

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

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January 29, 1992

Mr. Brian J. J. Choy, Director
Office of Environmental Quality Control
Central Pacific Plaza
220 South King Street, Fourth Floor
Honolulu, Hawai'i 96813

REC
'92 JAN 30
OFF. OF ENV.
QUALITY CONTROL

Re: Environmental Assessment and Negative Declaration for
Protection of Hawaiian Burials at Makapu'u, Ko'olaupoko,
O'ahu, Tax Map Key: 4-1-14: 5

Dear Mr. Choy:

The Department of Land and Natural Resources, State Historic Preservation Division (DLNR\SHPD) has asked the City Department of Parks and Recreation to place sand and plant naupaka to protect Hawaiian burials at Makapu'u Beach Park.

DLNR\SHPD has determined that the proposed burial protection project will not have any significant environmental impact. Please publish a Negative Declaration in the next OEQC Bulletin. OEQC Form 91-1 and four copies of the Environmental Assessment and Negative Declaration are enclosed.

If there are any questions, please contact Edward Halealoha Ayau, Esq. at 587-0010.

Sincerely,

DON HIBBARD, Administrator
State Historic Preservation Division

attachments

cc: City Department of Parks and Recreation
City Department of Land Utilization
Office of Conservation and Environmental Affairs
O'ahu Island Burial Council
Office of Hawaiian Affairs

1992-02-08-DA-PEA - Makapuu Hawaiian Burials
Protection

ENVIRONMENTAL ASSESSMENT
AND NEGATIVE DECLARATION FOR
PROTECTION OF HAWAIIAN BURIALS AT MAKAPUU

Koolaupoko, Oahu, Hawaii

Tax Map Key: 4-1-14: 5

This document was prepared pursuant to Chapter 343, Hawaii Revised Statutes, and Chapter 200 of Title 11, State Environmental Impact Statement Rules

DECEMBER 1991

PROPOSING AGENCY: State of Hawaii
Department of Land and Natural Resources
State Historic Preservation Division
33 South King Street, 6th Floor
Honolulu, Hawaii 96813

CONTACT: Edward Halealoha Ayau, Esq.
Burial Program Administrator
State Historic Preservation Division
Telephone: 587-0010

AGENT: City and County of Honolulu
Department of Parks and Recreation
650 South King Street
Honolulu, Hawaii 96813

CONTACT: Walter M. Ozawa, Director
Department of Parks and Recreation
Telephone: 527-6343

CONSULTED PARTIES: Department of Land Utilization
Department of Hawaiian Home Lands
Waimanalo Hawaiian Homestead Association

I. PROPOSED PROJECT

A. BACKGROUND

During fiscal year 1990-91, the City Department of Parks and Recreation developed a new access road, gravel parking lot, and vehicle barriers at the Kaupo (western) end of Makapuu Beach Park. In March 1991, erosion caused by inland runoff exposed a shallow Hawaiian burial makai of the partially completed parking lot. A skeleton was removed and subsequently stored at the State Department of Land and Natural Resources (DLNR) State Historic Preservation Division (SHPD). Archaeological test pits in April 1991 revealed at least 8 additional shallow burials in the vicinity.

Through an oversight, the City's contractor was not notified, and grass and naupaka were planted makai of the new parking lot. A site inspection in May 1991 found part of the burial area planted in naupaka and numerous bone fragments on the surface outside the newly planted naupaka. Subsequent site visits found that foot traffic between the new parking lot and the beach had exposed additional bones.

B. TECHNICAL CHARACTERISTICS

The DLNR SHPD proposes to rebury the skeleton removed in March 1991. At the request of the DLNR SHPD, the City Department of Parks and Recreation proposes to place about 300 cubic yards of sand, plant new naupaka, and replant existing naupaka on top of the reinterred skeleton and other shallow Hawaiian burials at the Kaupo end of Makapuu Beach Park. (See Figure 1) An area about 70-feet long and 40-feet wide will be affected. (See Figures 2, 3, 4) Almost half the project area will be seaward of the certified shoreline. The site will temporarily require irrigation and weeding until planted/replanted naupaka becomes established. Boulders will temporarily be placed along the mauka side of the sandfill to discourage pedestrian traffic until the naupaka matures. The SHPD may subsequently erect a memorial sign to educate the public about the burial site.

