

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
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CHAIRPERSON  
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**WILLIAM M. TAM**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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CONSERVATION AND COASTAL LANDS  
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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

**DATE:** Wednesday, May 21, 2014  
**TIME:** 09:40 am To 12:06 pm  
**PLACE:** Kauai Department of Transportation  
Conference Room  
1720 Haleukana Street  
Lihue, Hawaii 96766

**KNIBC MEMBERS:** Keith Yap, Landowner/Developer Representative  
Mauna Kea, Koloa Representative  
Janet Kaeo Bradford, Lihue Representative  
Kunane Aipoalani, Napali Representative  
Nathan Kalama, Kawaihau Representative  
Barbara Say, Hanalei Representative  
Leiana Robinson, Ni'ihau Representative

**ABSENT/EXCUSED:** Debra Ruiz/Excused

**SHPD STAFF:** Kauanoë Hoomanawanui, Kauai Island Burial Sites Specialist  
Mary Jane Naone, Kauai Island Lead Archeologist  
Hinano Rodrigues, Acting History & Culture Branch Chief

**GUESTS:** Hal Hammatt, CSH  
Milton Ching, SCS  
Missy Kamai, CSH  
Kaliko Santos, OHA Kauai  
Glenn Wilcox, Maori Statutory Board, New Zealand  
Wanda Kau-Shibata, Governor's Office  
Alan Carpenter, State Parks  
Fred Reyes, DOT  
Liberta Hussey Albao, Hawaiian Civic Club  
Bernie Vargas, DOT  
Elaine Serizawa, DOT  
Nancy McMahan, EAL

**I. OPEN REMARKS:**

Keith Yap, KNIBC Chair called meeting to order at 9:40 am

## **II. ROLL CALL/ PULE:**

Kawaihau Representative Nathan Kalama gave pule.

Chairman Yap, KNIBC members and the SHPD staff introduced themselves.

## **III. APPROVAL OF MINUTES**

### **A. February 19, 2014**

**Kunane Aipoalani moved and Nathan Kalama seconded motion to approve minutes.**

Chairman Yap opens the floor for discussion.

Barbara Say explains on page 2 there is a typo “Thomas Goodman” correct spelling is “Thomas Goomon.”

**Motion approved unanimously with corrections.**

### **B. April 16, 2014**

**Barbara Say moved and Kunane Aipoalani seconded motion to approve minutes.**

Chairman Yap opens the floor for discussion.

**Motion approved unanimously.**

## **IV. BUSINESS**

### **A. Introduction of State Historic Preservation Division (SHPD) Kaua’i Staff Mary Jane Naone.**

**Introduction:** Introduction of SHPD Kauai Lead Archaeologist Mary Jane Naone.

Mary Jane Naone introduces herself and shares her previous experiences throughout the pacific as well as here in Hawaii. Chair Yap appreciates the vacancy being filled and hopes the best for SHPD.

### **B. Section 106 Consultation Regarding Kuhio Highway Resurfacing, Vicinity of South Ko’olau Road to Kupuna Road Districts of Kawaihau and Hanalei, Island of Kauai,**

**TMK: (4) 4- 9:08, 09, 10, 11, (4) 5-1:02, 03, 04, 05**

**Information/Discussion/Recommendation:** Discussion and recommendation of the consultation listed above. Presentation by Department of Transportation.

Fred Reyes introduces himself from DOT clarifying this project which undergoes consultation through the 106 process. We have done consultation with SHPD DLNR, OHA and NHO’s. We are here to take any questions or comments on the consultation. Vice Chair Trask confirms the only potential site of consideration is the concrete bridge. Reyes explains the bridge turns 50 next year. Chair Yap concludes KNIBC to have no comments at this time.

**C. Section 106 Consultation Regarding Guardrail and Shoulder Improvements at Various Locations, Part 2 Kuhio Highway and Kuhio Highway, Districts of Lihue and Hanalei, Island of Kauai, TMK: (4) 3-9-05, (4) 5-7-03, (40) 5-8-02.**

**Information/Discussion/Recommendation:** Discussion and recommendation of the consultation listed above. Presentation by Department of Transportation.

