

Figure 10. U.S. Geological Survey 7.5-Minute Series Topographic Map, Kailua Quadrangle (1996), showing the locations of previous archaeological studies in the vicinity of the survey area

Table 2. Historic Properties Previously Identified within or in the Immediate Vicinity of the Survey Area

SIHP #	Site Type	Function	Age	Recommendation	Reference
05011	Wall	Land Division	Post-Contact	Further Data Collection	Burgett and Rosendahl 1992 Corbin and Wong-Smith 2008
13190	Complex (wall, 18 <i>pāhoehoe</i> excavations, modified outcrop, 10 rock mounds)	Agricultural	Pre-Contact	Further Data Collection	Donham 1990b
13191	Cairn	Marker	Indeterminate	No Further Work	Donham 1990b
13199	Cairn	Marker	Post-Contact	No Further Work	Donham 1990b
13200	2 Rock Mounds	Agricultural	Pre-Contact	No Further Work	Donham 1990b
13201	Trail	Transportation	Pre-Contact	Further Data Collection	Donham 1990b
13202	Complex (2 cairns, trail)	Transportation	Pre-Contact	Further Data Collection	Donham 1990b
13203	Complex (terrace, paved area)	Agricultural / Poss. Habitation	Pre-Contact	Further Data Collection	Donham 1990b
13215	Wall	Ranching	Post-Contact	No Further Work	Donham 1990b
13356	<i>Pāhoehoe</i> Excavation	Agricultural	Pre-Contact	Further Data Collection	Donham 1990a
13357	Complex (cairn, cave, 6 <i>pāhoehoe</i> excavations)	Agricultural	Pre-Contact	Further Data Collection	Donham 1990a
13358	3 <i>Pāhoehoe</i> excavations	Agricultural / Quarry	Pre-Contact	Further Data Collection	Donham 1990a
13360	Complex (burial cave, 4 <i>pāhoehoe</i> excavations)	Burial / Quarry	Pre-Contact	Further Data Collection / Preservation	Donham 1990a
13404	Enclosure	Agricultural / Poss. Habitation	Pre-Contact	Further Data Collection	Donham 1990a
13417	<i>Pāhoehoe</i> Excavation	Agricultural	Pre-Contact	Further Data Collection	Donham 1990a

SIHP #	Site Type	Function	Age	Recommendation	Reference
13418	<i>Pāhoehoe</i> Excavation	Agricultural	Pre-Contact	Further Data Collection	Donham 1990a
13419	<i>Pāhoehoe</i> Excavation	Agricultural	Pre-Contact	Further Data Collection	Donham 1990a
13489	Terrace	Agricultural	Pre-Contact	No Further Work	Donham 1990a
13490	<i>Pāhoehoe</i> Excavation	Agricultural	Pre-Contact	No Further Work	Donham 1990a
16011	Complex (wall, 2 mounds)	Agricultural	Pre-Contact	No Further Work	Burgett and Rosendahl 1992
16012	Terrace	Agricultural	Pre-Contact	No Further Work	Burgett and Rosendahl 1992
16024	Terrace	Agricultural	Pre-Contact	No Further Work	Burgett and Rosendahl 1992

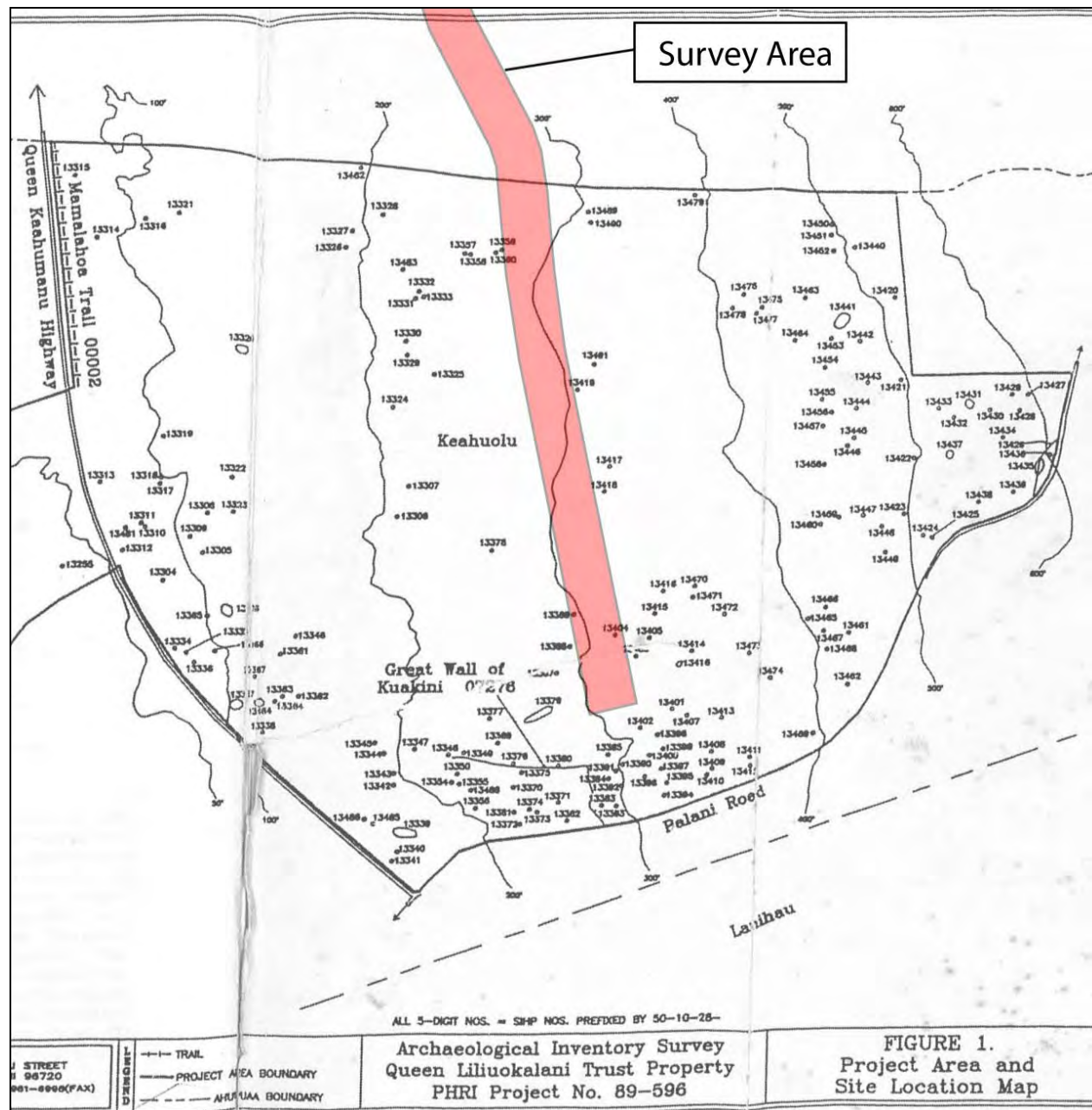


Figure 11. Overlay of survey area on a portion of the Donham 1990a site map (the locations of sites should be understood as only approximate; note: the survey corridor north of the Queen Lili‘uokalani Trust Keahuolū lands is shown in the following Figure 12)

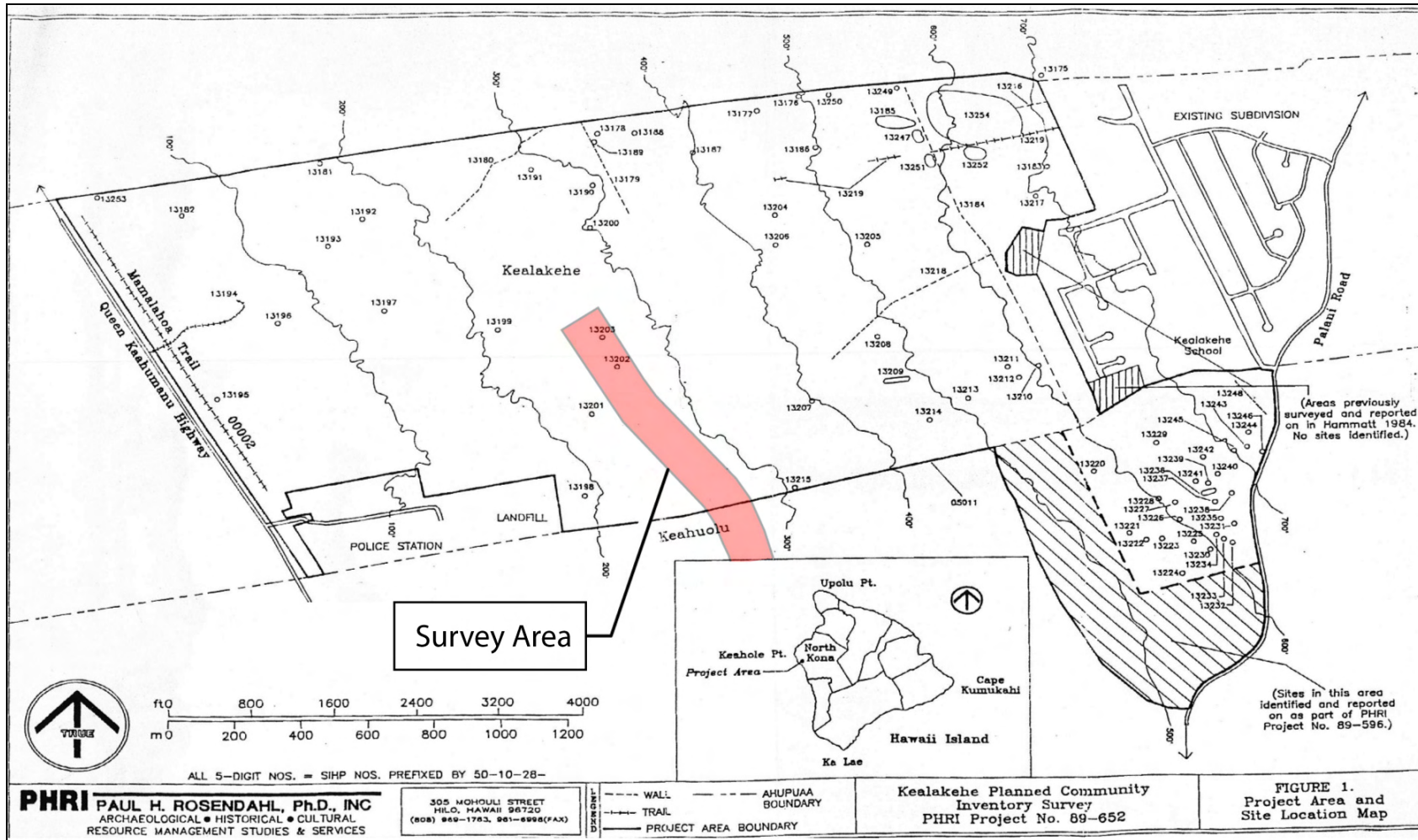


Figure 12. Overlay of survey area on the Donham 1990b site map (the locations of sites should be understood as only approximate; note: the survey corridor to the south on Queen Lili‘uokalani Trust Keahuolū lands is shown in the preceding Figure 11)

