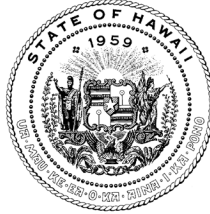


DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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BOARD OF LAND AND NATURAL RESOURCES  
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STATE PARKS

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

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

**Kaua'i Niihau Island Burial Council**  
**Meeting Minutes**

**DATE:** Wednesday, September 19, 2018  
**TIME:** 10:01 am to 11:28 am  
**PLACE:** Lihue State Office Building  
2<sup>nd</sup> Floor Conference Room  
3060 Eiwa Street  
Lihue, Hawaii 96766

**KNIBC MEMBERS:** Keith Yap, Landowner/Developer Representative  
Leiana Robinson, Niihau Representative  
Teddy Blake, Landowner/Developer  
Sandra Quinsaas, Koloa Representative  
Carol Lovell, Kawaihau Representative

**ABSENT/EXCUSED:** None

**SHPD STAFF:** Kauanoë Hoomanawanui, Kauai Island Burial Sites Specialists  
David Buckley, Kauai Island Archeologist  
Hinano Rodrigues, History & Culture Branch Chief

**GUESTS:** Missy Kamai, CSH  
Kaliko Santos, OHA Kauai  
Mike Dega, SCS  
Jody Galinato, COK  
Milton Ching, Descendant  
Jim Powell, SCS  
Nancy McMahan, Explorations LLC  
Naomi Kuwaye, Ashford & Wriston for SCS  
Alex Hazlett, SCS  
Don Nicolson, SPD

**I. CALL TO ORDER:**

Keith Yap, KNIBC Chair called the meeting to order at 9:01 am.

**II. ROLL CALL/PULE:**

Vice Chair Sandi Quinsaas gave pule.

### III. MINUTES

#### A. November 15, 2017

**Carol Lovell moved and Sandi Quinsaot seconded motion to approve minutes.**

Chairman Yap opens the floor for discussion.

**Motion approved unanimously.**

### IV. BUSINESS

#### A. **Department's National Historic Preservation Act Section 110 Consultation for the Hawaii Army National Guard Installations Project, Hanapepe Armory, Hanapepe Ahupua'a, Waimea District, Kauai Island, TMK: (4) 1-7-008:29 & 078.** **Information/Discussion: Discussion on the above item. Presentation by CSH.**

Missy Kamai introduced herself from Cultural Surveys Hawaii proactively is here in the early consultation of this project. We are doing a pedestrian survey and thirty test units to see if there are any cultural deposits or iwi kupuna in these areas. The military is establishing an AIS for all the installations here in Hawaii in their new Preservation Plan.

Chairman Yap opens the floor for discussion.

Councilmember Leiana Robinson asks if they ever completed these items initially? Missy replied not to her knowledge.

#### B. **Waipouli Development, Waipouli & North Olohena Ahupua'a, Kawaihau District, Island of Kauai, TMK: (4) 4-3-2:15, 16 & 20.** **Information/Discussion: Update on the above project and compliance status with the previously approved Burial Treatment Plan. Presentation by SCS.**

Mike Dega introduced himself as well as Naomi, attorney of the Landowner. We are presenting the BTP for the above project bringing it into compliance. The updates include the construction of the reinternment site that holds six burials to date. The distances from the structure to the shoreline is over fifty feet and the structure from the beach is sixty-six feet with a thirty-foot distance from the proposed bike path. Naomi discusses the utility and trenching plans that shows there are two inadvertent discoveries preserved in place and the location of the preserve with the buffer. Including the bike path and the parking lot with a greater detail on the next map of the internment site. We are providing background information as I have been engaged since 2006. This project went through permitting and planning commission in 2007 had gone through mitigation. We removed the wrongfully installed chain fence surrounding the burial reinternment site and have provided the earlier requested updated blueprints. We set in place conditions that the developer would be subject to, we provide the commission with updates annually. We must go to the Federal Courts for any amending on this project.

Chairman Yap opens the floor for discussion.

