STATE OF HAWAI‘I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai‘i 96813

October 13, 2017

Chairperson and Members
Board of Land and Natural Resources
State of Hawai‘i
Honolulu, Hawai‘i

Land Board Members:

SUBJECT: AUTHORIZE THE ISSUANCE OF A RIGHT-OF-ENTRY PERMIT TO
THE BOARD OF WATER SUPPLY TO CONSTRUCT A
REINTERMENT SITE AT WAI‘AUAIA, KAILUA, O‘AHU, TAX MAP
KEY: (1) 4-2-016:002.

APPLICANT:
Honolulu Board of Water Supply, a semi-autonomous government agency

LEGAL REFERENCE:
Sections 171-55 and 183D-4, Hawai‘i Revised Statutes, as amended.

LOCATION:
Portion of State of Hawaii lands situated at Wai‘auia, Kailua, O‘ahu, identified by Tax
Map Key (TMK): (1) 4-2-016:002 shown on the attached map labeled Exhibit A.

AREA:
One (1) acre, more or less.

ZONING:
State Land Use District: Urban
City & County of Honolulu LUO: P-2 (Preservation) and R-5 (Residential)

TRUST AND LAND STATUS:
Acquired after Statehood, i.e. non-ceded.

DHHL 30% entitlement lands pursuant to the Hawai‘i State Constitution: No

ITEM C- 3
CURRENT USE STATUS:

Encumbered by Governor’s Executive Order No. 4128 setting aside to the Division of Forestry and Wildlife (DOFAW) as an addition to Kawanui Marsh.

INTRODUCTION

The Honolulu Board of Water Supply (BWS) proposes to fund the construction of a permanent reinterment site for the remains of nearly 30 individuals that were disinterred from various areas of the Kailua ahupua’a since the 1990s, and held in the State’s possession until 2009. The proposed site is located at TMK (1) 4-2-016:002, 840 Kailua Road, near the entrance to Kailua Town, on land owned by the State of Hawai‘i and managed by DOFAW, a division of the Department of Land and Natural Resources (DLNR). The reinterment site will be approximately 20 by 40 feet and surrounded by a low, faux-moss rock wall, with a single, open entry point on the side facing Kailua Road. A complete project description is attached as Exhibit B.

The BWS proposes to fund and oversee the building of the reinterment site, its initial landscaping, and the reinterment of the temporarily curated remains. However, long-term ownership and maintenance will remain with the State and DOFAW. For future management, DOFAW will pursue and enter into a Memorandum of Agreement (MOA) with the Kailua Native Hawaiian cultural descendant group, Kailua Kaua Ho‘oilolo (KKAH), for assistance with the long-term care of the site.

BACKGROUND

In 2009, the State Historic Preservation Division (SHPD) of DLNR lost its lease on its temporary curation facility in Honolulu that had held all of the remains from the ahupua’a of Kailua up until that time. SHPD representatives approached KKAH and asked if they would take ownership of the iwi kūpuna since KKAH has had success in working with various developers and utility companies reintering iwi kūpuna that had been recently disinterred from the ahupua’a of Kailua. Concurrently, the BWS had just finished a water main replacement project in the ahupua’a of Kailua that had resulted in the necessary disinterment of an iwi kupuna. Additionally, in the years since the 1990s, BWS projects had been responsible for several other disinterments in Kailua, and these remains are a part of the iwi kūpuna held in the State’s possession. Representatives from KKAH approached BWS leadership and asked if the BWS would consider funding the building of a reinterment site. BWS leadership agreed to fund the building of the site.

The first site that the descendants chose was at Kalama Beach Park, also known as the Boettcher Estate. The park is owned by the City and County of Honolulu and managed by the Department of Parks and Recreation (DPR). After two years of negotiations and still without approval from the DPR, the descendants decided to seek another area.