In 1992, PHRI completed an addendum archaeological inventory survey for the Kealakehe Planned Community in Kealakehe (Burgett and Rosendahl 1992) (Figure 10, Table 2 and Figure 13). Forty-four additional historic properties, comprised of 225 features, were identified within the study area previously surveyed by Donham (1990b). An additional 103 features were also identified at sites previously identified by Donham (1990b). The most common feature types consisted of modified outcrops, rock mounds, terraces, and 'a'ā excavations. In the vicinity of the survey area, Burgett and Rosendahl (1992) identified walls, rock mounds, and terraces (see Table 2).

In 2008, PHRI completed an archaeological survey and cultural impact assessment for the proposed Ane Keohokālole Highway Corridor (Corbin and Wong-Smith 2008), including the current survey area (see Figure 10). Nine previously identified historic properties were located within the study area. No additional features were documented by Corbin and Wong Smith. SIHP # -5011 *ahupua'a* boundary wall was located within the CSH survey area. No additional historic properties were located within the CSH survey area. However, the PHRI study pointed out that:

It should also be noted, that previous to the current project survey, it was thought that several sites, other than those subsequently found to actually be within the corridor, might lie within the path of the corridor. These sites were 13357, 13358, 13359, 13360, 16024, 13201, 16011, 16012, and 16204. However, during the survey none of these sites were found. This is undoubtedly due to the fact that these sites were not surveyed in and were located only approximately on early survey maps. [Corbin and Wong-Smith 2008:14]

2.3 Background Summary

The Cultural Surveys survey area lies within the lower portion of the *kula* zone. According to Schilt (1984), the *kula* zone in Kealakehe and Keahuolū was probably not used for agriculture until about A.D. 1550-1650, although caves in the area could have been used for temporary habitation before this time. Permanent habitations would probably not be found in this area before the early post-contact period. Agricultural mounds, terraces, and walls, all features typical for the Kona Field System, would be expected to be dominant in this area. Temporary habitation features associated with agricultural complexes, possibly dated to A.D. 1600-1778, would also be expected in the survey area. Due to the characterization of soil deposition in the area, significant subsurface deposits of cultural materials, which are not associated with surface features, are not expected. Ranching features would be associated with post-contact use of the area. Finally, it is expected that the remaining features in the *kula* area of Kealakehe and Keahuolū represent only a small portion of the pre-contact and early post-contact features that once dotted the landscape. As early as the 1980s, Schilt (1984) noted that extensive firebreak bulldozing in this portion of the *ahupua'a* had altered the landscape and destroyed many of the former features.

The previous archaeological studies within and immediately adjacent to the Cultural Surveys survey area confirm this area to be marked by dry land agricultural features and scattered temporary habitation sites, likely associated with the agricultural use of the area in both pre- and early post-contact times.

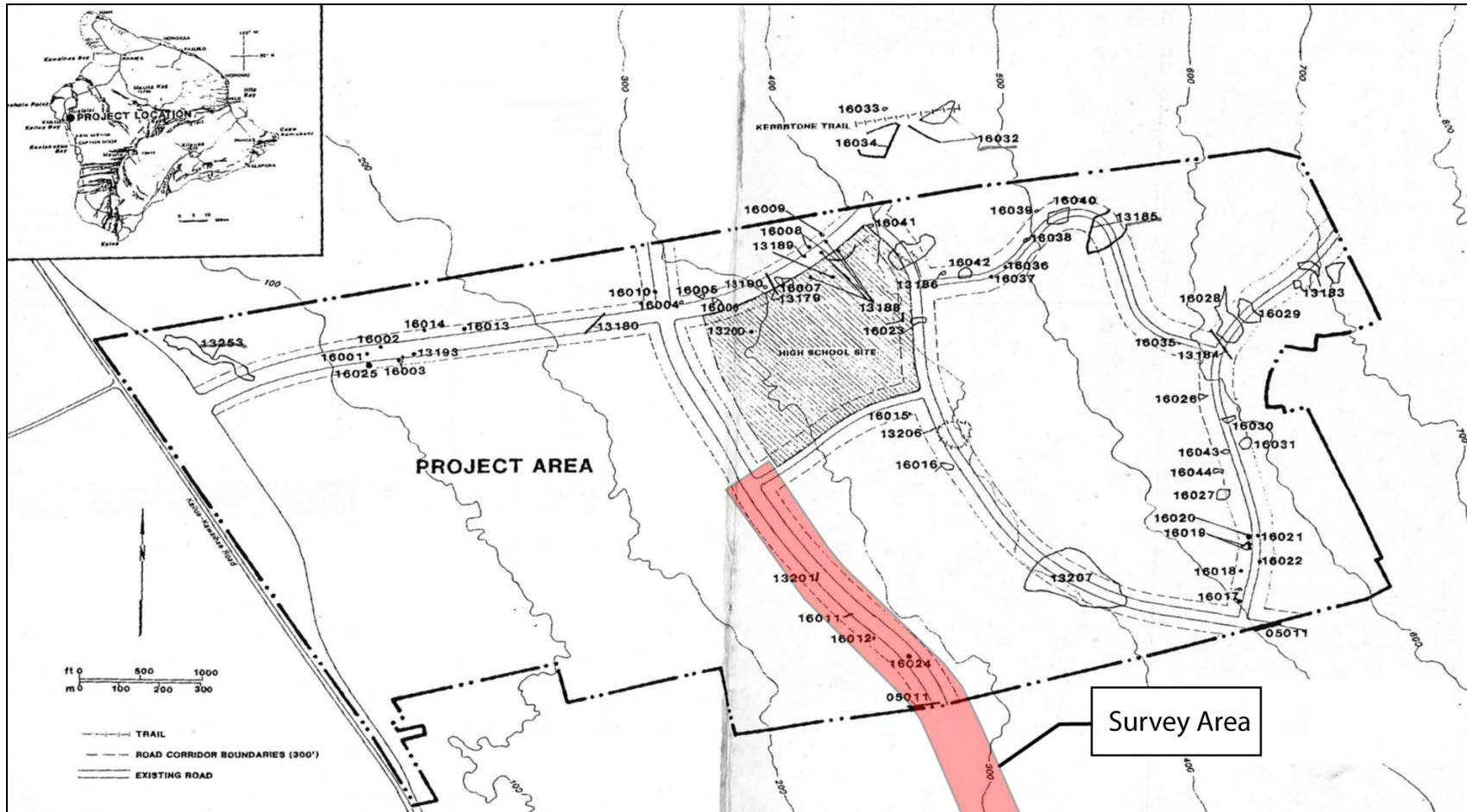


Figure 13. Overlay of Cultural Surveys survey area on the Burgett and Rosendahl 1992 site map (the locations of sites should be understood as only approximate; note: some of the sites documented by Donham 1990b are shown in a slightly different location)

Section 3 2009 Archaeological Inventory Survey Results

This summary of the Tulchin and Hammatt (2009) archaeological inventory survey results, particularly the historic property description, is included to provide specific information about the survey area's burials. This includes detailed discussion of each burial's context and maps showing burial locations within the survey area. Also included is a discussion of each burial's location in relation to the proposed Ane Keohokālole corridor with a consideration of the effect of burial preservation in place under the current development design.

3.1 Inventory Survey Summary

The Tulchin and Hammatt (2009) inventory survey documented ten (10) historic properties within the survey area and two additional historic properties adjacent to the west of the survey area boundary (see Figure 4 and 5 above). All of the identified historic properties are of traditional Hawaiian (probably pre-contact) origin, with the exception of SIHP #50-80-10-28-5011, a post-contact boundary wall. Observed site types consisted of caves and lava tubes, terraces, a trail, modified lava blisters, a *pāhoehoe* excavation, and a wall. Interpreted site functions included the following: burial, temporary habitation, agriculture, transportation, livestock / land division boundary, and marker.

Three of the twelve identified historic properties contained human burials (SIHP -13387, -26831, & -26836), totaling four identified sets of human remains (Figure 14 & Figure 15). Following the procedures of Hawai'i Revised Statutes (HRS) Chapter 6E-43, and Hawai'i Administrative Rules (HAR) Chapter 13-300, the remains were determined by SHPD to be over 50 years old and Native Hawaiian. Located during an archaeological inventory survey investigation, all of the burials documented within the survey area are considered previously identified. As previously identified Native Hawaiian burials on Hawai'i, their treatment falls under the jurisdiction of the HIBC.