Chairman expresses the concerns of the previous allocation of the burial preserve at its located in an area that is undergoing erosion and exposure. The pedestrian traffic in the area is also problematic as the

people enter the sites unlawfully. Naomi agrees that they have had a man onsite to make sure the orange temporary fencing is consistently patched as people keep on attempting access. Chair asked is the language on the plaque can include the significance of the site with the proper access. We would like to make suggestions of a more visual barrier that protects the burial site. The rising waters and shifting of sands have left the area with many changes as we try to protect this area.

Vice Chairperson Sandi Quinsaot describes the signage to not include any nature to what is actually being preserved at the site. Giving importance to our Iwi Kupuna, proposing the language “hoo hiamoe me ka maluhia” which means “rest in peace” this gives the intention of the burial site properly. It is inclusive of importance and yet respectful to the Iwi Kupuna.

Councilmember Blake asks what is the description of a crypt? Naomi answers, a crypt is a hollow enclosure with remains including sand and vegetations. Dega adds, we add a sand base into the enclosure and top it off with sand. The enclosure is dry stacked stone that will be high enough to fill and lay the kupuna to rest within. Naomi continues the language came from a past approved plan and we are open to recommendations. Blake adds the sites in Poipu area do not have signage explaining these are significant sites and yet be respectful of disclosing the Iwi Kupuna, with the statutes and fines. I have witnessed this at many sites unless some is there to interpret it’s just a pile of rocks.

Chairperson Yap adds we do not have a call to action, but signage is a constant discussion as we want to protect the burial sites but not invite anything suspicious. The language needs to be strong enough to protect the sites properly.

Naomi concludes that we have someone onsite every day to monitor the sites up until we start construction and put up the dust fence that will fully secure the burial sites till construction is complete. I have seen many hotels that have shown the culture and heritage in signage throughout resorts. Dega explains that the County can provide heritage signs with the Bike Path project. She explains we are open for proper signage as well as protection measures. Chair shares we have had many instances where pedestrians have come too close to sites and naupaka has been used as a great vegetative buffer.

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

### **A. Inadvertent Discovery of Human Skeletal Remains Reported by KPD on November 26, 2017, Waipouli Ahupua’a, Kawaihau District, Island of Kauai, TMK: (4) 4-3-2:15,16. Information/Discussion:** Discussion on the above item.

Hoomanawanui explains this burial was reported by KPD and upon site visit it was determined to be an existing burial from the Coconut Development project mentioned earlier. The reinternment site was disturbed by trash and evidence of footsteps atop the burial site surface.

### **B. Inadvertent Discovery of Human Skeletal Remains Reported by KPD on December 22, 2017 at Kalihikai Ahupua’a, Halelea District, Island of Kauai, TMK: (4) 5-3-007:005. Information/Discussion:** Discussion on the above item.

Hoomanawanui explains this burial was reported by KPD during coastal erosion and are currently curated awaiting reinternment nearby.

### **C. Inadvertent Discovery of Human Skeletal Remains Reported by KPD on January 5, 2018 at Waipouli Ahupua’a, Kawaihau District, Island of Kauai, TMK: (4) 4-3-2:15, 16.**

**Information/Discussion:** Discussion on the above item.

Hoomanawanui describes this find was reported by KPD during coastal erosion and are currently curated awaiting reinternment nearby.

**D. Inadvertent Discovery of Human Skeletal Remains Reported by KPD on January 31, 2018 at Aliomanu Ahupua'a, Koolau District, Island of Kauai, TMK (4) 4-8-013:009.**

**Information/Discussion:** Discussion on the above item.

Hoomanawanui describes this find was reported by KPD during coastal erosion and are currently curated awaiting reinternment nearby.

**E. Inadvertent Discovery of Human Skeletal Remains Reported by State Parks on January 31, 2018 Wailua Ahupua'a, Hanamaulu District, Island of Kauai, TMK: (4) 4-3-9-006:001.**

**Information/Discussion:** Discussion on the above item. Presentation by State Parks.

Hoomanawanui describes this find was reported by State Parks and the find was preserved in place and secured within the historic site.

**F. Inadvertent Discovery of Human Skeletal Remains Reported by KPD on March 1, 2018 at Aliomanu Ahupua'a, Koolau District, Island of Kauai, TMK (4) 4-8-013:009.**

**Information/Discussion:** Discussion on the above item.

Hoomanawanui describes this find was reported by KPD during coastal erosion and are currently curated awaiting reinternment nearby.