Next, KKAH approached Kāne‘ohe Ranch and the Castle Foundation (KR/CF) regarding the potential use of an area on the Pu‘u o ‘Ehu hillside, directly mauka of Kailua Town. KR/CF
agreed to allow for a reinterment site to be built there. KKAH also approached DOFAW, who eventually purchased and manages the site, and DOFAW representatives agreed to using a portion of the hillside for a permanent reinterment site. Since the reinterment site had always been planned as a passive site, and since DOFAW had no funds or plans to continually monitor the site, this site possibility was dropped.

KKAH members then sought out another, nearby area that might be appropriate. They chose the current site at TMK (1) 4-2-016:002, 840 Kailua Road, otherwise known to longtime Kailua residents as the former IT&T site. After informal discussions with DOFAW representatives, it was determined that with the proper permitting and with BWS funding the construction, DLNR and DOFAW could indeed accept a reinterment site at this location.

Since that time (late 2014), BWS has completed a survey of the property and the proposed reinterment area. This has allowed for an initial project plan to be drafted (attached). A Special Management Area-Minor (SMAM) Permit was issued to the BWS, Exhibit C.

The BWS also consulted with the State Historic Preservation Division in regards to the reinterment project. In a memo dated August 30, 2017 (Exhibit D) They concurred that the excavations associated with the proposed reinterment facility will have no effect on historic properties, and that no further archaeological work was necessary. They also requested that the following condition be attached to permits being issued for the project: “In the event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 692-8015.

CHAPTER 343-ENVIRONMENTAL ASSESSMENT

The BWS has determined that this project is exempt per Chapter 343 based upon their exemption list, dated July 23, 2009. A copy of this determination is included as Exhibit E.

Under Exemption Class 4, this category includes minor alterations in the conditions of land, water or vegetation as being exempt. BWS’s exemption list identifies: 1) construction of footpaths; and 2) landscaping and installation of irrigation systems as types of exempt activities. The improvements planned to create this reinterment site fall under these exempt activities identified. Construction of this reinterment site would not have a significant impact of the site or surrounding environment because it would affect a small area (800 ft²) and predominantly involves landscaping improvements.
RECOMMENDATIONS:

That the Board:

1) Delegate to the Chairperson the authority to negotiate, approve, execute, amend and extend Memorandum of Understanding, Right-Of-Entries and Release of Liability Agreements, as appropriate, between the State of Hawai‘i Division of Forestry and Wildlife and Board of Water Supply for the reinterment project at Wai‘auai, Kailua, O‘ahu, TMK: (1) 4-2-016:002, which are further subject to the following:

   a. Other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,

DAVID G. SMITH, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:

SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Attachments:
Exhibit A, Project Map
Exhibit B, Project Description
Exhibit C, SMA Permit
Exhibit D, SHPD Preservation Review
Exhibit E, BWS 343 Exemption Declaration
2016/SMA-69(SA)

MINOR PERMIT: SPECIAL MANAGEMENT AREA USE (SMA)

<table>
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<th>File Number:</th>
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<td>Kailua Reinterment Site Project</td>
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<tr>
<td>Valuation:</td>
<td>$64,900</td>
</tr>
<tr>
<td>Tax Map Key:</td>
<td>4-2-16: 2</td>
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<td>Zoning:</td>
<td>P-2 General Preservation District</td>
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<td>Landowner:</td>
<td>Department of Land and Natural Resources</td>
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<tr>
<td>Applicant:</td>
<td>City Board of Water Supply (Ernest Y.W. Lau, P.E)</td>
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<tr>
<td>Agent:</td>
<td>City Board of Water Supply (Raymundo Remigio)</td>
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<tr>
<td>Date Received:</td>
<td>November 4, 2016</td>
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We reviewed the proposal to establish a reinterment site for disinterred Native Hawaiian ancestral remains on the subject lot, within the Special Management Area (SMA) established by Chapter 25, Revised Ordinances of Honolulu (ROH). The Project has a stated valuation of less than $500,000, and will not have significant effect on the SMA. Therefore, this SMA Minor Permit is hereby APPROVED in accordance with the application documents received on November 4, 2016, and subject to conditions listed below:

1. All work shall be in accordance with the approved plans for the Project, which have been labelled Exhibits A through D, and have been made a part of the file maintained by the Department of Planning and Permitting (DPP). Any modification to the Project and/or approved plans shall be subject to the prior review of and approval by the Director of the DPP. Major modifications shall require a new SMA Permit.