Fred Reyes of DOT introduces himself and the project which includes a rock wall above the pavement which is visible and we would like to preserve that. The intent is to install the guardrail away from the historic rock wall. Reyes adds the road is rather narrow and we don't have the final design. We don't intend to do any pavement. Chair Yaps concern mainly stands with the depth of the posts needed for the guardrail. Reyes explains the post may go to a depth of 6 feet. Yap asks if you are replacing existing rails or installing new. Reyes answers that we would be installing new rails. The rock wall is considered historic and a historic road corridor runs through the project. The corridor plans outline some of the design guidelines for this route including guardrails. Chair Yap asks if any record or iwi coming from that area. Hoomanawanui asks for the location of the staging area and Reyes states they will be using an existing parking lot off of Lumahai. Naone asks for correspondence as she will be taking over the projects from Susan Lebo.

Chair Yap asks for comments from the council. Vice Chair Trasks explains the historic research that explains the kapu and olelo of the robbers in the area. As the council we can balance the determination and acknowledgement. This area is dangerous and we lost Uncle Bobo to car accident in the area and to balance everything SHPD will be available in the case iwi is found. We need to take care of the people traversing in this area. Chair Yap agrees there are some history and considerations we would like to be notified and the need for an area in the case of an inadvertent. Our recommendation is that. Trask adds there are lineal and cultural descendants in the area that can address any concerns that comes up.

Reyes adds the need to do additional consultation with the Ohana Organizations of the area. We have a standard note to call SHPD and HPD as well as the COK Planning department in which we go over with our contractors. Council member Say suggests to talk to Bryson of the area has knowledge when Auntie Ivy would sell her fruit around the bend in the area. That was an icebox. Chair Yap adds the recommendation of both an archaeological monitor as well as a cultural monitor. Liberta from the audience includes the possibility of falling off the cliffs as people have gone missing taking pictures along the edge. Reyes adds the consultation with Hanalei Roads Committee about this project. There is a roadside memorial for someone and they asked to give consideration to the family. Chair Yap clarifies the risk is more with the vehicles and not the pedestrians. Reyes concludes the intention to connect with the existing guardrail and will continue to go around the curb and down towards Wainiha Bridge Number 1. Chair Yap states the KNIBC recommends having a readily available area for possible internment areas following our regular protocol in notifying us to do the right thing.

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

**A. Inadvertent Discovery of Unidentified Human Skeletal Remains along the shoreline near Russian Fort, Makaweli Ahupua'a, Kona District, Island of Kauai, and TMK: (4) 1-7-05:3 on April 30-May 2, 2014.**

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

Chair Yap discusses the initial find that was discovered near my work area. The remains are stored temporarily till we can reinter in to a previous burial site. Thanks to Nancy for assisting in the location of the reinternment area. Yap continues the Russian fort area looks to be used as a defecation area. The burial site is away from the trail as well as the road. The water was washing up along the bank exposing the iwi. Milton and Jim Powell at SCS assisted in securing the remains. The area is a fishing village and

during high surf the remains become continually exposed. Hoomanawanui shares the site visit made with State Parks. Alan Carpenter from State Parks introduces himself and shares the location of the find fronting the Gay and Robinson Land along the state shoreline. The internment site was selected earlier since its location was off the road area and offered more protection off the heavily vegetated area. It is protected since the last reinternment in 2004 there was a proposal by Bruce Robinson whom pledged support in bringing in boulders to create a formal rock enclosure to protect the current burials and any new internments due to the shoreline erosion. Carpenter adds the shoreline is not monitored by us due to the lack of our maintenance coverage of this area. There are homeless people camping on the shoreline near the finds. The state parks are willing to house iwi from the outside area as our lands are protected in perpetuity. Nancy McMahon explains Martha Yent was initially there with the original reinternment. The state park workers lack maintenance and the families in stewardship for maintaining the area. It's been a continual situation of shoreline erosion and exposing iwi. Chair Yap explains the Gay and Robinson boulders may be an option for buffers. Carpenter suggests moving forward in maintaining the burial site however we don't have current resources to assist in the maintenance. The Robinson Ohana may be able to assist in the stewardship. In addition is committed to taking the lead from the State Parks side.

**B. Inadvertent Discovery of Unidentified Human Skeletal Remains during Sorting of Sediment Samples from Ha'ena, Keonelo, Kiahuna, Kukui'ula, Waipouli, Island of Kauai at Cultural Surveys Hawaii, LLC.**

**Information/Discussion/Recommendation:** Discussion and recommendation on the above find. Presentation by Cultural Surveys Hawaii, LLC.

