not locate any burials in the AIS, as we surveyed within and outside the project area. Sixteen historic sites were identified, 6 within the project area and 8 outside the project area were related to historic sugar cane cultivation. 2 of the sites identified outside the project area were associated with prehistoric times. Both of the precontact sites will be preserved with Grove Farm responsible for them. The agricultural heiau is outside the project area. Portions of the historic area may be utilized in the future operations. No burials were identified were found either through survey or sub testing. We are here to get your comments and sent back over to Group 70 concerning the AIS statement. Chair Yap clarifies, there were no burials found, Powell confirmed. The burials that were known are in the sand dunes below the project area. Vice Chair Trask understands this place contains cattle be worked there outside the project area. Powell states he was not part of the full project, however seeing cattle briefly during his work there.

Geographic Representative Sandi Quinsaot of Koloa questions the preservation measures for the 16 sites. Basically there not in the project area explains Powell, and the Dairy is not allowed to use that area for their operations. I don't know exactly the dairy operations and may not be able to answer all your questions. Teddy Blake questions if the quarry area is outside the project area and what is the name of the heiau. Powell answers he is unsure of where the heiau area and yes the quarry is outside the project area.

Chair opens the floor for public discussion.

Recognized Descendant Kalanikumai Hanohano introduces himself from the district of Koloa as a lineal descendant of Nakapaahu Kailipoloahilani an LCA Awardee and fee simple property owner whose holdings were subject to quiet title by the current landowner, Grove Farm, in 1976. I have submitted a nine page commentary to SHPD and the KNIBC. The parts included are dealing only with cultural practices, access, and resources on which they are dependent. One thing comes to mind on this "haloa denies this".

Chair Yap only asks that Group 70 approaches us immediately if any burials area located as soon as possible so we may work with them accordingly.

- B. National Historic Preservation Act (NHPA), Section 106 Consultation, Replacement of an Existing Wash Rack at the Hawaii Army National Guard (HIARNG) Hanapepe Armory, Hanapepe Ahupua'a, Kona District, Kauai Island, TMK: (4) 1-8-08-77,78. Information/Discussion/Recommendation:** Presentation by HIARNG.

Chairman Yap asks if anyone is here to present. No one responded and the council had no comments for the project.

- C. National Historic Preservation Act (NHPA) Section 106 Consultation, Construction of a new Vehicle Maintenance Shop at the Hawaii Arm National Guard (HIARNG) Hanapepe Armory, Hanapepe Ahupua'a, Kona District, Kauai Island, TMK: (4) 1-8-08-77,78. Information/Discussion/Recommendation:** Presentation by HIARNG.

Chairman Yap asks if anyone is here to present. No one responded and the council had no comments for the project.

- D. National Historic Preservation Act (NHPA) Section 106 Consultation, Proposed 'A'o Management Actions, Kilauea Point National Wildlife Refuge (KPNWR), Kilauea Ahupua'a, Ko'olau District, Kauai Island, TMK: (4) 5-2-004-01-70. Information/Discussion/Recommendation:** Presentation by KPNWR.

Chairman Yap asks if anyone is here to present. No one responded and the council had no comments for the project.

- E. National Historic Preservation Act (NHPA) Section 106, Hawaii Revised Statutes (HRS) Chapter 343, Hawaii Administrative Rules (HAR) Chapter 11-200 Consultation on Proposed Improvements to the Department of Hawaiian Home Lands (DHHL) Anahola Farm Lots Water System PWS NO. 432, Anahola Ahupua'a, Ko'olau District, Kauai Island, TMK: (4) 4-8-005-037. Information/Discussion/Recommendation:** Presentation by DHHL.

Chairman Yap asks if anyone is here to present. No one responded however, the Chair request the presence of this project at the next meeting for consultation.

- F. National Historic Preservation Act (NHPA) Section 106 Consultation on Hanapepe Bridge Repairs, Hanapepe Ahupua'a, Kona District, Kauai Island, TMK: (4) 1-9-04-10. Information/Discussion/Recommendation:** Presentation by County of Kauai.