2. If the actual valuation of the proposed work exceeds $500,000, then the Applicant shall return the Project to the DPP for further review under the provisions of ROH Chapter 25.

3. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, charcoal deposits, humans burials, rock or coral alignments, pavings, or walls) are encountered, the Applicant shall immediately stop work and contact the State Historic Preservation Division (SHPD). Work in the immediate area shall be stopped until the SHPD is able to assess the impact and make further recommendations to mitigate activity.
4. Approval of this SMA Minor Permit shall not be construed as approval of any other permit application(s); such applications are subject to separate review and approval. The Applicant shall be responsible for ensuring that the final plans for the Project approved under this permit comply with all applicable provisions and requirements of other governmental agencies, including compliance with the Land Use Ordinance.

5. In the event of noncompliance with any of the conditions set forth herein, the Director of the DPP may terminate all uses approved under this permit or halt their operation until all conditions are met or may declare this permit null and void and seek civil enforcement.

The Board of Water Supply (BWS) and the Department of Land and Natural Resources Division of Forestry and Wildlife (DOFAW) are working together to construct a permanent reinterment site on the subject lot for the remains of 30 individuals that have been disinterred from the Kailua Ahupuaʻa since the 1990s. The Kailua Kau a Hooilo (KKAH), the Kailua Native Hawaiian cultural descendant group, was contacted to take ownership of the iwi kupuna (remains) after the SHPD lost its lease on its curation facility in 2009. Representatives from KKAH asked BWS if the agency would consider funding a permanent reinterment site to be named the Puu O Ehu Burial Reserve. The Project site was chosen and deemed appropriate after other potential sites were dropped from consideration for various reasons.

The reinterment site will consist of a grouted moss rock retaining wall standing two feet above the grade with a single entry point, a walking path throughout the open air enclosure, and pohaku (rocks) used to identify iwi locations. The 20- by 40-foot site (approximately 800 square feet) will be landscaped using native vegetation (see Exhibits A through C). The new construction is not expected to obscure views of the surrounding area. The work is valued at $64,900, and no substantial adverse environmental or ecological impacts to coastal resources are anticipated. No exterior lighting is proposed for the Project.

The proposed reinterment site is located within the P-2 General Preservation District portion of the subject lot, which is split-zoned between the P-2 General Preservation and R-5 Residential Districts. Much of the lot has PEM1F freshwater emergent wetlands, which act as a natural wildlife reserve for birds and other fauna (see Exhibit D). Also, the Kawainui Stream, which is to the north and east of the site, is classified as an R2UBHx Riverine.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, the lot is located within the AH, AEF, and X Zones. The AH Zone corresponds to the areas of 100-year shallow flooding with a constant water-surface elevation (usually areas of ponding) where average depths are between 1 and 3 feet. The AEF Zone is a special flood hazard area. A portion of the AEF Zone on the site has designated 6-foot elevations. Zone X is an area outside the 500-year floodplain with a 1 percent or less annual chance of flood. The reinterment site will be located outside of the wetland and in Zone X.

Despite its proximity to the freshwater emergent wetland and the floodway, the Applicant selected the specific location for the Project to avoid the sensitive areas on the site. The small-scale Project and its passive design are not expected to have any environmental impacts upon the surrounding ecosystem. It is unlikely to change any drainage patterns, harm flora and fauna, or exacerbate flooding. Furthermore, the Applicant states that best management practices and erosion control measures will be included as part of the design plans to minimize short-term effects during construction.
In the long run, the Project area will continue to be under the jurisdiction of DOFAW, but maintenance is likely be performed by KKAH through a right-of-entry permit or some other agreement with DOFAW to grant them access to the site. The reinterment site will not be designed as an attraction for visitors, so it is unlikely to result in an increase in the intensity of the use of the site.