C. SOCIAL CHARACTERISTICS

The purpose of the proposed project is to protect Hawaiian burials in situ while minimizing adverse environmental effects. It is hoped that either community members or Sea Life Park will volunteer to irrigate and weed between new naupaka.

D. ECONOMIC CHARACTERISTICS

About \$10,000 of City funds will be spent to pay a contractor to purchase and spread sand at the site. City employees, prison-labor, and/or volunteers will be used to plant, irrigate, and weed naupaka. The project is tentatively scheduled to begin early in 1992 after affected agencies have granted or promised to grant required approvals and permits. The project will be completed within six months including temporary irrigation and weeding between planted/replanted naupaka.

E. APPLICABLE LAND USE CONTROLS

The burial protection project will take place partly mauka and partly makai of the shoreline. Mauka of the shoreline, the project site is:

. owned by the State Department of Hawaiian Home Lands (DHHL) and under license to the City for park use through December 1992;

- . within the special management area (SMA);
- . within the shoreline setback area;
- . within the Conservation District Limited Subzone; and
- . within Flood Insurance Rate Map Zone VE (100-year tsunami inundation projected at 19 feet above mean sea level).

Makai of the shoreline, the project site is:

- . owned by the State DLNR and
- . within the Conservation District Resource Subzone.

As of the date of this Environmental Assessment, the burial protection project is believed to be contingent upon:

- . DHHL approval of actions proposed on DHHL property;
- . DLNR approval of actions proposed on DLNR property;
- . City Department of Land Utilization (DLU) approval of a SMA Minor Permit and shoreline variance for proposed placement of sand and rock; and
- . DLNR approval of either an Emergency Authorization, Temporary Variance, or Conservation District Use Application for actions proposed in the Conservation District.

II. SUMMARY DESCRIPTION OF THE ENVIRONMENTAL SETTING

A. PHYSICAL SETTING

The area where burials need protection is on a gentle slope between a new gravel parking lot and a sheltered sandy cove. Almost half the project site is seaward of the certified shoreline. Elevations where sand will be placed currently range from about 5 to about 2 feet above mean sea level.

The rocky beach at the project area overlies a geologically recent lava flow. Lava outcroppings and large lava boulders are exposed on both sides and seaward of the project area. Since there are no records of skeletons exposed by beach retreat at the site, it seems likely that the beach is relatively stable. Historic fluctuations in topography and shoreline vegetation have resulted more from human actions than from natural processes. Aerial photographs show vehicles parked on top of the shoreline prior to construction of the new parking lot and vehicle barriers in 1991. *

The predominant tradewinds blow on-shore at Makapuu. Most rainfall at Makapuu occurs when winter storm systems bring rain to the entire island. There are no streams or wetlands on or potable aquifers underlying the project area. Although there are no well defined drainageways, runoff has cut shallow swales through the site. *

B. BIOLOGICAL SETTING

The portion of Makapuu Beach Park where burial protection is proposed has been highly altered by human actions. There are no rare or endangered species of plants or animals in the immediate project area. Where development will take place, vegetation primarily consists of grass and naupaka planted by the City Department of Parks and Recreation. Small clumps of native portulaca and ilima and introduced weeds such as Chinese violet are also present.

C. LAND USE

The portion of the project area which is mauka of the shoreline is within an approximately 20.8 acre parcel identified by Tax Map Key: 4-1-14: 5. This parcel is located makai of Kalaniana'ole Highway within a long strip of public beach park. Sea Life Park is located mauka of the highway.

The area where Hawaiian burials need protection partially separates a gravel parking lot from a small sheltered sandy cove. The parking lot is mostly empty on school days but fills up on weekends and holidays. The cove is popular with families who have small children. The rocky coastline around the cove is popular with fishermen.