The findings of this archaeological inventory survey are largely in keeping with expectations. Background research has indicated that the survey area lies within the lower portion of the *kula* zone. The modified outcrops / blisters, terraces, walls, and temporary habitation lava tubes identified within the survey area are all archaeological features typical for this zone, and are expected to be the dominant features in this area.

3.2 Burial Treatment during the Inventory Survey Investigation

Where human burials were discovered, skeletal remains were left in place within the lava tube in which they were observed. Burial locations were recorded via plan view maps and GPS. All burials remain within the lava tubes in which they were discovered. They will be preserved in place unless the HIBC, in consultation with SHPD, the affected landowners, and any recognized lineal and/or cultural descendents, determines they should be relocated.

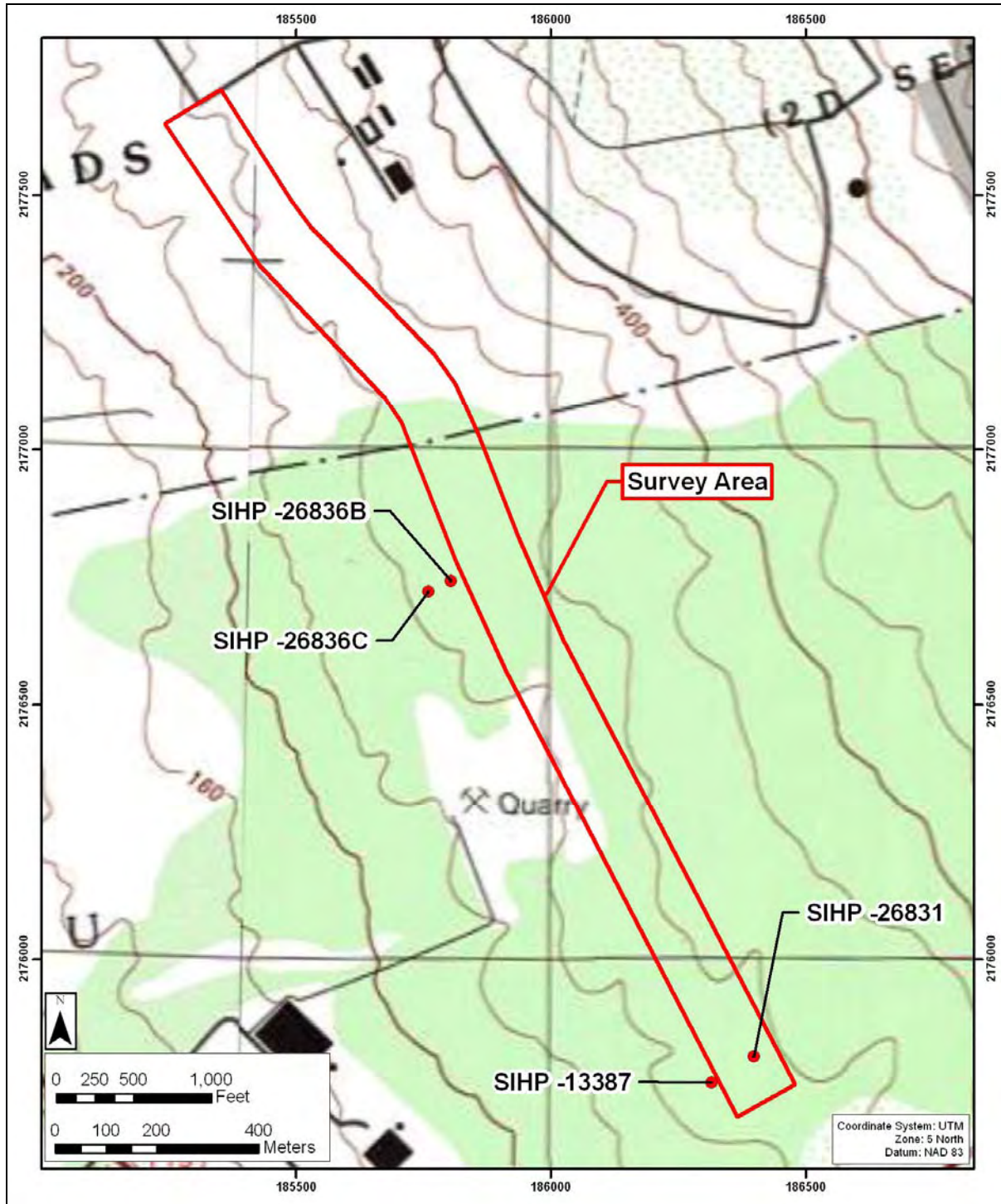


Figure 14. U.S. Geological Survey 7.5-Minute Series Topographic Map, Kailua and Keāhole Point Quadrangles (1996), showing the location of historic properties containing burials within and in the immediate vicinity of the survey area

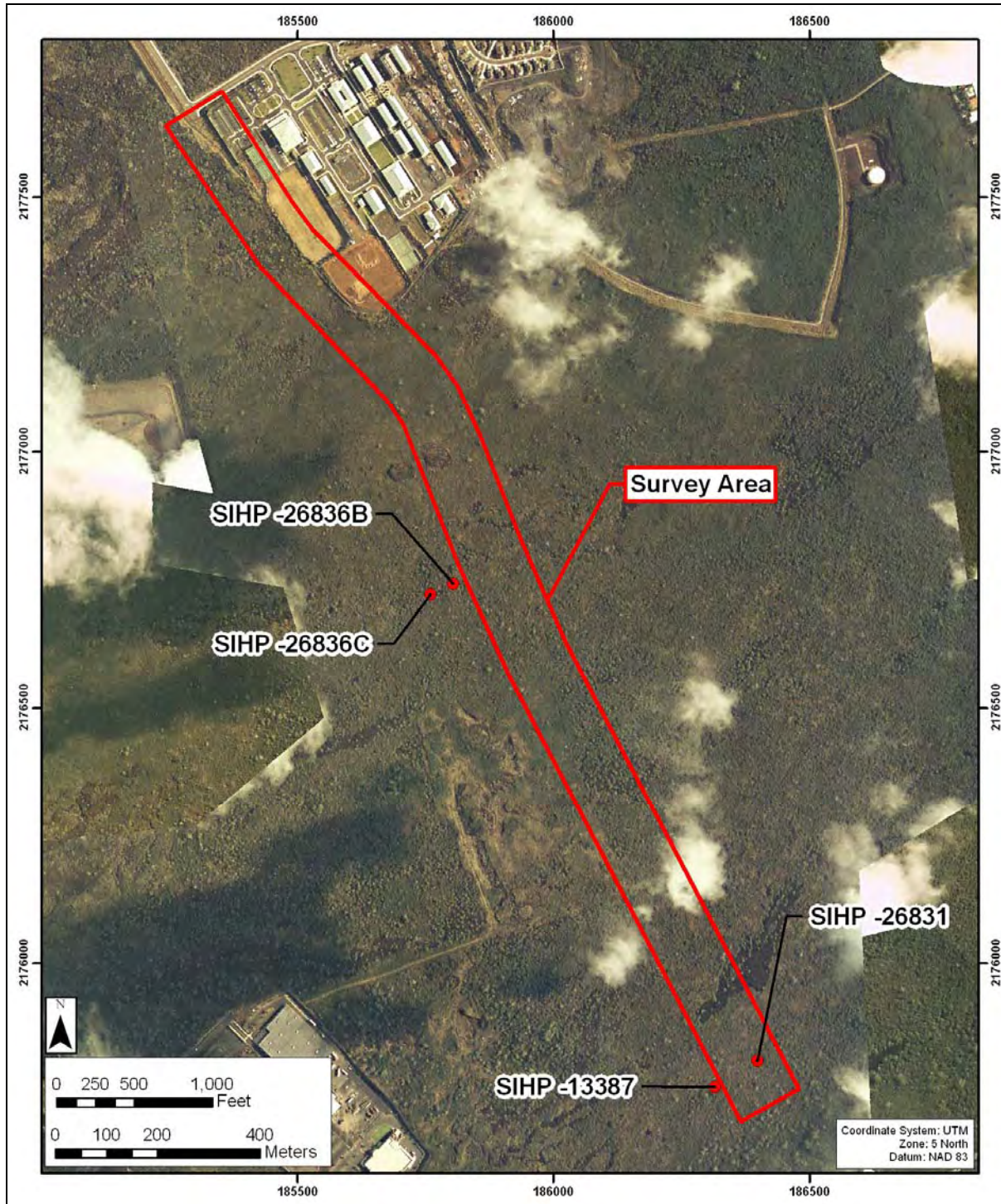


Figure 15. Aerial photograph showing the locations of historic properties containing burials within and in the immediate vicinity of the survey area. (Source: USGS Orthoimagery 2005)

3.3 Historic Property Descriptions

3.3.1 SIHP #50-10-28-13387

FORMAL TYPE:	Lava tube
FUNCTION:	Burial / Temporary habitation
# OF FEATURES:	3
AGE:	Pre-contact
DIMENSIONS:	80 m long by 24 m wide
LOCATION:	Middle of survey area
TAX MAP KEY:	[3] 7-4-020: 010
LAND JURISDICTION:	Queen Lili'uokalani Trust

SIHP #50-10-28-13387 is located at the southern end of the survey area and is approximately 370 m (1214 ft) northwest of Palani Road (see Figure 14 & Figure 15). The topography of the immediate area is level, while the geology consists of a large collapsed lava blister that has created a circular depression with shallow caves formed around the perimeter. *Koa haole* and exotic grasses dominate the surrounding landscape. There is currently a large Autograph Tree growing out of the southwestern portion of the site's large collapsed lava blister (see Figure 16). The Autograph Tree (*Clusia rosea*) is an ornamental, non-native tree species that was imported to Hawai'i. It has become an extremely invasive species, distributed by birds (Instant Hawai'i 2009). Some native Hawaiian plant species were observed in and around SIHP #50-10-28-13387, including *laua'e* fern (*Phymatosorus scolopendria*) in the shade of the Autograph Tree.