Because the Project involves State lands and public funds, it is subject to the provisions of Chapter 343, Hawaii Revised Statutes, (Environmental Impact Statements). The BWS determined that the Project is exempt from the preparation of an Environmental Assessment based on Items 4 and 7 from their exemption list, dated July 23, 2009. A Declaration of Exemption was issued on October 26, 2016.

Any person who is specifically, personally, and adversely affected by the Director's action on the SMA minor permit and wants to appeal any part of requirement of the action may submit a written request for a contested case hearing to the DPP within thirty calendar days from the date of mailing, personal service, or publication of the action of the Director. Contested case hearings shall be conducted pursuant to Chapter 12 of the DPP part 2 Rules Relating to Shoreline Setbacks and the Special Management Area. Essentially, these rules require that a petitioner show that the Director base his action on an erroneous finding of a material fact, and/or that the Director otherwise acted in an arbitrary or capricious manner, or there are extenuating circumstances. The filing fee for a contested case hearing is $400 (payable to the City & County of Honolulu).

Failure to comply with ZBA Rules Chapter 22, Procedure for Appeals, may result in the dismissal of the appeal. Copies of the ZBA rules are available at the Department of Planning and Permitting. Appeals should be addressed to:

Zoning Board of Appeals
c/o Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

A copy of this approval should accompany your application (s) for construction permits. Should you have any questions or need additional information, please contact Sarah Afong of our staff at 788-8026.

Enclosure: Exhibits A to D

cc: State of Hawaii
Office of Planning (Shichao Li)

THIS COPY, WHEN SIGNED BELOW, IS NOTIFICATION OF THE ACTION TAKEN.

[Signature]

DATE: April 7, 2017

This approval does not constitute approval of any other required permits, such as building or sign permits.
NOTE:
1. THE BURIAL MUDDY GROUND IS APPROXIMATE. THE CONTRACTOR SHALL COORDINATE WITH THE BAG PRIOR TO THE START OF CONSTRUCTION ON THE ACTUAL LOCATION OF THE FIELDS AND THE TYPE "A" AND "B" BURIAL LOCATIONS.

2. THE "A" BAG (L) 3' WIDE X 1' LONG X 4' DEEP (7 SAND & 1 TOPSOIL).

3. THE "B" BAG (R) 3' WIDE X 1' LONG X 4' DEEP (7 SAND & 1 TOPSOIL).

APPROXIMATE QUANTITY OF SAND REQUIRED
- 2.25 YD
- 2.25 YD
- 2.25 YD
- 2.25 YD

APPROXIMATE QUANTITY OF TOPSOIL REQUIRED
- 2.25 YD
- 2.25 YD
- 2.25 YD
- 2.25 YD

APPRAISAL SERVICE UP TO AND FOLLOWING THE RESIDENTIAL SERVICE ARE AS FOLLOWS:

STEP 1: THE CONTRACTOR SHALL INSTALL PERMANENT PLUMBING CONDUIT (1 INCH AND 2 INCH) FOR THE "A" AND "B" BAGS. PERMITS FOR THE "A" AND "B" BAGS SHALL BE PLACED AND EACH PERMANENT PLUMBING CONDUIT TO BE SHOWN IN PLACE.

STEP 2: THE CONTRACTOR SHALL BE NOTIFIED OF THE SCHEDULED DATE OF THE CONSIDERATION. A NOTICE OF ONE (1) WEEK PRIOR TO THE START. AFTER THE PERMANENT CONDUIT HAS BEEN COMPLETED, THE CONTRACTOR SHALL BE NOTIFIED AND ALLOWED TO RETURN TO EXCAVATE THE CONDUIT. THE CONDUIT MAY BE SET ON A PERMANENT SUBSIDENCE, AND WHERE 48 HOURS BEFORE COMPLETION. CONSTRUCTION MAY BE REPEATED TO PERFORM INSPECTION AND/OR HOOKUP WORK AND SHALL COORDINATE WITH THE BAGS FOR ANY SPECIAL REQUIREMENTS.