Hal Hammatt from CSH introduces himself and describes the collection of samples from a number of sites. This began with Pila Kikuchi passing away and the need to go through samples. We found iwi in the soil samples. Since then CSH has been active in gathering soil samples through archaeological work and we have made an effort to go through bags. We now have highly qualified osteologists to identify iwi in all the soil samples beginning with the island of Kauai. We have identified six iwi for the island of Kauai. Once the discovery was made we thought to come to KNIBC with this. We realize there are other steps in this consultation and are currently working on that. Once we completed the sorting we found 6 fragments of iwi. Sites are located in Ha'ena and sites in Kukui'ula, Keonelo and Kiahuna, including Waipouli. Fortunately each of these sites has a preserve area. As a suggestion after contacting the landowner we would like to reinter the iwi. Chair Yap includes if there is soil with the iwi we put it back with the iwi. We like to keep the dirt with the bones it is there home and we would like it back in its original state. Vice Chair Trask asks if there is additional scientific need for the soil. Hammatt clarifies they have finished their sorting and wish to consult in the repatriation. Chair Yap concludes any previously identified with approved provisions is accepted by us. We would prefer all soils to remain and or go back with the iwi.

Chair Yap asks for comments from the audience. In addition asks if some of the samples are from preserves on private lands. Today the private landowners may not be the same. Missy Kamai answer the landowner remains the same however Hammatt clarifies Waipouli is the only landowner has changed. Yap explains if anything should happen you can also come back to us.

**C. Introduction of Special Guest Glenn Wilcox from Auckland, New Zealand.**

**Information/Discussion:** Discussion of the process and decision making of the KNIBC and how it could be applied to similar situations in New Zealand.

Glenn Wilcox introduces himself in his native tongue and Council member Nathan Kalama responds in our traditional 'oli. Wilcox begins by thanking the council for having him and describes his koro. There are only a few areas in Polynesia that deals with these types of situations with the burials. Only we in Aotearoa and here in Hawaii are going through these types of obstacles with our iwi. I represent the statutory board in New Zealand in creating laws and ordinances that mold the protection of the iwi. We have designed plans that I have provided for you to view. One of the things captured is the burial grounds

rules under the law as well as our protocols. The protocols always trump the laws based out of the treaty our forefathers designed with the colonial government. Our plan included marking every archaeological site in Aotearoa. We didn't realize their turned out to be over 4000 sites just in the city and our people are fighting among there selves. We have a slight problem with stealing the iwi and repatriating them elsewhere in the middle of the night. I would like to see how the burial council moves and how I can apply to our statutes in Aotearoa. Chair Yap shares the similarities to Aotearoa, in the early 70's there was a large desecration on Maui which triggered our preservation measures through legislature. We try to collaborate with all interested parties to take care of the iwi and make sure no one was disregarded. Vice Chair Trasks adds a case that happened a while ago where a landowner wanted to build his dream house however discovered bones. From this the identified burial sites are within the jurisdiction of the council however the inadvertent discoveries fall within the final determination of the SHPD. This council is currently taking the efforts to identify previously identified areas not knowing exactly where the burials are. Prior to developing the plan we aim to insure proper consultation and protection of our iwi. These are some of the issues. Chair Yap asks Wilcox if he has any questions for us. Wilcox asks you try to make everyone happy and unfortunately some are still unhappy. When you make recommendations do you follow up and insure the protection happened. Yap answers that there is no procedure to follow up however our community is small enough to acknowledge implementation. Earlier on we weren't as clear in making recommendations and now we know how to communicate and make more clear recommendations in order for everyone to be at a point where there are no surprises. Vice Chair explains the HAR and HRS outlines our burial processes. Perhaps the key for us and you and everyone within our larger nation is really to come together to identify our commonalities. Unlike any other place in this world we are defined by our ocean. The issues we deal with as well as your colonial situation we can only do so much. Wilcox adds the liking of the informalities as our people are always intimidated by this process.

## **VI. ANNOUNCEMENTS**

**A. Next meeting date is scheduled for Wednesday, June 18, 2014**

## **VII. ADJOURNMENT**

**Nathan Kalama made a motion to adjourn the meeting and Barbara Say seconded.**

**Motion approved unanimously.**

**Chairperson Yap adjourned the meeting at 12:02 pm.**

Respectfully Submitted,

Kauanoë Hoomanawanui