SIHP #50-10-28-13387 was originally identified by PHRI in 1990 (Donham 1990a) and was described as a complex of pre-contact habitation caves (Figure 16). The following is Donham's (1990a: A-108) description of SIHP -13387:

SITE NO.: State: 13387 PHRI: T-170

SITE TYPE: Complex (3 Features)

TOPOGRAPHY: Smooth and ropy *pāhoehoe* finger and surface flows.

VEGETATION: Christmas-berry, lantana, fountain grass, and *kiawe*.

ELEVATION: c. 290 feet

CONDITION: good

INTEGRITY: Unaltered

PROBABLE AGE: Prehistoric

FUNCTIONAL INTERPRETATION: Habitation

DESCRIPTION: The overall complex area measures 12.3 m at 240 degrees Az. by 10.0 m. It consists of three caves, all of which are entered from the same collapsed blister formation.

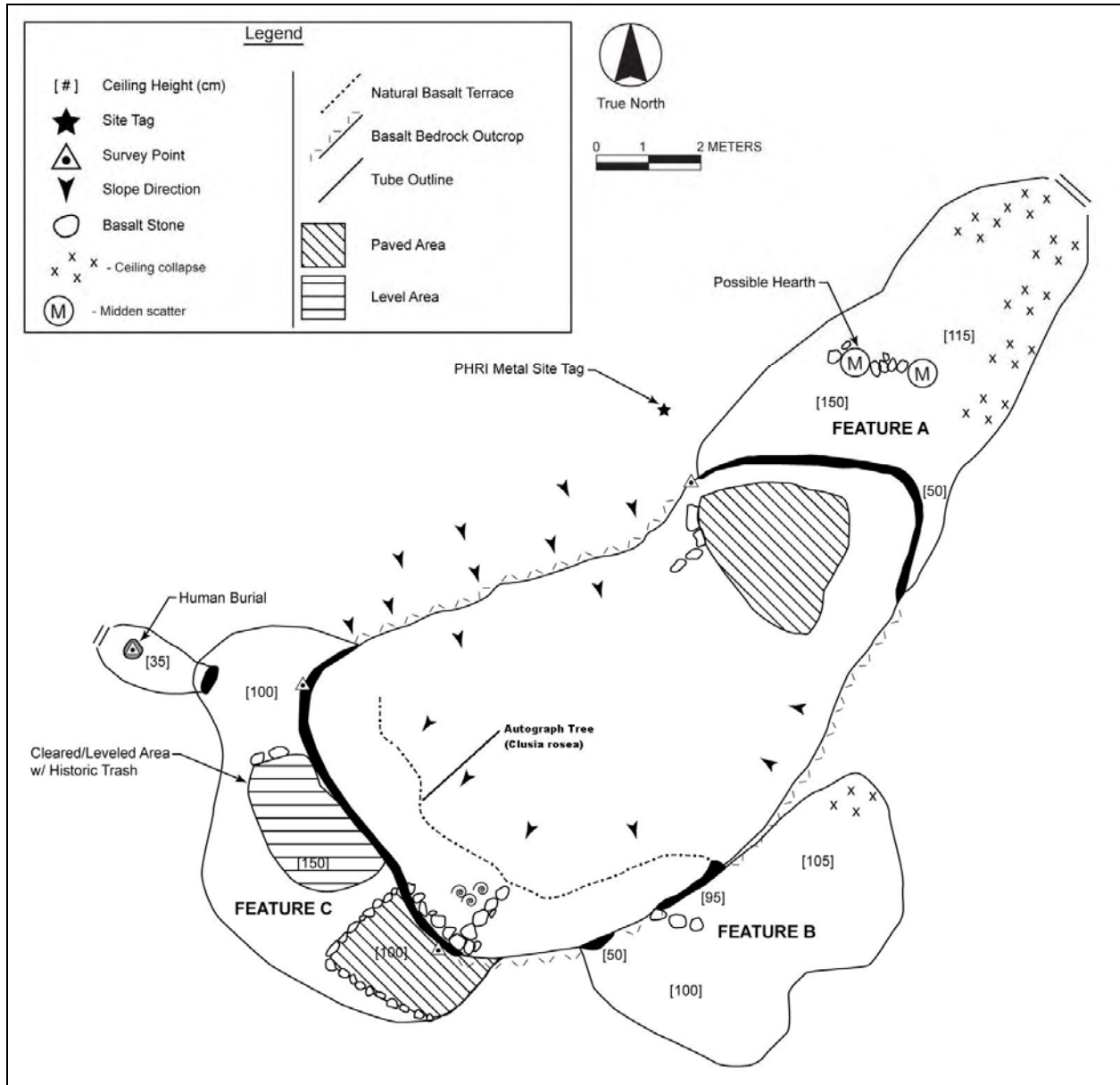


Figure 16. Plan view map of SIHP #50-10-28-13387

FEATURE A: Cave**FUNCTION:** Habitation**DIMENSIONS:** 6.10 m by 5.20 m by 1.50 m

DESCRIPTION: Feature A is a blister type cave that is oriented NE-SW. The opening faces southwest and measures 4.60 m wide and 1.30 m high. There is rubble collapse at the entrance and continuing along the interior perimeter.

There is a natural shelf area at the northern end of the cave that measures 6.0 m in length and 1.7 m in width. Directly below the shelf and to the west end of the cave is a hearth. The hearth measures 1.7 m by 1.4 m and contains three *Cypraeidae* fragments, a waterworn basalt pebble and an ash/charcoal deposit 0.10 m thick. The cave interior contains fragments of mammal bones (possibly dog), *Cellana*, Echinoidea, *Thaididae* and *kukui* nut shell, along with natural rubble and pebble collapse.

FEATURE B: Cave**FUNCTION:** Habitation**DIMENSIONS:** 5.50 m by 2.75 m by 1.94 m

DESCRIPTION: A blister type cave shelter that is separated from Feature A by ceiling collapse. Feature B is oriented NE-SW with the blister opening to the southwest. The mouth of the chamber is 1.55 m - wide and 1.2 m - high. There is a natural ledge across the blister opening that measures 1.71 m in height.

In the southeast corner of the chamber is a wall, stacked three courses high on natural collapse. The floor is slightly paved with cobbles and pebbles.

FEATURE C: Cave**FUNCTION:** Habitation**DIMENSIONS:** 8.40 m by 1.80 m by 1.20 m

DESCRIPTION: Feature C is directly across the collapsed blister from Feature A, and is oriented NE-SW. It contains a very small opening that measures c. 0.62 m in width and 0.41 m in height with collapse at the opening. Exterior of the blister opening is a paved area that is oriented NE-SW. The paved area is filled with cobbles and pebbles.

A possible stacked wall, five courses high is situated by the southeast corner of the paved area. The wall measures 2.7 m long and 1.35 m in height

Portable remains observed in the cave include *Cellana*, Echinoidea and *Cypraeidae*, *kukui* nut shell, a waterworn basalt cobble, and charcoal. A midden/soil deposit is present in the southeast corner of the paved area.

During the re-identification of SIHP -13387 by CSH, a previously un-reported human burial was also identified. The burial was located in a partially walled off crevice located to the northwest of Features A and B. Observed skeletal material consisted of an adult skull. No grave

goods were observed. Burial context suggests that the burial is of pre-contact origin and of Native Hawaiian ethnicity.

3.3.2 SIHP #50-10-28-26831

FORMAL TYPE:	Cave
FUNCTION:	Burial
# OF FEATURES:	1
AGE:	Pre-contact
DIMENSIONS:	3.5 m deep by 2.7 m wide by 0.7 m high
LOCATION:	Southern end of survey area
TAX MAP KEY:	[3] 7-4-020: 010
LAND JURISDICTION:	Queen Lili'uokalani Trust

SIHP #50-10-28-26831 is located at the southern end of the survey area and is approximately 376 m (1234 ft) northwest of Palani Road (see Figure 14 & Figure 15). The topography of the immediate area is level, while the geology consists of a large collapsed lava blister that has created a circular depression with shallow caves formed around the perimeter. *Koa haole* and exotic grasses dominate the surrounding landscape.

SIHP #50-10-28-26831 consists of a shallow cave created from the collapse of a lava blister (Figure 17 & Figure 18). The cave measures approximately 3.5 m deep by 2.7 m - wide by 0.7 m - high. The opening to the cave appears to have been partially walled off by basalt boulders piled approximately 90 cm - high, in an attempt to disguise the cave entrance.

Human skeletal remains were observed approximately 2 m into the cave within a small crevice that has been partially covered with basalt boulders. Observed skeletal material consisted of the following: teeth, vertebrae, pelvis, a clavicle, and a patella. No grave goods were observed. Burial context suggests that the burial is of traditional Hawaiian (probably pre-contact) origin and of Native Hawaiian ethnicity.

The remains were in poor condition and appear to have been crushed as a result of previous disturbance from animals, as evidenced by the numerous non-human mammal remains observed scattered throughout the cave.