STEP 3: ON THE DAY NEEDED FOLLOWING THE RESIDENTIAL SERVICE, THE CONTRACTOR SHALL INSTALL CONCRETE LID IN EACH BAG. ALL BAGS SHALL BE PLACED AND EACH BAG SHALL BE SHOWN IN PLACE AS DIRECTED BY THE BAG PERSONNEL. BAGS WILL BE SECURED FROM THE AVAILABLE ON-SITE.

STEP 4: AFTER ALL OF THE BAGS ARE SET, THE CONTRACTOR SHALL PROCEED WITH FINAL LANDSCAPING.
August 30, 2017

Jason Takaki
Head Capital Projects Division
Board of Water Supply
630 S. Beretania Street
Honolulu, Hawaii 96843
Email: JTakaki@hbws.org

Dear Jason Takaki:


TMK: (1) 4-2-016:002 por.

Thank you for the opportunity to review the draft document titled, Draft Archaeological Literature Review and Field Inspection Report for a Kailua Iwi Kūpuna Reinterment Facility: Board of Water Supply Construction of a Burial Preserve at 840 Kailua Road, Kailua Ahupua‘a, Ko‘olaupoko District, O‘ahu TMK: [1] 4-2-016:002 por. (Hammatt and Shidelor, August 2017). On January 20, 2017, the State Historic Preservation Division (SHPD) received a request from Cultural Survey Hawai‘i, Inc. (CSH), on behalf of the Board of Water Supply, for a historic properties determination for the construction of a burial preserve at 840 Kailua Road, Kailua Ahupua‘a. SHPD staff conducted a site visit of the proposed facility location and responded on May 5, 2017, requesting an archaeological field inspection be completed in the form of a hand-excavated test unit placed in the location of one of the proposed reinterment pits within the area proposed for the facility (Log No. 2017.00103, Doc. No. 1704SH03). The results of the field work were submitted to our office on July 26, 2017 (Log No. 2017.01582); we requested minor revisions on August 11, 2017 [Stephanie Hacker (SHPD) to David Shidelor (CSH)]. The SHPD received this revised submittal on August 24, 2017.

The purpose of the proposed project is to construct an iwi kūpuna reinterment facility for human skeletal remains recovered from Kailua Ahupua‘a. The January 20, 2017 letter states that in consultation with cultural descendants of Kailua Ahupua‘a the site was selected on the northeast side of Kailua road on the southeast margin of Kawainui Marsh, just southwest of Kailua town. The burial preserve area totals 0.02 acres; in addition, between Kailua Road and the construction zone limits, an area measuring 20 feet by 20 feet will be established for ingress/egress. The total project area comprises 0.48 acres and the land is owned by the State of Hawaii Department of Land and Natural Resources and is managed by the Division of Forestry and Wildlife.

Construction zone limits will be established approximately 80-ft. north to south by 240-ft. east to west and surrounded by a 2-ft. high slat fence supported by #4 rebar set 2 ft. into the ground at 6 ft. on center. The construction zone limits will include a contractor’s operations and storage area and the proposed rectangular burial preserve. The boundaries of the burial preserve will be approximately 20 ft. by 40 ft.; a 2-ft. high, 1-ft. wide perimeter moss rock wall will be constructed with a footing depth of typically 1-ft and not exceeding 2-ft with an entrance to the northwest. Two types of pits will be excavated to the depth of 4-ft for the placement of iwi kūpuna within the burial preserve. Twelve “Type ‘A’” pits will measure 2-ft wide and 2-ft long. Four “Type ‘B’” pits will measure 2 ft. wide
and 4 ft. long. Once the iwi kūpuna are placed in the pits they will be covered with a concrete lid and a basalt boulder. The landscaping plan calls for shallow rooted vegetation (Wikstromia sp., Plumbago sp., and Vitex sp.), as well as three trees (Pandanus sp.) planted along the northeast side of the preserve area. Planting the trees is anticipated to require approximately 3-ft. by 3-ft. by 3-ft. excavations and all other plantings are expected to not exceed 8 inches below the ground surface. Lava rock stepping stones will be set in place but excavations to install them are not anticipated to exceed 8 inches. The staging area is expected to be covered with geotextile fabric during the duration of the work and that little, if any, subsurface disturbance will be associated with the establishment, maintenance, and removal for stabilized construction ingress/egress.