**G. Inadvertent Discovery of Human Skeletal Remains on March 21, 2018 at 4421 Malolo Street, Hanalei Ahupua'a, Halelea District, Kauai Island, TMK: (4) 5-5-002:003.**

**Information/Discussion:** Discussion on the above item. Presentation by Exploration Assoc.

Nancy McMahon introduces herself as she responded to a SHPD inadvertent call and contracted to monitor the remainder of the project. I located small fragments of human bone in the area of the find with small artifacts. In my experience this area has had a lot of burials. The previous house on the property was "The Bounty House" from the movie production. The new owner moved this home into the neighbor lot. By the time I responded to the site it had been modified by construction. The contractors doing the footings were the same as the ones who moved the home. Initially they planned to reintern on the property and a few months later they changed their mind to reintern elsewhere. To date the remains are still in curation.

**H. Inadvertent Discovery of Human Skeletal Remains during Archaeological Monitoring Reported by Cultural Surveys Hawaii on March 29, 2018 at 2440 Hoonani Road, Koloa Ahupua'a, Koloa District, Kauai Island, TMK: (4) 2-8-016:004.**

**Information/Discussion:** Discussion on the above item. Presentation by CSH.

Missy Kamai of Cultural Surveys introduces herself explaining their response to the inadvertent discovery during archaeological monitoring. We contacted KNIBC Sandra Quinsaas and SHPD discussing the disposition. The find was collected, and we are planning

to rebury on site upon the completion of monitoring. To date no other finds have come up during monitoring.

**I. Inadvertent Discovery of Human Skeletal Remains on April 18, 2018 at Pacific Missile Fire Range (PMRF), Mana Ahupua'a, Kekaha District, Kauai Island, TMK: (4) 1-2-002:013.**

**Information/Discussion:** Discussion on the above item.

Hoomanawanui describes the inadvertent discoveries on PMRF and that recommendations to the NAVDAQ archaeological consultants to preserve in place where can and if reintering to notify us.

**J. Inadvertent Discovery of Human Skeletal Remains Reported by KPD on May 25, 2018 at Waipouli Ahupua'a, Kawaihau District, Island of Kauai, TMK: (4) 4-3-2:15, 16.**

**Information/Discussion:** Discussion on the above item.

Hoomanawanui describes this find was reported by KPD during coastal erosion and are currently curated awaiting reinternment nearby.

Chairman Yap opens the floor for discussion to any of the stated inadvertent discoveries.

Nancy McMahan describes her contract after the inadvertent discovery at the PMRF referring to Item I earlier. We had discovered remains during monitoring mostly artifacts and we are working on cutting down the overgrown vegetation. The rest of the site we are monitoring continues into the removal of vegetation near the runway. They use a bobcat mower and cannot go very deep but not disturb any sites. This area has mainly military sites and a few areas we found shark remains. The sharks do frequent this area.

Jody Galinato of the Planning Department at the County of Kauai office introduced herself in working directly with coastal permitting. The first homes on properties are exempt from extensive review that would trigger a SHPD recommendation of monitoring. Commissioner Blake questions the requirements by the County regarding these certain instances. Galinato adds there is a violation process for that with SHPD. We notify SHPD or they notify us we work together in making sure these developers stay compliant. McMahan adds the contractor on the site at Weke road was surprised I found such a small fragment. Demolition doesn't require any review. Blake asks what happens after an inadvertent discovery is found? Hoomanawanui answers in HAR 13-300-40 we are required to go through that process. In your black training binders, the statute is stated. The determination letter for this particular project is in your KNIBC meeting packet for your review of the process clearly. Hinano adds it is not a violation to inadvertently discovered human skeletal remains. Galinato includes if the SMA permit conditions are specific to burial sites found and not reported they will be revoked of their permit.

Hoomanawanui explains we invited Jody from the County to share with us her expertise in the recent tidal erosion and island wide projections. The current concern for the County at this time is reinternment site at the Coconut Development as the erosion heightens closer to the site it goes within the required 50ft certification line.

**VI. ANNOUNCEMENT**

**A. Next meeting date is scheduled for Wednesday, March 20, 2019.**

## **VII. ADJOURNMENT**

Chairperson Yap adjourned the meeting at 11:30 AM.

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.