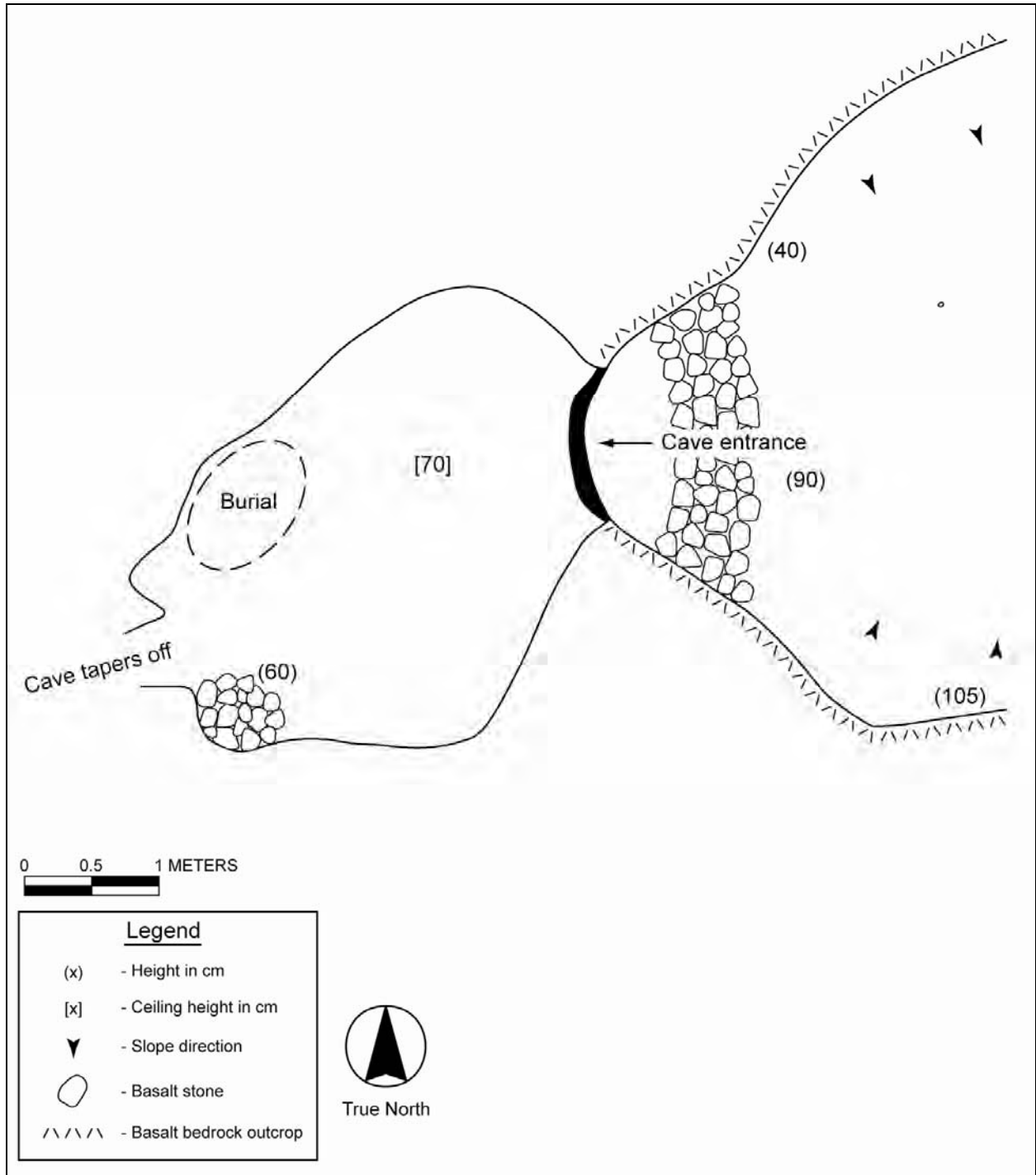


Figure 17. Plan view map of SIHP #50-10-28-26831



Figure 18. Photograph of SIHP #50-10-28-26831 (burial cave), view to west

3.3.3 SIHP #50-10-28-26836

FORMAL TYPE:	Lava tube
FUNCTION:	Burial / Temporary habitation
# OF FEATURES:	3
AGE:	Pre-contact
DIMENSIONS:	80 m long by 24 m wide
LOCATION:	Middle of survey area
TAX MAP KEY:	[3] 7-4-020: 022
LAND JURISDICTION:	Queen Lili'uokalani Trust

SIHP #50-10-28-26836 is located in the middle of the length of the survey corridor but extends *makai* (southwest) outside of the survey corridor. The site is approximately 230 m (755 ft) south of the Kealakehe / Keahulolū *ahupua'a* boundary (see Figure 14 & Figure 15). The topography of the immediate area is gently sloping to the southwest, while the geology consists of a *pāhoehoe* lava flow. *Koa haole*, cactus and exotic grasses dominate the surrounding landscape.

SIHP #50-10-28-26836 consists of a lava tube complex containing a midden scatter (Feature A) and 2 human burials (Features B & C) (Figure 19). The lava tube complex is extensive consisting of approximately 80 m of interconnecting passages and chambers, and having 3 separate entrances ("A"- "C") (see Figure 19). Ceiling heights within the lava tube complex range from 0.6 to 2.7 m.

Feature A consists of a midden scatter and associated *pāhoehoe* slab upright located approximately 8 m southwest from lava tube entrance B (Figure 20 & Figure 21). Observed midden consisted of various marine shells: spiny sea urchin, *'opihi*, cowry, and oyster. A large *pāhoehoe* slab upright, measuring 1.0 m - long by 0.5 m - wide by 1.1 m - high, is situated roughly in the middle of the midden scatter, and has been propped up by basalt boulders.

Feature B consists of a human burial located approximately 16 m south of lava tube entrance "B" (see Figure 20 & Figure 21). The burial is flexed and is situated within a stacked rock mound that has been partially opened, exposing the skull and upper torso. Observations of the exposed skeletal material indicated that the burial consists of the complete skeletal remains of a single, adult individual in fair condition. No grave goods were observed. Burial context suggests that this is a traditional Hawaiian burial (probably of pre-contact origin) and of Native Hawaiian ethnicity.

Feature C consists of a human burial located approximately 8 m southwest of lava tube entrance "C" (see Figure 19 & Figure 22). The burial consists of a single set of adult skeletal remains placed in a semi-flexed position on the lava tube floor. The remains were in poor condition, partially disintegrating due to natural weathering and partially disturbed (scattered) by animals. No grave goods were observed. Burial context suggests that the burial is of pre-contact origin and of Native Hawaiian ethnicity.

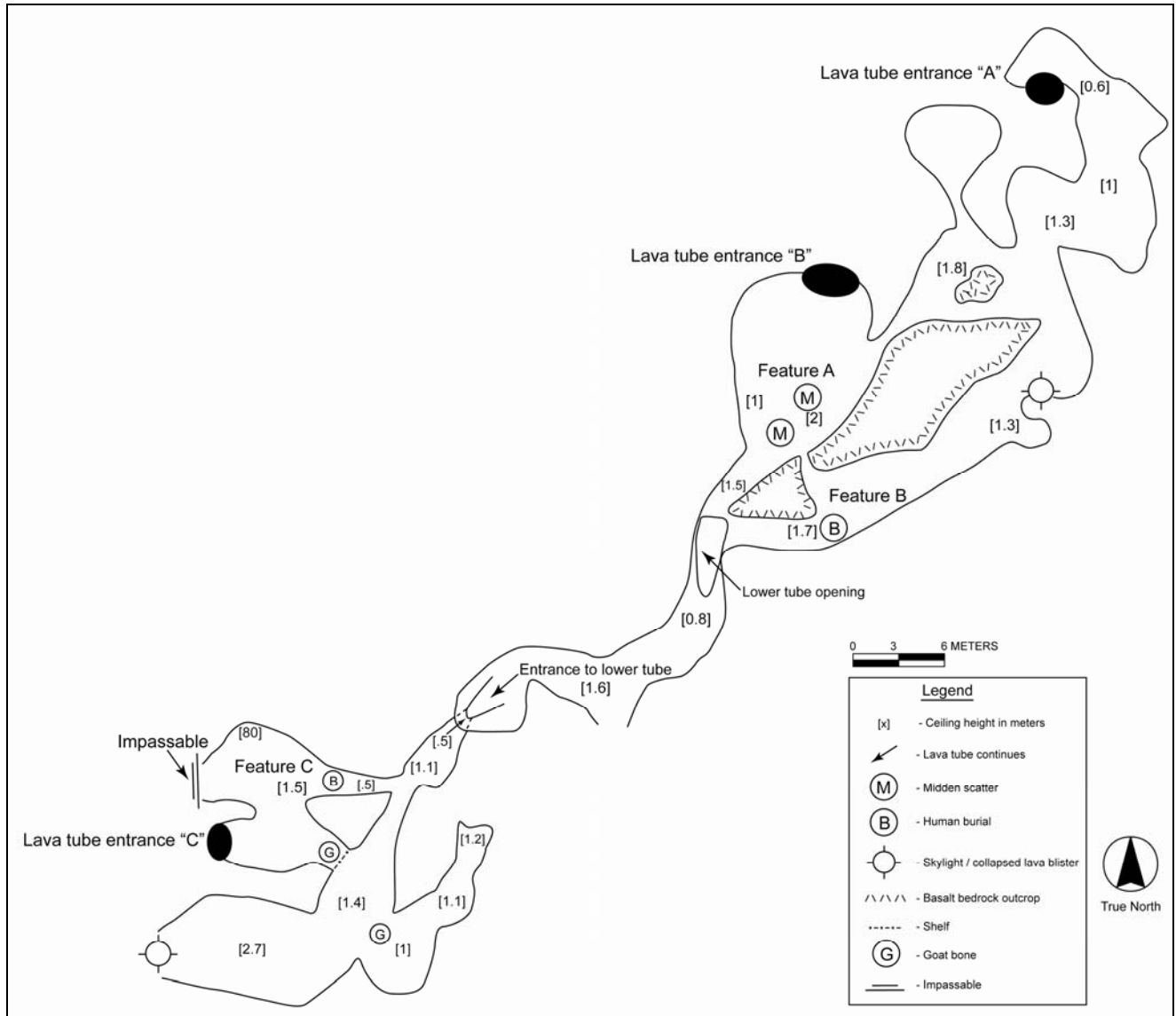


Figure 19. Plan view map of SIHP #50-10-28-26836 (lava tube with midden scatter and human burials; see following figure for close-up map of Feature B burial)