The results of the archaeological field inspection were negative and the soils observed consisted of fill material to the minimal depth of 150 cm below the current ground surface. The subject document prepared by Cultural Surveys Hawai‘i, Inc. indicates that based on this information, as well as information gleaned from nearby archaeological investigations, that the excavations associated with the proposed reinterment facility will have no effect on historic properties. The SHPD concurs with the effect determination and recommendation for no further archaeological work for the proposed project.

Attach to permits: In the event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 692-8015.

Although this document does not fulfill the requirements of an archaeological inventory survey as specified in Hawai‘i Administrative Rules (HAR) §13-276, it serves to facilitate project planning and supports the historic preservation review process. Please send one hardcopy of the document, clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library.

Please contact Stephanie Hacker at (808) 692-8046 or at Stephanie.Hacker@hawaii.gov for matters regarding archaeological resources or this letter.

Aloha,

Susan A. Lebo, PhD
Archaeology Branch Chief

cc: Jason Misaki, Wildlife Manager, DLNR-Division of Forestry and Wildlife (Jason.C.Misaki@hawaii.gov)
Alani Apio, Board of Water Supply (aapi@hbws.org)
David Shideler, Cultural Surveys Hawaii (dshideler@culturalsurveys.com)
DECLARATION OF EXEMPTION
from the preparation of an environmental assessment under the
authority of Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Kailua Iwi Kupuna Reinterment Site Project

Project Number: 17-021B

Project Description: Site improvements for the reinterment of iwi kupuna disturbed by
construction activities in the Kailua area.

Consulted Parties: State Historic Preservation Division: Coordinated with division on
guardianship and care for iwi kupuna, and for proposed reinterment
site.
State DLNR, Division of Forestry and Wildlife: Coordinated with
division on designating and approval for reinterment site.

Exemption Class: #4 (Minor alterations in the condition of land, water or vegetation)

Exempt Item Number: 4 and 7

Exempt Item Description: Item 4 - Construction of footpaths.
Item 7 - Minor adjustments for landscaping purposes or for
leveling grounds for which grading permits are not required.

Date of Agency Exemption List: July 23, 2009

I have considered the potential effects of the above listed project as provided by Chapter 343,
HRS and Chapter 11-200 HAR. I declare that this project will probably have minimal or no
significant effect on the environment and is therefore exempt from the preparation of an
environmental assessment.

Ernest Y. W. Lau
Manager and Chief Engineer

Dated
DESCRIPTION OF ACTION

Proposing Agency or Applicant: City Board of Water Supply

Project Name & Address/Location: Kailua Iwi Kupuna Reinterment Site Project

The project site is located at an undeveloped area of the Kawainui Complex referred to as Wai‘auia. Although this property is undeveloped, it has a street address of 840 Kailua Road based upon the City’s real property data from their website. The project site would involve about 800 square feet and would be situated in a presently open space area of the upland strip.

The Kawainui Complex is located in the Kailua District of the island of O‘ahu. The marsh is generally bordered by major roadways on each side including Kalaniana‘ole Highway and Kailua Road, Mōkapu Saddle Road, Kapa‘a Quarry Road, and Kīhāpai Street. Figure 1 includes a location map showing the reinterment project site in relation to the larger area associated with the Kawainui Complex.