III. SUMMARY OF POTENTIAL IMPACTS AND MITIGATION MEASURES

Beachgoers will be displaced for up to a few weeks while sand is being unloaded and spread over the project area. Placement of sand will protect burials from being uncovered by surface runoff and foot traffic, but not pose any risk of affecting beach processes. Surface runoff will probably cut new small swales into the sandfill before naupaka roots stabilize the sand.

Because part of the project area is at least intermittently inundated by waves, only clean sand with an appropriate grain size will be used. If some of the sandfill erodes, then there will be negligible effect on the beach and coastal waters makai of project area.

Over the long term, planting of naupaka will stabilize the sandfill, channelize pedestrian traffic between the gravel parking lot and sandy cove, and slightly reduce the size of the beach used for public recreation. New naupaka will not affect ocean views from Kalaniana'ole Highway. However, growth of naupaka will totally block views from the highway of the beach makai of the gravel parking lot.

IV. ALTERNATIVES CONSIDERED

Under Act 306, Session Laws of Hawaii 1990, only the DLNR SHPD has authority to relocate Hawaiian burials. In this case, the SHPD has rejected the alternative of relocating the burials. The

no-action alternative was rejected by the SHPD because erosion would continue to uncover skeletal remains. See Appendix A.

As requested by the SHPD, the City Department of Parks and Recreation initially prepared plans for a low rock wall to enclose sand and naupaka to be placed over Hawaiian burials. Because the DLU and DLNR were concerned that a shoreline wall might adversely affect beach processes, City plans were revised to exclude any permanent structure. Revised plans now propose temporary placement of boulders along the mauka side of the proposed sandfill to discourage foot traffic before naupaka becomes established.

V. DETERMINATION

An environmental impact statement is not required. The proposed action will not result in direct, indirect, or cumulative environmental impacts which are significant under the criteria set by Section 11-200-12, Environmental Impact Statement Rules.

Kaohikaipu Island



Makapu Point

The Narrows
1" = 1000'