Vice Chair Trask, recuses himself as a County of Kauai employee. Samy introduced himself from the County of Kauai explaining the 106 consultation efforts. The Hanapepe Bridge is a 105 years old and we are working on repairing this bridge. We are not digging in or around the bridge, only on the side of the bridge.

Chair Yap asks for comments from the public. No comments at this time.

G. National Historic Preservation Act (NHPA), 36 Code of Federal Regulation (CFR) Part 800, Consultation on Maintenance Dredging at Kikiaola Harbor, Kapena & Kekaha Ahupua'a, Kona District, Kauai Island, TMK (4) 1-2-006-003, 017.

Information/Discussion/Recommendation: Presentation by the Department of the Army.

Loren Zulick from the Army Corps of Engineers introduced himself explaining this is a maintenance dredging project at Kikiaola Boat Harbor. They dredged it in 2009 and we are planning on dredging it again for navigation purposes. We received feedback from the SHPD and subsequently came up with our second consultation letter and added archeology monitoring. We will be dredging from the land and the contractor will be designing the technique in dredging. We have a couple options of the staging area. We have a few proposed sites Area A, B, and C. The intent is to use a barge to dredge and get it on the land. When they get it on the land they will stage it. Area B was used the last time we dredged and will most likely do it again. They will stockpile the sand for drainage with permission to excavate six inches. We are supposed to manage the drainage and there may be ground disturbance based on that. We have awareness of the two cemeteries that are on the western side of the project. We have the Japanese cemetery and the Chinese cemetery adjacent to this project. We know the coastline nearby has been recently filled with additional sand along the coastline. Area A was disturbed and used during the sand fill along the coastline. We included an archeological monitor which has not been contracted yet. However they will be on site during any ground disturbing activities. Chair Yap asked if Area C was ever used, Loren answered not for dredging. Yap suggests Area A might not be the best staging area as burials have been known to come up. Having an archeologist there is a great idea. Councilmember Robinson asks if the equipment will be on the barge however picking up the soil and dropping it on land. Loren answered the contractor will be designing the methodology. They could use the ramp and utilize a bypass and pump it. Robinson continues the stockpile is there someone using it. Loren answered yes someone wanted it but problematic for the government to give or sell the land to certain entities. So it goes down to the dump. Councilmember Harada asks if any artifacts came out of the dredging in the last project. Loren stated no, however the contractor will be notified and briefed on the possibility of encountering artifacts or burials. I will work with my team in seeing if we can eliminate area A from the plan. Yap asks if they would still use the berm, Loren answered possibly however they may make their own.

Chair Yap opens the discussion to the public. No comments received.

VI. ANNOUNCEMENT

A. Next meeting date is scheduled for Wednesday, August 17, 2016

VII. ADJOURNMENT

Pursuant to §92-3 HRS, all interested persons shall be afforded an opportunity to present oral testimony or submit data, views, or arguments, in writing on any agenda item. Additionally, pursuant to a policy adopted by the Oahu Island Burial Council at its September 14, 2005 meeting, oral testimony for items listed on the agenda is limited to three minutes per person, per agenda item.

Pursuant to sections §92-4, §92-5(a)(8), and §6E-43.5, Hawaii Revised Statutes (HRS), and upon compliance with the procedures set forth in section 92-4, HRS, the council may go into a closed meeting to consider information that involves the location or description of a burial site.

A request to be placed on a burial council meeting agenda must be made with the Burial Sites Program staff at least two weeks preceding the scheduled meeting date. In addition, the request must be accompanied by all related documents. Failure to comply with this procedure will delay the item to the following month's agenda.

Materials related to items on the agenda are available for review at the State Historic Preservation Division in room 555 of the Kakuhihewa Building located at 601 Kamokila Boulevard, Kapolei, Hawaii 96707. Persons with disabilities requiring special assistance should contact the division in advance at (808) 692-8015.