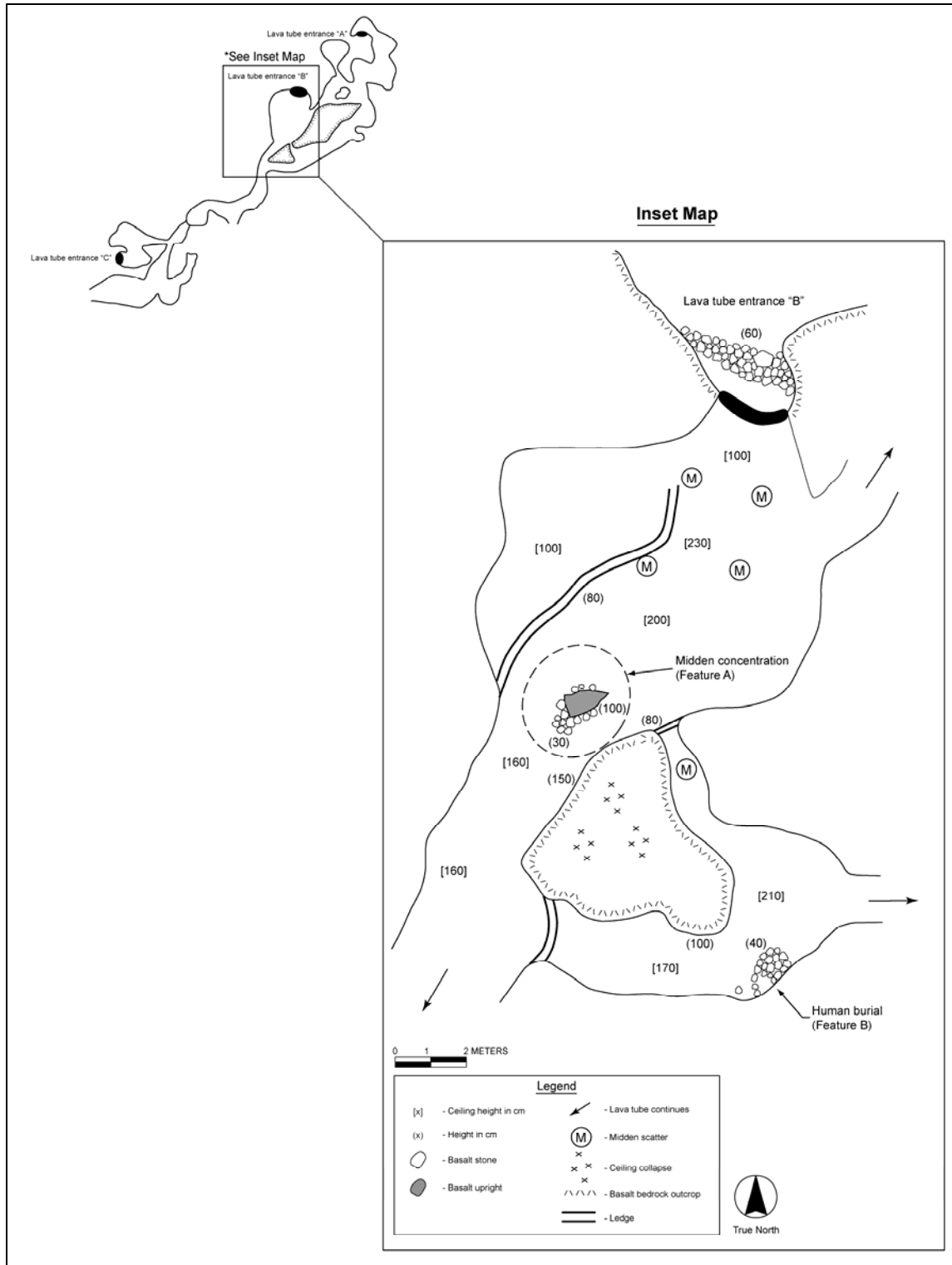


Figure 20. Plan view map of SIHP #50-10-28-26836, Feature A (midden scatter) & Feature B (human burial)



Figure 21. Photograph of SIHP #50-10-28-26836, lava tube entrance “B”, view to south



Figure 22. Photograph of SIHP #50-10-28-26836, lava tube entrance “C”, view to north

3.4 Burial Locations in Relation to the Proposed Development Design

The project proponents would prefer to preserve the burials discovered at SIHP #50-10-28-13387, -26831 & -26836 in place, to avoid any unnecessary disturbance to the remains. SIHP #50-10-28-13387 and SIHP #50-10-28-26836 are located approximately 45 m and 55 m west of the western APE boundary (as defined by the construction footprint), respectively (Figure 23). However, while located outside of the construction footprint, in consultation with SHPD these two burial sites were included in the APE in consideration of any indirect alterations to the character or use of the sites that may result from the proposed development.

One of the previously identified burials (SIHP -26831) lies within the proposed Ane Keohokālole Highway construction corridor APE (see Figure 23). The proposed highway was narrowed at the burial site to provide 30 feet of clearance for the establishment of a burial preserve (Figure 24, Figure 25, & Figure 26; see Section 5.6.2). The roadway at this section of the highway has been narrowed by 46 feet and shifted against the *makai* ROW. This involved removing the planting strips on each side between the sidewalks and the roadway pavement, removing the median between the north and south bound lanes, narrowing the width of the *mauka* and *makai* sidewalks from 7 feet to 4 feet, and narrowing the two south bound lanes.

Details of burial preserve establishment and maintenance are included in Section 5: Proposed Burial Treatment.

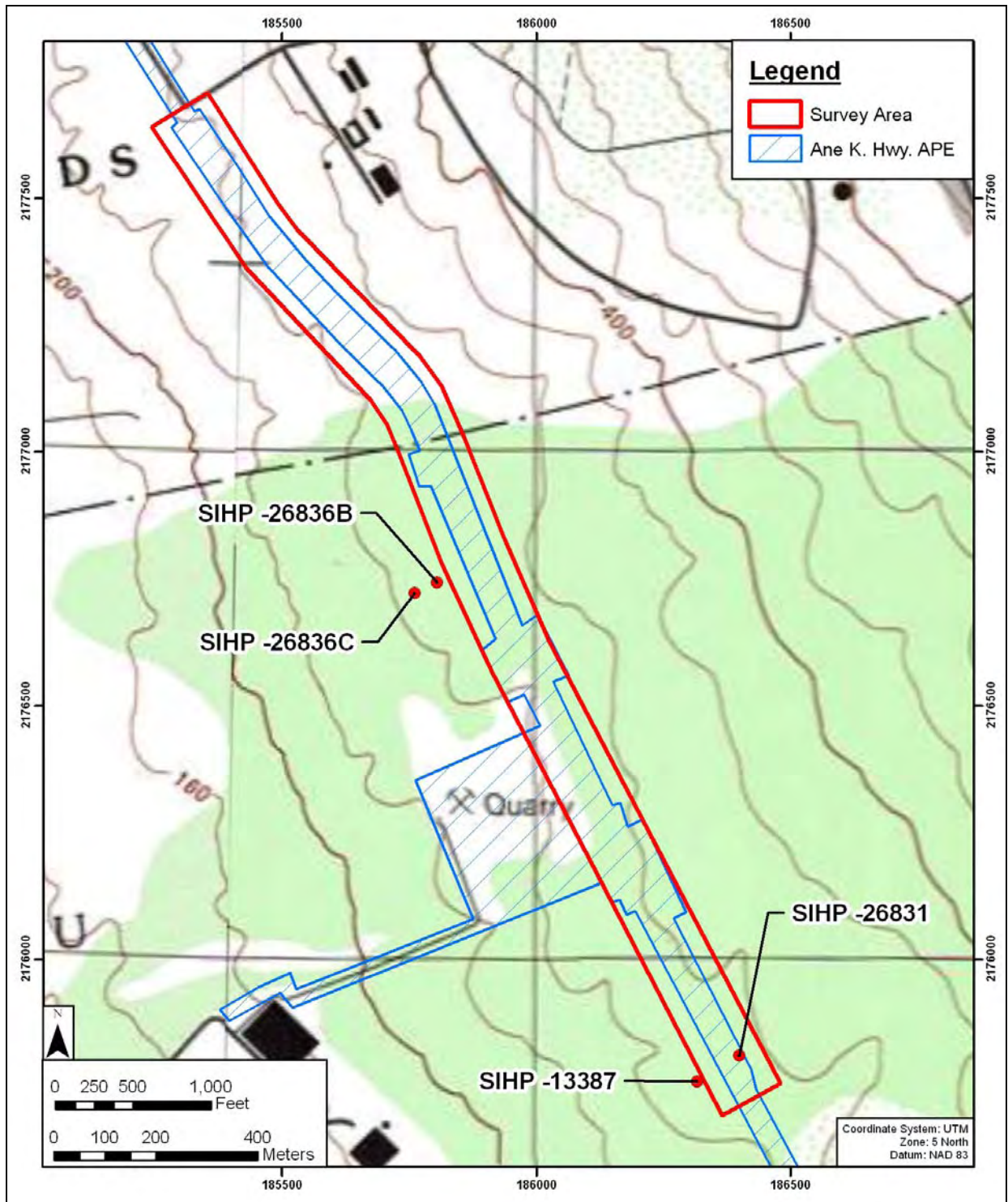


Figure 23. U.S. Geological Survey 7.5-Minute Series Topographic Map, Kailua and Keāhole Point Quadrangles (1996), showing the location of previously identified burial sites in relation to proposed highway development (a.k.a. APE)