The Wai‘auia area of the larger marsh complex is situated adjacently east of the levee, along Kailua Road near the entrance to Kailua town, and next to a City sewage pump station. This parcel is comprised predominantly of wetland area bordered by the levee to the west and Kawainui Canal to the northeast (see Exhibit 1). Along the eastern end of the property is a strip of upland area bounded by the wetland and Kailua Road.
Anticipated Start Date: Winter 2016
Anticipated End Date: Spring 2017
Island and District: O‘ahu  Ko‘olaupoko
Tax Map Key(s) and Latitude/Longitude Coordinates:
(1) 4-2-016: portion of 002;
21° 23’ 33” N; 157° 44’ 48” W
All Necessary Permits and Approvals: City SMA Minor Permit

NARRATIVE
Describe the action and why it qualifies for the exemption:

The BWS is proposing to fund and construct a permanent reinterment site for the remains of nearly 30 individuals that were disinterred from various areas in the Kailua ahupua‘a, and were previously held in a temporary curation facility. Various construction projects in Kailua since the 1990s, including some BWS water main replacement projects, have resulted in the necessary disinterment of iwi kupuna. Iwi kupuna disinterred from these various projects were being held in a temporary curation facility located in Honolulu by the State Historic Preservation Division (SHPD) of the State Department of Land and Natural Resources (DLNR). Unfortunately, SHPD lost its lease on its curation facility in 2009 that had held all of the remains from Kailua up until that time.

SHPD representatives then approached the Kailua Native Hawaiian cultural descendant group Kailua Kau a Ho‘oiloolo (KKAH), and asked if they would take ownership of the iwi kupuna. KKAH has had success in working with various developers and utility companies reintering iwi kupuna that had been recently disinterred in ahupua‘a Kailua. Coincidentally, the BWS had just finished a water main replacement project in Kailua that had resulted in the necessary disinterment of a new set of iwi kupuna. Representatives from KKAH then approached the BWS and asked if the agency would consider funding and building a permanent reinterment site. BWS agreed to fund and construct the site, and have appropriated funding for developing the design plans and its construction. A permanent reinterment site is therefore needed to properly address these iwi kupuna that have been disinterred for many years.

The BWS will construct the reinterment site and its initial landscaping using a contractor selected to implement the improvements. However, the long-term ownership and jurisdiction of the site will remain with the State DLNR, Division of Forestry and Wildlife (DOFAW). The KKAH is anticipated to enter into a Memorandum of Agreement (MOA) with DOFAW to address the long-term care of the site and other responsibilities for the non-profit group. This may also include KKAH obtaining a right-of-entry permit or other appropriate permit from DLNR granting them access and maintenance requirements.
The reinterment site would be approximately 20 feet by 40 feet in size (about 800 sf), and surrounded by a low (about 18-inches tall), faux-moss rock wall, with a single, open entry point on the side facing Kailua Road. A preliminary site plan is provided in Figure 2. The site would be generally rectangular in shape and consist primarily of landscaping using native vegetation such as a few hala trees, and `akia, pa`u o hi`iaka, and `ilima papa as shrub and ground cover. Moss rock stepping stones would designate a walking path through the site, and pohaku used to identify iwi locations. The estimated construction costs for this project is about $65,000.

This project primarily involves only landscape improvements along with a small footpath through a small site (800 sf). This project would not have a significant impact on the environment, infrastructure, or the community. It is an improvement that is needed to properly reinter iwi kupuna, and is culturally important to the native Hawaiian community. Therefore, this project meets the City BWS’s exemption list for the construction of footpaths and landscaping.

RECEIVING ENVIRONMENT
Describe the site, including any impacts on the receiving environment: Click here to enter text.

Due to the nature and location of this proposed reinterment site project, it is not expected to have a significant or adverse effect on the surrounding environment. The project site is relatively flat, undeveloped, and does not have any unique features that would be negatively affected by its construction. Construction of the reinterment site will not require significant cut or fill activities, and should have minimal disturbance of soils or of the existing topography. Construction activities involves primarily landscape-related work within a small area that should not generate significant noise or dust emissions. Best management practices would be incorporated to minimize potential short-term erosion impacts during construction activities. The project area affected is also very limited in size (800 sf) further minimizing the area disrupted by activities.

There are no historic sites present at this site or in the immediate surrounding area, and no subsurface sites are expected. Because the site was formerly utilized for a transmission tower (ITT station site), it has already been extensively disturbed. There should be no adverse effect on botanical resources, avifauna, or feral mammals, which includes endangered or threatened species. This project occurs within property under the jurisdiction of DOFAW, and KKAH would have either a MOA or right-of-entry permit from this agency to manage this reinterment site. Consequently, BWS, KKAH and DOFAW staff would help ensure that construction activities do not harm any endangered waterbird or other biological resources.

