

DAVID Y. IGE  
GOVERNOR OF HAWAII



CARTY S. CHANG  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

DANIEL S. QUINN  
INTERIM FIRST DEPUTY

W. ROY HARDY  
ACTING 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  
KAHOOLAWE ISLAND RESERVE COMMISSION  
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

**APPROVED MINUTES  
KAUA'I & NI'HAU ISLANDS BURIAL COUNCIL MEETING**

**DATE:** Wednesday, April 15, 2015  
**TIME:** 9:22 AM  
**PLACE:** Kauai DOT Building  
Conference Room  
1720 Haleukana Street  
Lihue, Hawaii 96766

**ATTENDANCE:**

**Members:** Keith Yap, Chairperson  
Mauna Kea Trask, Vice chair  
Janet Kaeo Bradford  
Barbara Say  
Wayne Palala Harada

**Absent:** Nathan Kalama, excused  
Leiana Robinson  
Debra Ruiz

**Staff:** Hinano Rodrigues, History and Culture Branch Chief  
Regina Hilo, Oahu Burial Sites Specialist  
Mary Jane Naone, Kauai Lead Archaeologist

**Guest:** Nancy McMahan, Kauai City and County

**I. CALL TO ORDER**

The Kauai Niihau Islands Burial Council (KNIBC) chair, Keith Yap, called the meeting to order at 9:22 AM.

**II. ROLL CALL/PULE**

Mauna Kea Trask opened with Nā Aumākua.

**III. MINUTES**

A. None

IV. BUSINESS

**A. Orientation on Hawai'i Revised Statutes §63-43.5 and Hawai'i Administrative Rules Chapter 13-300.**

Item deferred to the end of the KNIBC meeting.

SHPD History and Culture Branch Chief, Hinano Rodrigues, conducted the orientation.

Rodrigues asked: How do we address erosion and exposure of human skeletal remains? Do we remove all the iwi, or just some? On Maui, some remains are eroding out of a cliff side; one day, the cranium comes out. The next day, a femur comes out. Removal of all of the individual sometimes results in exposure of multiple other individuals.

Yap: removal can be equated to desecration; at Russian Fort, some remains have already been claimed by the ocean. Erosion should not necessarily dictate policy.

Say: It isn't always clear which individual the iwi originated from

Trask: there are appropriate times to move iwi; perhaps this can be agendized in the future and discussed in executive session?

Yap: table discussion for a later time

Trask: Ask AG for 92-5-8

**B. Letter Dated February 27, 2015 from the State of Hawai'i Department of Transportation to Keith Yap Regarding: Listening Session on Ways to Improve Hawai'i Department of Transportation Consultation with Native Hawaiian Organizations and Individuals on Kaua'i.**

**Notification/Information:** Notification to the Council in regards to island-wide meetings to discuss the above.

Yap: listening sessions are 2 hours, 9:00 to 11:00 AM.

Locations and dates as follows:

April 23: Lihue, Lihue Neighborhood Center

April 24: Waimea

April 25: Hanalei

Yap informed the other KNIBC members to see him for more information.

**C. Human Skeletal Remains in the SHPD Kaua'i Inventory Labeled As: UK-KA-01; 04-KA-01; 05-KA-01; UK-KA-03. Origin Unknown at this Time.**

**Information/Discussion/Recommendation:** Discussion on the Above Human Skeletal Remains and its Repatriation Under the Native American Graves Repatriation Act.

Trask requested this item be placed on the agenda, to address how the KNIBC can deal with its NAGPRA obligations: search for lineal descendants, identify and consult with Native Hawaiian organizations. SHPD needs KNIBC's assistance. Inventory of container with boxes is needed.

Discussion among board members: inventory, which moku to begin with; Trask suggested starting at Koloa, as the inventory is smaller and there is an established and recognized descendant community; Say recommends starting at Waimea  
Yap discussed State Parks' jurisdiction at Russian Fort in Makaweli  
SHPD's Hilo will look into the current situation at State Parks' Russian Fort Elizabeth, condition of reinterment facility there, stewardship commitments, etc.  
Trask mentioned the Kukuiula Club House

## V. SHPD INADVERTENT DISCOVERIES/OTHER CORRESPONDENCE

### A. Inadvertent Discovery of Human Skeletal Remains on February 19, 2015 at Hanalei Black Pot Beach Park, Hanalei Ahupua'a, Halelea District, Island of Kaua'i, TMK: (4) 5-5-001: 004.