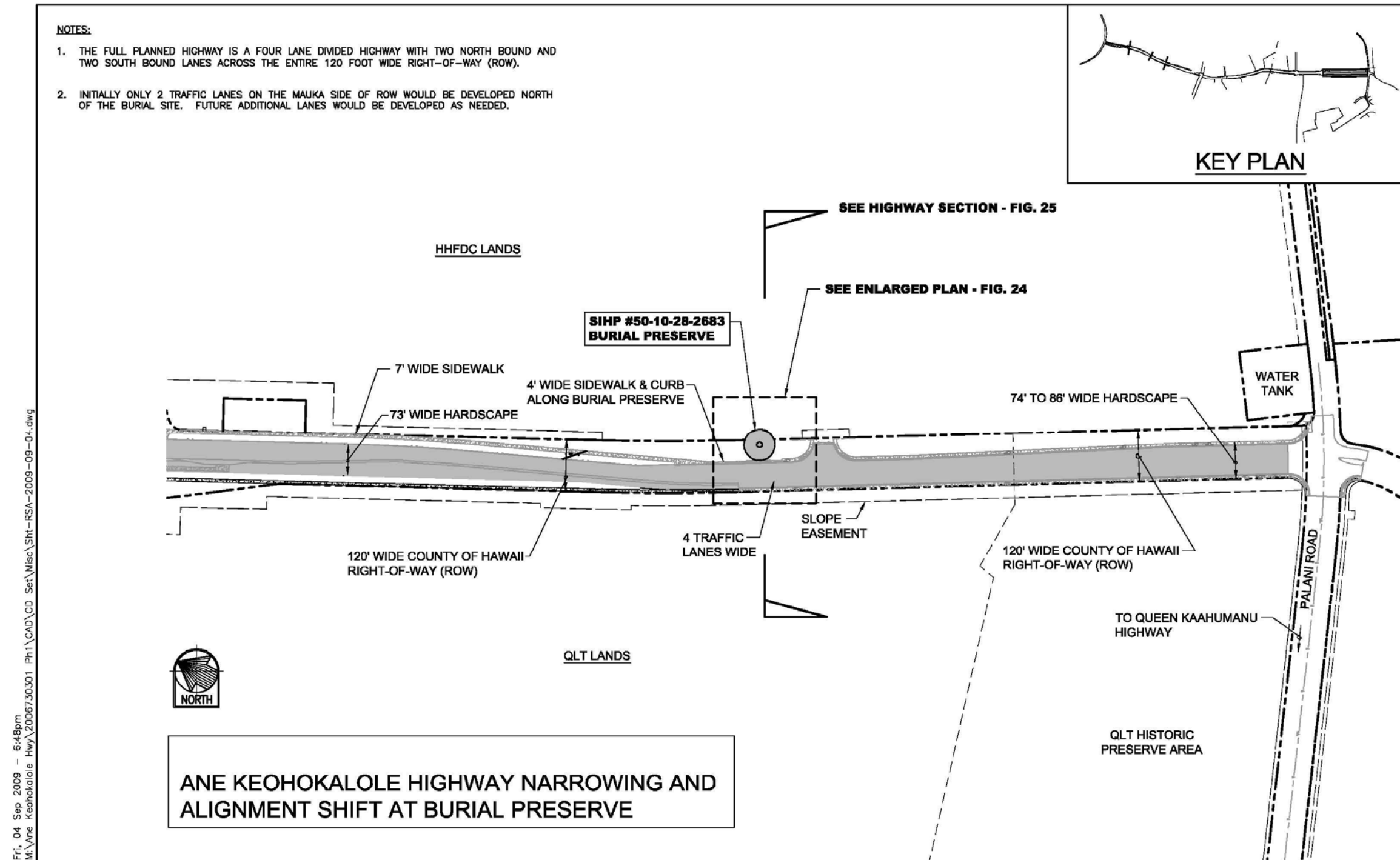
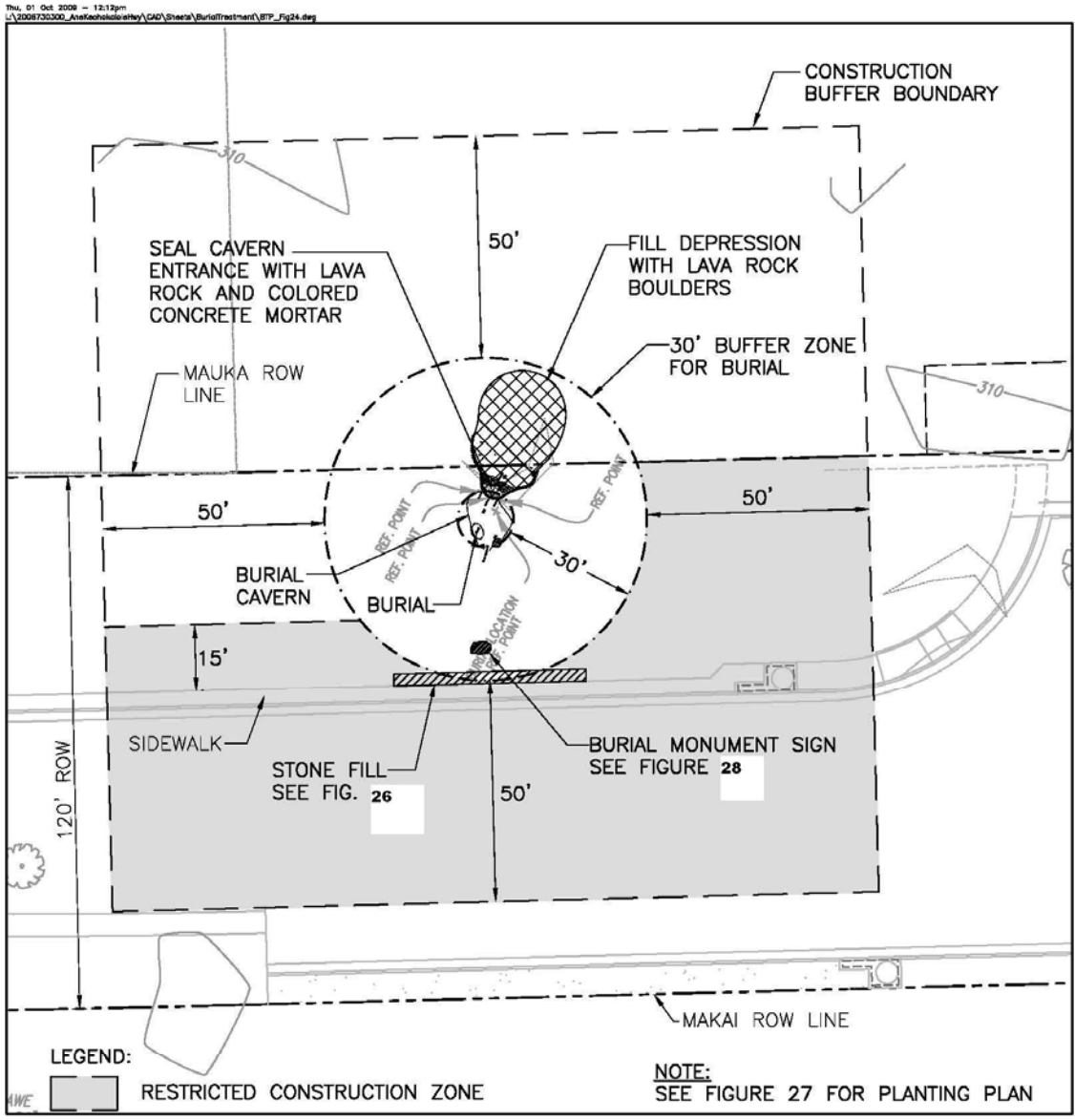


Figure 24. Ane Keohokālole Highway narrowing and alignment shift at SIHP -26831 burial preserve (source: Belt Collins Hawai'i , Ltd. 2009)



ENLARGED PLAN—BURIAL PRESERVE

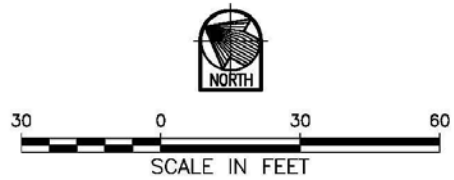


Figure 25. SIHP -26831 burial preserve, enlarged plan (source: Belt Collins Hawai'i , Ltd. 2009)