Similarly, there should be no significant impacts to the present air quality of the area or noise impacts on surrounding uses. The project site is designated as Zone X for areas determined to be outside the 0.2 percent annual chance (500-year) floodplain based on the Flood Insurance Rate Map, Community Panel 15003C0290H (November 2014). Use of the small area as a reinterment
site with landscaping is not expected to significantly affect surrounding areas that are within the flood area (e.g. wetland area of Kawainui Marsh) or significantly alter existing drainage patterns in the area. The improvement will not negatively impact the wetlands of Kawainui, or ground and surface water (e.g. stream) resources. Passive use of this small area at Wai'auia provides DOFAW with another community organization to partner with to help with stewardship and maintenance of the area that is a positive effect. The reinterment site would not require significant infrastructure improvements or negatively affect existing infrastructure in the surrounding area such as utilities or roadways.

Based upon the assessment of these various environmental factors, it can be determined that the proposed reinterment site project will not significantly impact the environment. This project would have a positive effect on cultural and historical resources of Kailua by providing a permanent reinterment site for the remains of those individuals previously disinterred and for future possible situations requiring reinterment of remains.

The project will obtain a Special Management Area Permit (Minor) from the City in compliance with land use regulations along with other applicable building permits. This passive use of the site is a compatible land use for this property, and will thus not create negative visual impacts on scenic resources or public viewing locations. It would not negatively impact vehicular traffic or utilities in this area. The project would not result in a negative social impact to the Kailua community since it would not increase the residential population or affect recreational activities or public facilities. This improvement would not change the character of Kailua or the character of the project area at Wai'auia within the Kawainui Complex. This passive improvement associated with the reinterment site is consistent with and supports the cultural history of Kawainui.
ENVIRONMENTAL ANALYSIS
I have considered the potential effects of the proposed project and all related activities against the criteria checked below:

☒ Land Use and Zoning Conformance
☒ Traffic (Vehicles, Bicycles, Pedestrian)
☒ Infrastructure (Roads, Buildings, Utilities)
☒ Air Quality Pollutant Emissions
☒ Noise Emissions
☐ Solid, Hazardous, and Liquid Waste Management
☒ Social
☐ Economic
☐ Health and Safety
☐ Recreation
☐ Public Beach Access
☒ Cultural Resources and Practices
☒ Visual/Aesthetic
☐ Environmental Justice
☒ Rare, Threatened, and/or Endangered Species
☒ Surface and Ground Water Resources
☒ Wetlands
☐ Floodplains
☐ Riparian/Coastal Resources
☐ Other

Comments/summary of impact analysis: Click here to enter text.

See discussion under Receiving Environment.

MITIGATION
Describe all mitigation measures and best management practices planned to address impacts during the project activities and after project completion: Click here to enter text.

Best management practices (BMP) would be incorporated to minimize potential short-term erosion impacts during construction activities. Such measures will be instituted following site-specific assessments during the project's design phase, and may incorporate structural and non-structural BMPs, as deemed appropriate. BMPs being considered may include the following measures: 1) installing a perimeter construction fence; 2) installing silt fences, snake bags or other means to mitigate silt laden runoff; and 3) using controlled watering to allay dust during work activities. Given the small area affected (800 sf), BMP measures implemented should effectively address storm water runoff that may occur during a sufficient storm event.
EXEMPT DECLARATION

The direct, cumulative, and potential impacts of the action described above have been considered pursuant to Chapter 343, Hawaiʻi Revised Statutes and Chapter 11-200, Hawaiʻi Administrative Rules. I declare that the action described above will have minimal or no significant impact on the environment and is therefore exempt from the preparation of an environmental assessment.

[Signature of Director or Delegate]

[Date]

☑ This document is on file in our office and is available for public review.

☐ This document has been submitted to the Office of Environmental Quality Control for publication in The Environmental Notice.