FIGURE 1
PROJECT SITE

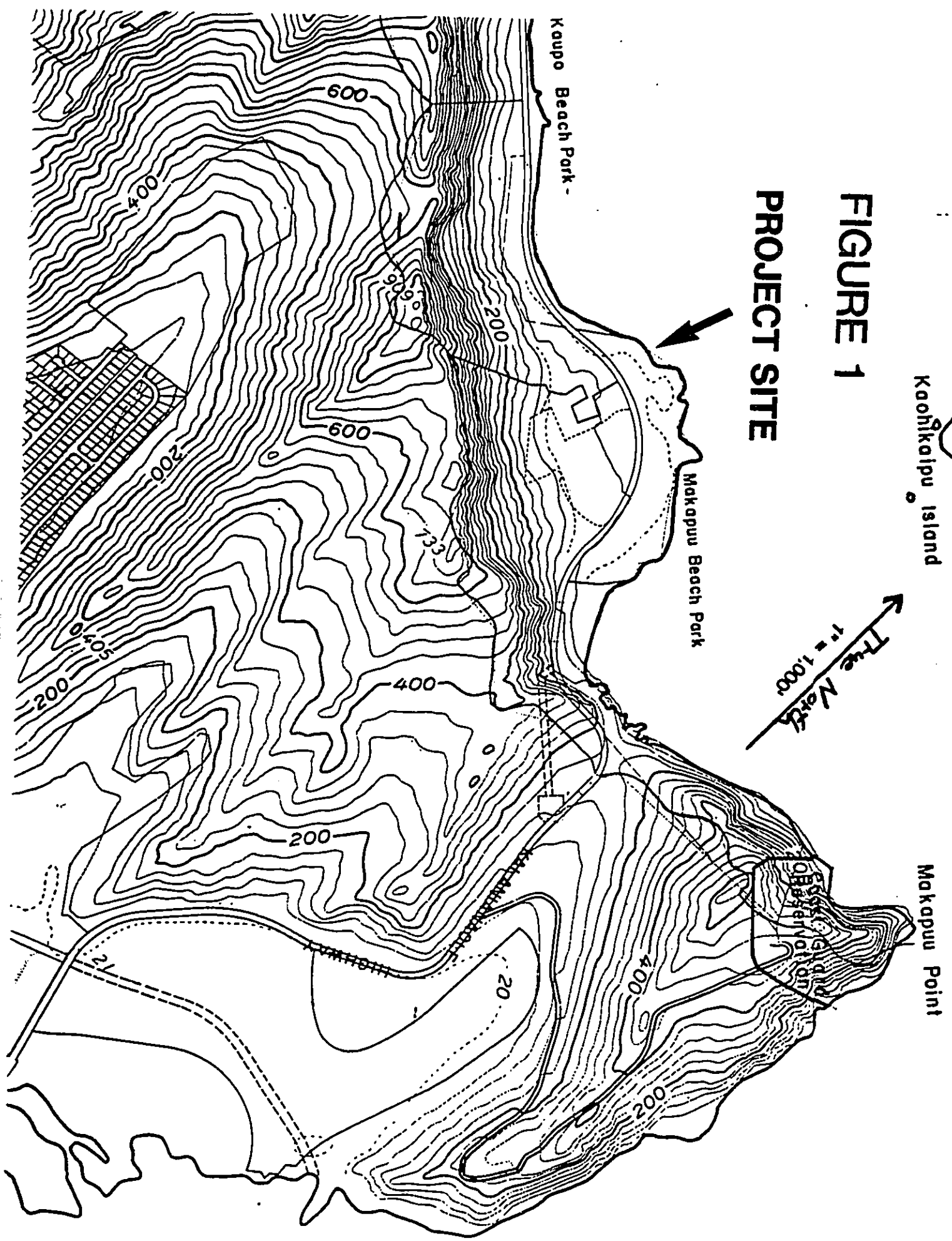
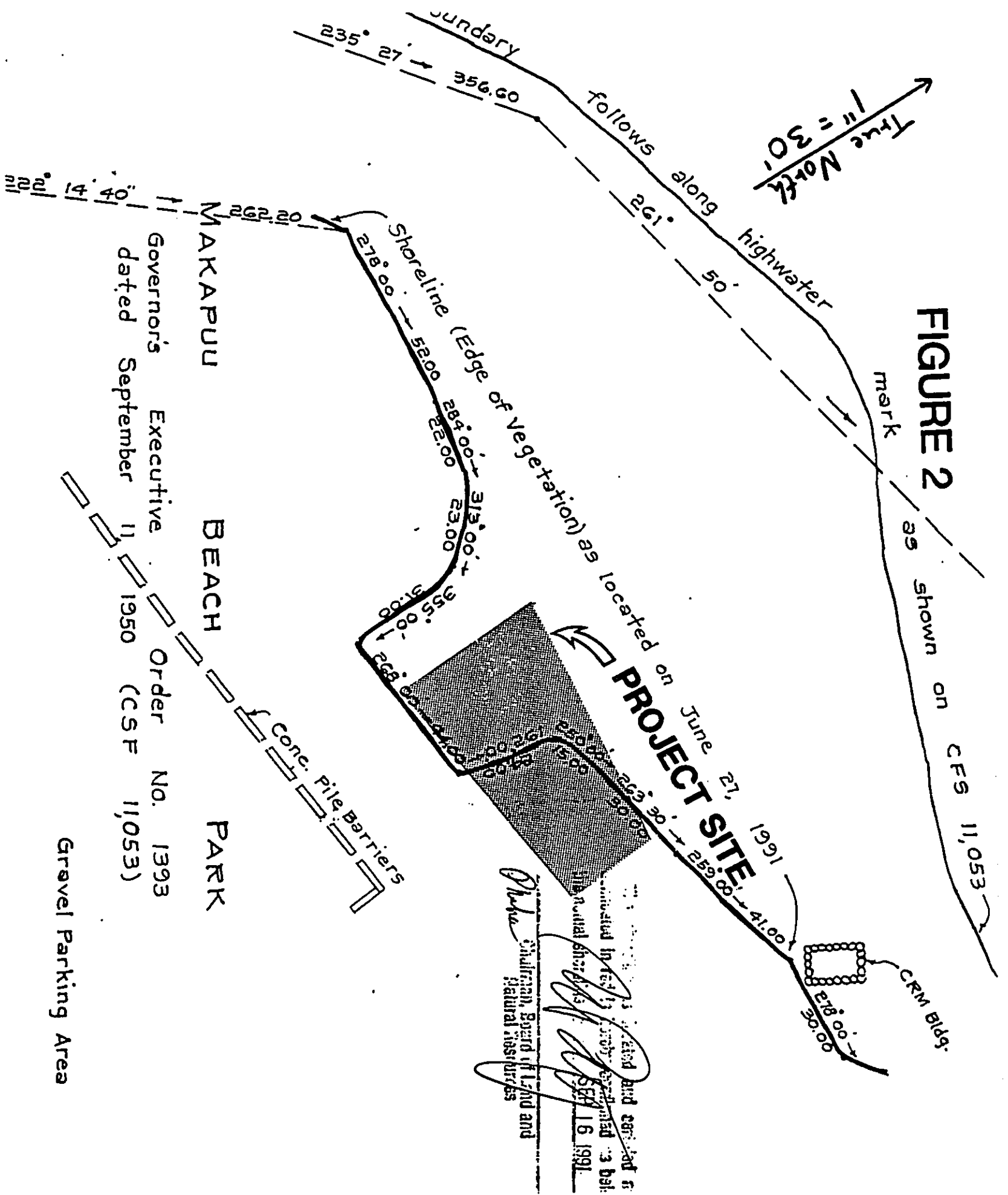


