



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

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

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

**KEKOA KALUHIWA**  
FIRST DEPUTY

**JEFFREY T. PEARSON**  
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

**Kaua'i Ni'ihau Island Burial Council**  
**Meeting Minutes**

**DATE:** Wednesday, April 20, 2016  
**TIME:** 09:00 am to 11:06 am  
**PLACE:** Department of Transportation  
Conference Room  
1720 Haleukana Street  
Lihue, Hawaii 96766

**KNIBC MEMBERS:** Keith Yap, Landowner/Developer Representative  
Mauna Kea Trask, Koloa Representative  
Debra Ruiz, Waimea Representative  
Nathan Kalama, Kawaihau Representative  
Janet Kaeo Bradford, Lihue Representative  
Leiana Robinson, Niihau Representative

**ABSENT/EXCUSED:** Barbara Say, Hanalei Representative  
Wayne Palala Harada, Napali Representative

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

**GUESTS:** Kanani Fu, County of Kauai  
Kaliko Santos, OHA-Kauai  
Kunane Aipoalani, Na Papa O Mana  
Missy Kamai, CSH  
Aulii Mitchell, CSH  
Mike Dega, SCS

**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. February 17, 2016**

**Kaeo Bradford moved and Nathan Kalama seconded motion to approve minutes.**

Chairman Yap opens the floor for discussion.

**Motion approved unanimously.**

#### **IV. BUSINESS**

- A. County of Kauai Housing Agency Affordable Housing Project Burials Identified during Archaeological Inventory Survey at corner of Inia Street and Kauwila Street, Kapa'a Ahupua'a, Puna District, TMK:(4) 4-5-08:009. Information/Discussion/Recommendation.** Presentation by Scientific Consultant Services Inc.

Mike Dega of SCS introduced himself along with Kanani Fu of the County of Kauai Housing division. We are here today for two main reasons, one is the discussion of iwi on two of the three lots in Kapa'a and the second is a discussion between the County and you folks in taking recommendations in moving this project forward. The first lot we started trenching from the center and iwi was found during excavation. We notified SHPD at this point and believe its an insitu burial. We tested on the second lot beginning from the center and discovered iwi again however these remains were disturbed. There is a reinternment site on the lot from around three years ago. This is all state property, so there is one known burial site and the fragments found during testing. In the third lot there was a family doing some gardening where iwi was found as well. Kanani Fu continues explaining the transfer of lands to the County from DLNR. These were scheduled to be residential lots and DLNR was not going to develop so we agreed to take the land. Before the executive order took place we were required to complete and AIS in addition to a metes and bounds survey. These three lots here in Kapa'a we have the right of entry. In May we are going to receive the right of entry to the lot adjacent to these lots. The intention of the lots is to do residential housing and strictly affordable housing with 85% of the population here on Kauai will qualify for. The land is coming with a 90 year lease and these lots have sewer and water which is around 60% of the housing costs. These sites are in fact proper for residential housing and the County is prepared to develop. The limiting factors are dependent on the mitigation between the burial council as well as the SHPD.

Chair Yap asks if these parcels have been disturbed before or vacant. Fu answers the lots are in the public access way so loitering by the neighbors is a common occurrence. The south lot had a home that was destroyed and the third lot has a garden encroaching and will not be seeking development until the encroachment is resolved. Yap questions if these will be post and pier single family homes. Fu adds it's in a tsunami zone which has development limitations. With federal funding it will be 12feet above ground on post and pier. Depending on financing of the vertical unit it is premature for us to determine the ground disturbance.

Waimea Geographic Representative Debra Ruiz questions the findings of iwi on the two lots. Dega answers they were found in the middle. The third lot doesn't have discovered iwi yet? Dega states we haven't gotten the right of entry yet. Ruiz adds that a lot was utilized for a reinternment site and it should be documented. The question is where the iwi came from that were relocated there. Dega answers the iwi came from across the street during the parks restroom installation. Yap suggests we are inclined to keep the burials insitu and if you folks are planning to remove burials, where? Dega states we would like to keep it on the lot. We only tested two trenches during the AIS, and it's not complete as we found burials during the testing. Fu adds when the burials where found it was sought to gain recommendations from the KNIBC and halt our AIS work. The footprint of our design is

dependent on the mitigation here with SHPD and KNIBC. Yap concludes we favor to keep the burials in situ and we should work together to prevent ground disturbances.

Chairman Yap opens the floor for discussion.