**Information/Discussion/Recommendation:** Discussion on the above find.

SHPD Kauai archaeologist Mary Jane Naone clarified that this is not an inadvertent find. Kauai City and County archaeologist Nancy McMahon provided some background details:

- there was an AIS developed under a master plan with HHF Planners; Cultural Surveys did the AIS
- most of the trenches had negative/zero results
  - fill layer with various faunal remains
  - one fragment was positively identified as human

Naone mentioned she was new at responding to inadvertents, and tried to call the district KNIBC representative, Barbara Say; she was unreachable; contacted other KNIBC members, and picked up Palala who assisted in reinterring the fragment deeper than the archaeologist with CSH had placed it

Council member Say mentioned that the CSH archaeologist had called her for advice; Say would prefer a minister be present during reinterment

Council chair Yap stated the district representative drives the treatment, that protocols are already in place on Kauai

Council vice chair Trask stated that the inadvertent discovery occurred on County property; Naone contacted Trask, and Trask told Naone to contact Palala; Naone contacted Palala and handled the situation

Naone reiterated that because this is not an inadvertent, the County will do a BTP. CSH is doing the AIS. There is no interim curation facility.

Yap asked that in the future, when the County is doing work in sensitive locations, to be prepared and find a safe place to secure interim. If it is an inadvertent, SHPD takes jurisdiction.

McMahon stated that the master plan has focus groups and stakeholder groups that will run an ad moving forward.

Yap requested that council member Say be involved in it.

### B. Inadvertent Discovery of Human Skeletal Remains on March 12, 2015 at the Jonathan Hurd Property, Kaumuali'i Highway, Kekaha, Waimea Ahupua'a, Kona District, Island of Kaua'i, TMK: (4) 1-2-013: 38.

**Information/Discussion/Recommendation:** Discussion on the above find.

Naone stated this is the first house on the lot; remains were secured on site; contacted council representative Ruis; screened back dirt, MNI = 1; recovered and reinterred on Sunday evening; SIHP # for area of discovery has been submitted

Motion: to recommend to SHPD that SHPD recognize this TMK as a burial site

Motioned by: Trask

SHPD History and Culture branch chief Hinano Rodrigues stated that the SIHP # gets assigned, which flags the TMK, whereby all building permits get routed for review to SHPD

Trask asked what is done at a county level; McMahon replied that the County had sensitive area maps when an initial study was funded thru CZM

Council chair Yap agreed with the intention, but left the vote up to the board

Trask stated that this would be protocol for every area with an inadvertent discovery of human skeletal remains

Yap stated that SHPD will make the decision

2<sup>nd</sup>: Say

Voted: 4 Yay, 1 Nay (Yap)

Passed; recommendation will be made to SHPD

**C. Inadvertent Discovery of Human Skeletal Remains on March 25, 2015 in a Wave Cut Dune Ma Kai of the Robinson Property Along the Shoreline East of Russian Fort, Makaweli Ahupua'a, Kona District, Island of Kaua'i, TMK: (4) 1-7-005: 004.**

**Information/Discussion/Recommendation:** Discussion on the above find.

Naone stated that human skeletal remains are eroding from a dune; the remains are covered now, but this will be an ongoing issue

Yap: this is a known area and known issue; take iwi and rebury at a more secure, upper dune; this one is on Gay and Robinson property, so Yap gives Naone the OK to do that

Naone: reburied in the same dune, farther up, at a depth of 1mbs; marked and GPS'd

Trask suggests that an area needs to be identified as a reinterment site, and to have protocol for state agencies

**D. Inadvertent Discovery of Human Skeletal Remains on March 26, 2015 at the Coconut Marketplace, South Olohena Ahupua'a, Puna District, Island of Kaua'i, TMK: (4) 4-3-002: 018.**

**Information/Discussion/Recommendation:** Discussion on the above find.

Naone: cranium, and fragments, were collected from the field and are being curated on site

Yap: new reinterment site approved by KNIBC; call the KNIBC and make arrangements to reinter rather than keep in storage

Trask: public use area, commercial

Motion: to make this TMK a burial site

2<sup>nd</sup>: Bradford

Moved and carried

**VI. ANNOUNCEMENT**

**A. Next meeting date is scheduled for Wednesday, May 20, 2015**

## **VII. ADJOURNMENT**

Motion: to adjourn

Motioned by: Trask

2<sup>nd</sup>: Harada

Moved and carried

Adjourned at 12:34 PM

**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.**