FIGURE 2



M E M O R A N D U M

TO: File

FROM: Edward Halealoha Ayau, Esq.
Dept. Land and Natural Resources, Historic Preservation
Division, State of Hawai'i

SUBJECT: Information Relating to the Preservation in Place of
Early Hawaiian Burial Sites at Kaupo, Makapu'u,
Ko'olaupoko, O'ahu, T.M.K. 4-1-14:5

DATE: December 3, 1991

Background

Pursuant to Act 306 (S.L.H. 1990), the Department of Land and Natural Resources, State Historic Preservation Division (DLNR\SHPD) is responsible for the management and protection of unmarked Hawaiian burial sites that are over fifty years old and not otherwise located in a known, maintained and actively used cemetery. In addition, Act 306 established island burial councils whom the DLNR\SHPD consults regarding matters related to unmarked Hawaiian burials.

On March 27, 1991, a nearly complete human skeleton was inadvertently discovered eroding out of the beach at Kaupo Bay, Makapu'u. The burial was removed by the police without the authorization of the DLNR\SHPD as provided by law. Upon further investigation, the DLNR\SHPD determined that approximately 8 additional burial sites are located in and around the site where the first burial was found.

On May 9, 1991, a letter was sent to Mr. Darwin Hamamoto, City and County of Honolulu (C&CH), stating that DLNR\SHPD wishes, upon recommendation of the O'ahu Island Burial Council, the Kaupo Bay burials to be left in place and the removed skeleton reinterred at the same site. Furthermore, the DLNR\SHPD requests that a stone wall enclosure be built, filled in with sand to protect against further erosion, and the enclosed area planted with *naupaka kahakai*. The C&CH thereafter agreed to begin addressing the matter. A subsequent site visit between C&CH, Mr. Walter Tomita on behalf of the Department of Hawaiian Home Lands (DHHL) and DLNR\SHPD was held.

Appendix A

File Memorandum
December 3, 1991

Page Two

On June 12, 1991, C&CH sent proposed construction plans for the walled enclosure to the DLNR\SHPD for review and comment. DLNR\SHPD held meetings with Waimanalo community members and the O`ahu Burial Council to discuss the proposed construction plans. On July 12, 1991, the DLNR\SHPD sent its comments to the C&CH regarding the proposed construction plans.