Nani Rogers from the public asks if there is documentation by Nancy the SHPD archeologist at that time of the burials reinterred on the lot. Dega answered yes. We are looking for the recommendation to continue with the AIS on the lots in question. Yap states we can't give recommendation without knowing the design. Fu concludes we are unable to show the design as the executive order restricts us from doing that. We must do the first requirements and find the difficulty for you folks to mitigate the impacts.

**B. Discuss Findings of the KNIBC Permissive Interaction Group for identification of burial sites by Kama 'aina.**

**Discussion/Information/Recommendation:** Presentation by Mauna Kea Trask, Geographic Representative for Koloa.

Koloa Geographic Representative Mauna Kea Trask introduced himself explaining the initial goal in gathering burial information from descendants of the different geographic areas here on Kauai. In the efforts of the burial council members knowledge of burials were gathered and submitted to SHPD. However SHPD hasn't been able to utilize this information towards the maintenance of the inventory of burials here on Kauai. As a Permissive Interactive Group (PIG) it's our duty and responsibility to share this information. Chair Yap expresses the need to bring awareness to the County of the known burials as they are crucial to the permitting process. We want to prevent the impacts to burials the best way we can with all the tools necessary.

**Mauna Kea Trask entertains a motion to share the findings under seal in confidentiality with the County of Kauai permitting entities and Bradford seconded.**

Chairman Yap opens the floor for discussion.

**Motion approved unanimously.**

**V. SHPD INADVERTENT DISCOVERIES/OTHER CORRESPONDENCE**

**A. Inadvertent Discovery of Human Skeletal Remains on February 24, 2016 at Pacific Missile Range Facility (PMRF), Niu Ahupua'a, Mana District, Island of Kauai, TMK: (4) 1-2-002.**

Waimea Geographic Representative Debra Ruiz responded to the inadvertent call with former KNIBC Chair Kunane Aipoalani, lineal descendant to the PMRF area. Mary Jane was notified and asked to make a positive id on the finds. There was high winds and high surf in the area called Divers Landing where human skeletal remains were found to be exposed. As we assessed the area we gathered the exposed remains and reburied at a higher elevation nearby and requested that we protect the area with fencing to prevent further impact. A few days later to assess the area and another set was exposed. A few fragments were covered and left in place. In consultation with the PMRF, KNIBC and SHPD we finally got a response from PMRF. They are aware and looking a protection measures for that area. Our concerns are if the coastline continues to be exposed we should relocate the possible impacted remains. These remains that are exposed were exposed and protected in the past. As of today we may not have that option as the coastline is eroding at a rapid rate. We had four action items to consider with the KNIBC and await their recommendations. Whose responsibility it

is to cover the iwi? Yap explains if it's below the wash line it's the State. If we reinter whose responsibility is it? Hoomanawanui clarifies that the PMRF has the full responsibility of providing the technical support and costs according to the PA and BTP. We came up with a reinternment site as well as enough area to provide a protected area for the reinternment of these exposed iwi. Former Chair Aipoalani states in the past we the family has accommodated exposed iwi before and relocated to our graveyard however we would like to keep the iwi as close to the area it was found. We support the need of a safer burial site to reinter these coastal exposed burials. The Navy on Oahu has created a burial platform without doing further ground disturbance and has recommended this for PMRF as well. We anticipate our site visit with Jeff from PMRF to let him know our recommendations.

**B. Inadvertent Discovery of Human Skeletal Remains on March 21, 2016 at Rice Property, Ha'ena Ahupua'a, Halele'a District, Island of Kauai, TMK: (4) 5-9-002:032.**

Missy Kamai from CSH introduced herself. The operator of the excavator to install a septic tank contacted me due to the area he was contracted to work. The landowner then hired CSH to conduct an AMP and soon after excavating began burials were found. SHPD was notified as well as KNIBC; Barbara Say, however the landowner will be conducting the burial treatment plan. I am here in courtesy to present the initial discovery. The remains are currently protected by the landowner. The landowner asks for recommendations for the reburial site. Hanalei Geographic Representative Barbara Say suggests that they put it towards the border of the property near a protective tree.

**VI. ANNOUNCEMENT**

**A. Next meeting date is scheduled for Wednesday, May 18, 2016**

**VII. ADJOURNMENT**

**Chairperson Yap entertained a motion for adjournment Bradford seconded, Chair adjourned the meeting at 11:06 am.**

Respectfully Submitted,

Kauanoë Hoomanawanui

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.