Purpose for Building the Enclosed Stone Walls

The walled enclosure is being proposed by the DLNR\SHPD to protect *in situ* from further disturbance, approximately eight Hawaiian burial sites located on the beach at Kaupo Bay and allow for reburial of the Hawaiian burial removed due to the erosion runoff caused by construction of a parking lot by the C&CH.

Section 1 of Act 306 states in part,

[t]he legislature finds that native Hawaiian traditional prehistoric and unmarked burials are especially vulnerable and often not afforded the protection of law which assures dignity and freedom from unnecessary disturbance. All human skeletal remains and burial sites within the State are entitled to equal protection under the law regardless of race, religion, or cultural origin. *The public has a vital interest in the proper disposition of the bodies of its deceased persons, which is in the nature of a sacred trust for the benefit of all, and therefore the legislature reaffirms the common law rule that a land owner knowingly in possession of human skeletal remains cannot own the remains but merely holds the same in trust for cultural descendants, who have the right to possession for purposes of proper cultural preservation or reinterment.*

As stated by the Hawai`i Legislature, the public interest is being served by allowing cultural descendants to determine proper treatment of ancestral remains, be it removal and reinterment or preservation in place. The O`ahu Burial Council recommended the Kaupo Bay burials be preserved in place. The DLNR\SHPD concurred with the Council's recommendation. Thus, preserving the remains in place and protecting the burials by building this low lying rock wall is in the public interest. More importantly, the action will demonstrate respect for the original inhabitants of Hawai`i.

DOCUMENT CAPTURED AS RECEIVED

DECEMBER 1991

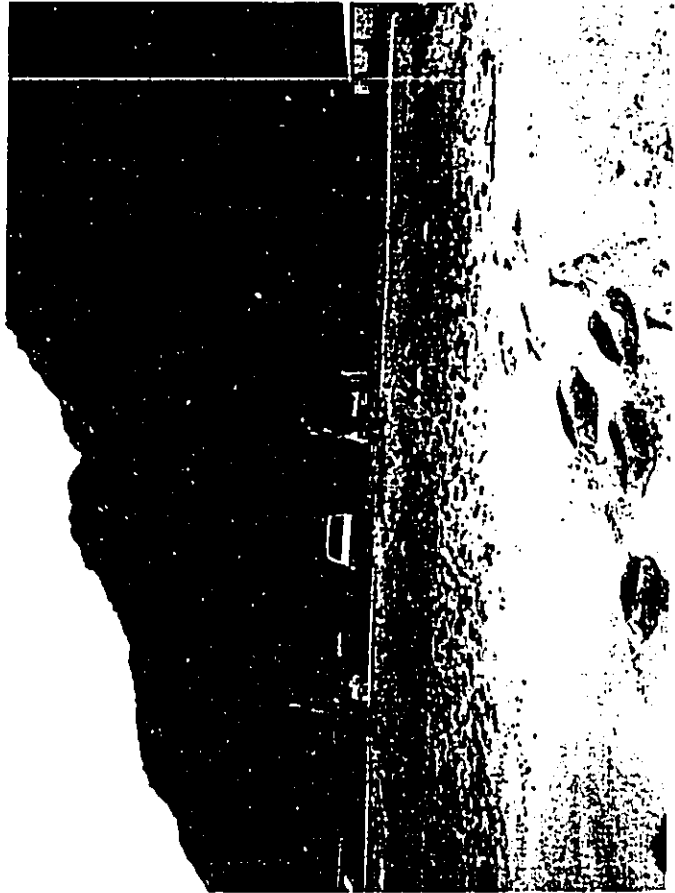
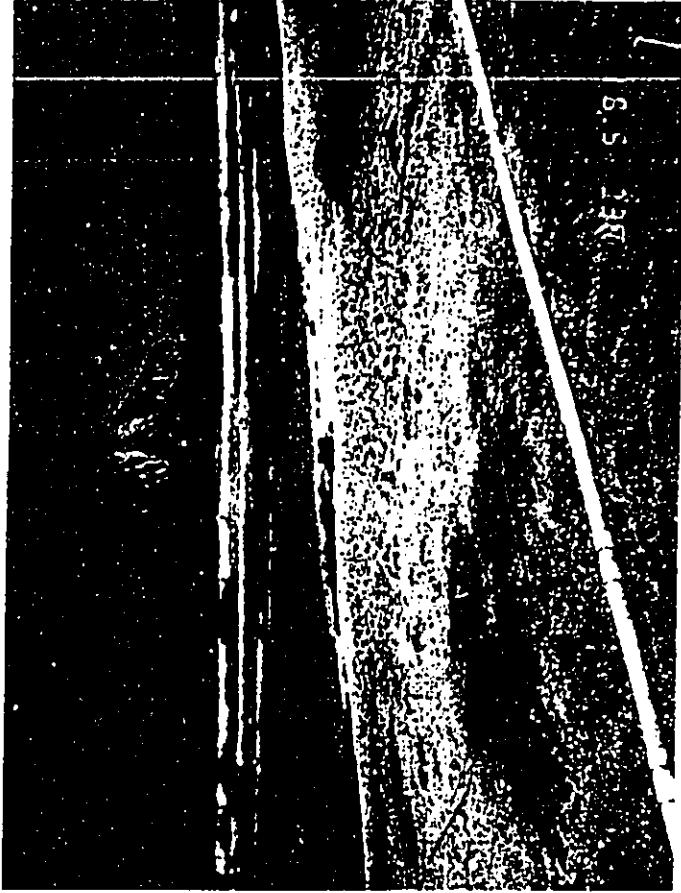


FIGURE 3

DECEMBER 1991

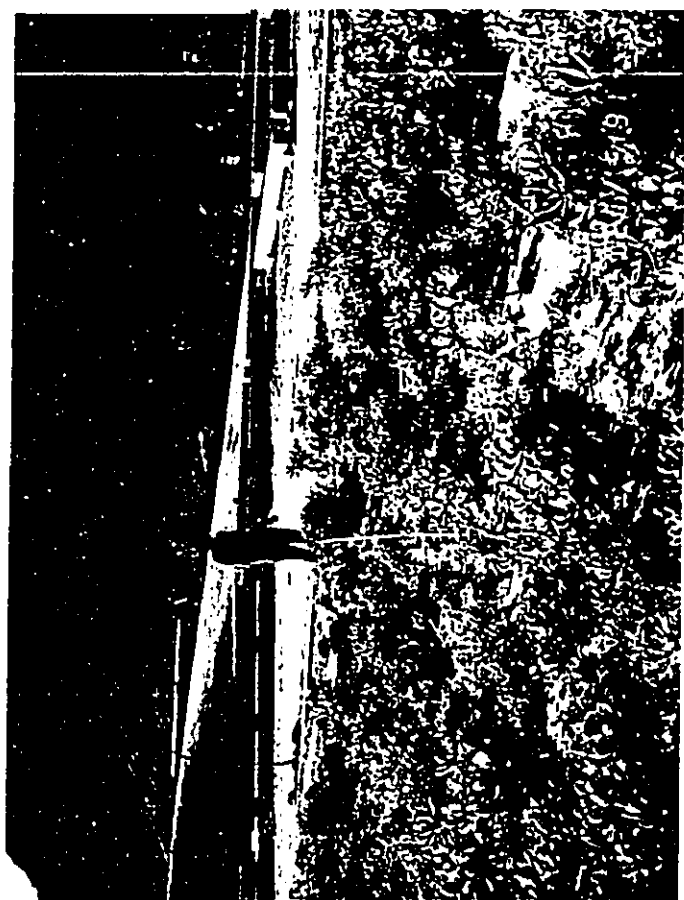


FIGURE 4