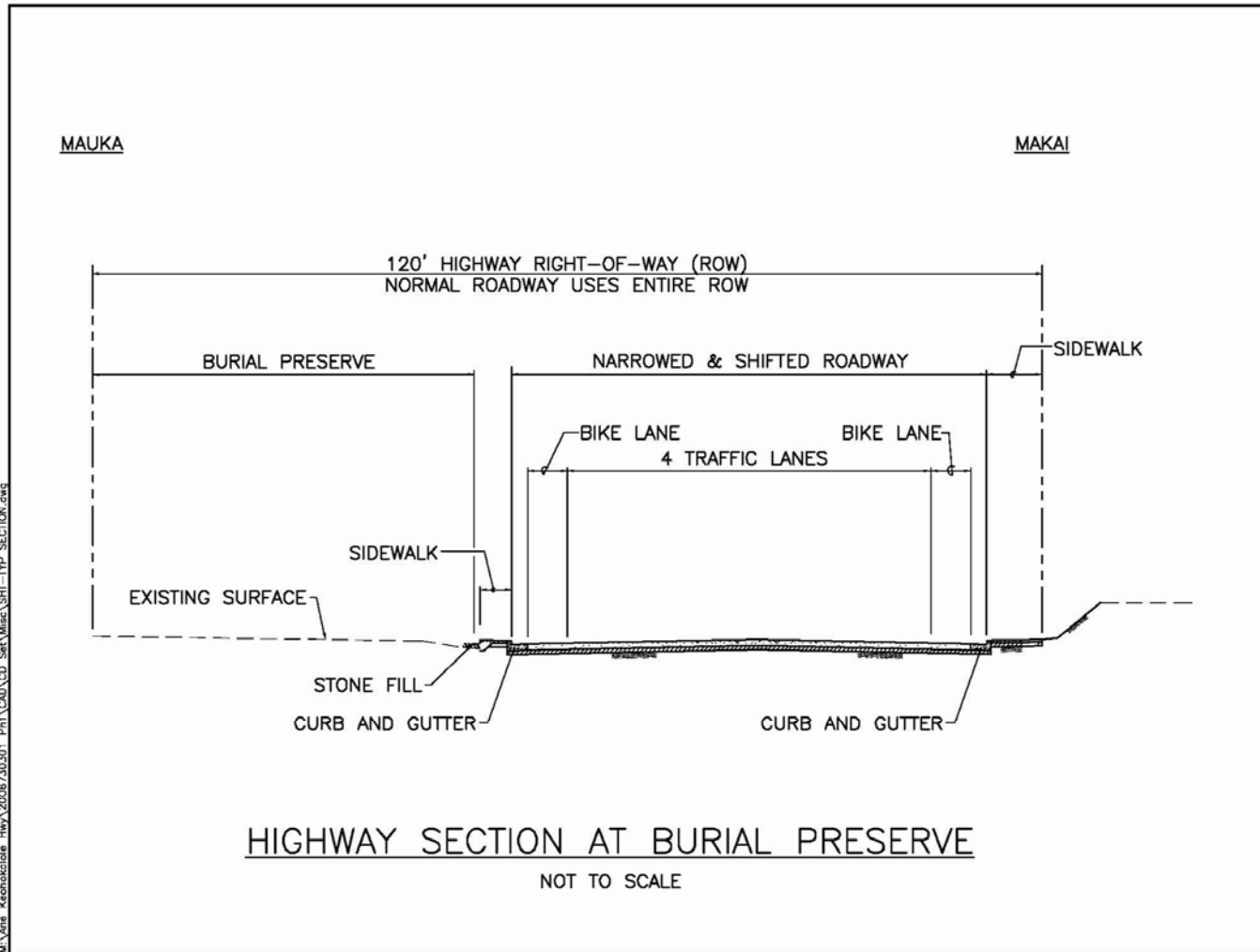


Figure 26. Cross section for narrowed and shifted highway at SIHP -26831 burial preserve (source: Belt Collins Hawai'i , Ltd. 2009)

Section 4 Search for Lineal and/or Cultural Descendants and Consultation Results

HAR 13-300-33 specifies that a Burial Treatment Plan present evidence of a good faith search for lineal and cultural descendants by means of research of relevant land conveyance documents, inquiry to persons with knowledge of families affiliated with the remains, and public notice in a general circulation newspaper.

4.1 Publication of Burial Notice

Upon consultation with SHPD/DLNR the following advertisement was submitted to be published in connection with the current project. The advertisement ran in the *Honolulu Advertiser* on 6/3/09, 6/4/09, and 6/7/09 (Appendix A) and in the *West Hawaii Today* on 6/5/09, 6/7/09 and 6/10/09 (Appendix B). The public notice was also submitted to and ran in the June 2009 edition of *Ka Wai Ola o OHA* published by the Office of Hawaiian Affairs (Appendix C). The texts of the public notices are provided here:

Public Notice for *Honolulu Advertiser* and the *West Hawaii Today*

NOTICE TO INTERESTED PARTIES IS HEREBY GIVEN that three sets of unmarked, human skeletal remains were discovered by Cultural Surveys Hawai'i, Inc. in the course of archaeological inventory survey related to the proposed development of the Ane Keohokālole Highway at Keahuolū Ahupua'a, North Kona District, Island of Hawai'i.

The *iwi kūpuna* (bones) were found on Queen Lili'uokalani Trust property, *mauka* of Queen Ka'ahumanu Highway, in or near a proposed Ane Keohokālole Highway road corridor (two on TMK [3] 7-4-020:010 and one on TMK [3] 7-4-020:022).

The project proponent is the Hawai'i County Department of Public Works [contact: Mr. Warren Lee, Director, County of Hawai'i Department of Public Works, 101 Pauahi Street, Suite 7, Hilo Hawai'i 96720; tel. (808) 961-8321; fax (808) 961-8630].

Background research indicates that during the *Māhele* these lands (along with the rest of the Keahuolū Ahupua'a) were claimed by Ane Keohokālole and were transferred to her heir Lili'uokalani. No *kuleana* (*maka'āinana* Land Commission Awards) are known in the vicinity. Native Hawaiians who once resided on or near the *ahupua'a* of Keahuolū are known to include Naholowaa (w), Kanewaiwaiole (k), Oahu (k), Kaneakua (w), Kanae (k) and his wife Nika (w), Makapo (k), and Eleele (no sex shown), Kamanawa Elua (k), his brother Hulu Kameeiamoku (k) and their sister Aulani (w).

Following the procedures of Hawai'i Revised Statutes (HRS) Chapter 6E-43, and Hawai'i Administrative Rules (HAR) Chapter 13-300, the remains are believed to be over 50 years old. Assignment of SIHP (State Inventory of Historic Properties) numbers by the State Historic Preservation Division (SHPD) is pending. The project proponent would prefer to preserve in place the *iwi kūpuna*; however, the decision to preserve in place or relocate these previously identified human remains shall be made by the Hawai'i Island Burial Council and SHPD in

consultation with any recognized lineal and/or cultural descendants, per the requirements of HAR Chapter 13-300-33. The remains' proper treatment shall occur in accordance with HAR Chapter 13-300-38 or 13-300-39.

SHPD is requesting persons having any knowledge of the identity or history of these *iwi kūpuna* to immediately contact Mr. Analu Josephides at SHPD, located at 40 Po'okela Street Hilo, Hawai'i 96720 [TEL: (808) 933-7650 / FAX (808) 933-7655] to present information regarding appropriate treatment of the unmarked human remains. All interested parties should respond within thirty days of this notice and file descendancy claim forms and/or provide information to SHPD adequately demonstrating lineal descent from these specific burials or cultural descent from ancestors buried in the vicinity of this survey area.

Public Notice for *Ka Wai Ola o OHA*

NOTICE TO INTERESTED PARTIES IS HEREBY GIVEN that three sets of unmarked, human skeletal remains were discovered by Cultural Surveys Hawai'i, Inc. in the course of archaeological inventory survey related to the proposed development of the Ane Keohokālole Highway at Keahuolū Ahupua'a, North Kona District, Island of Hawai'i. At the time of submittal of this Notice fieldwork was on-going.

The human remains were found on Queen Lili'uokalani Trust property, *mauka* of Queen Ka'ahumanu Highway, in or near a proposed Ane Keohokālole Highway road corridor (two on TMK [3] 7-4-020:010 and one on TMK [3] 7-4-020:022).

The project proponent is the Hawai'i County Department of Public Works [contact: Mr. Warren Lee, Director, County of Hawai'i Department of Public Works, 101 Pauahi Street, Suite 7, Hilo Hawai'i 96720; tel. (808) 961-8321; fax (808) 961-8630].

Background research indicates that during the *Māhele* these lands (along with the rest of the Keahuolū Ahupua'a) were claimed by Ane Keohokālole and were transferred to her heir Lili'uokalani. No *kuleana* (Land Commission Awards) are known in the vicinity. Native Hawaiians who once resided on or near the *ahupua'a* of Keahuolū are known to include Naholowaa (w), Kanewaiwaiole (k), Oahu (k), Kaneakua (w), Kanae (k) and his wife Nika (w), Makapo (k), and Eleele (no sex shown), Kamanawa Elua (k), his brother Hulu Kameeiamoku (k) and their sister Aulani (w).

Following the procedures of Hawai'i Revised Statutes (HRS) Chapter 6E-43, and Hawai'i Administrative Rules (HAR) Chapter 13-300, the remains are believed to be over 50 years old. Assignment of SIHP (State Inventory of Historic Properties) numbers by the State Historic Preservation Division (SHPD) is pending. The project proponent would prefer to preserve in place the human remains; however, the decision to preserve in place or relocate these previously identified human remains shall be made by the Hawai'i Island Burial Council and SHPD in consultation with any recognized lineal and/or cultural descendants, per the requirements of HAR Chapter 13-300-33. The remains' proper treatment shall occur in accordance with HAR Chapter 13-300-38 or 13-300-39.

SHPD is requesting persons having any knowledge of the identity or history of these human skeletal remains to immediately contact Mr. Analu Josephides at SHPD, located at 40 Po'okela

Street Hilo, Hawai'i 96720 [TEL: (808) 933-7650 / FAX (808) 933-7655] to present information regarding appropriate treatment of the unmarked human remains. All interested parties should respond within thirty days of this notice and file descendancy claim forms and/or provide information to SHPD adequately demonstrating lineal descent from these specific burials or cultural descent from ancestors buried in the vicinity of this survey area.

4.1.1 Recognized Lineal and Cultural Descendants

Ms. Nicole K. Lui was recognized by the HIBC as a cultural descendent of the project's previously identified burials (SIHP # 50-10-28-13387, -26831 & -26836) at the HIBC's 20 August 2009 meeting. At the HIBC's 17 September 2009 meeting additional cultural descendents of the project's burials were recognized by the HIBC, including Mr. Aka Mahi, Ms. Ruby McDonald, and Ms. Hannah Reeves. Additionally, at the HIBC's 15 October 2009 meeting, the Keohokālole Family was recognized as cultural descendents to the project's previously identified burials.

4.2 Results of Consultation

With the much appreciated help of the SHPD Hawai'i Island Burials Program Staff, CSH has consulted with the individuals and families that have expressed a desire to be recognized as cultural descendents of the project's previously identified burials. Some of this consultation took place during a 4 September 2009 site visit to the project area's three burial sites. Participating in this site visit were Ms. Nicole K. Lui (recognized cultural descendent), Mr. Aka Mahi (recognized cultural descendent), Ms. Ruby McDonald (Office of Hawaiian Affairs and recognized cultural descendent), Mr. Analu Josephides (SHPD Hawai'i Burials Program Staff), Theresa Donham (SHPD Hawai'i Archaeology Branch), Ms. LeeAnn Crabbe (Queen Lili'uokalani Trust), Ms. Michele Otake (Queen Lili'uokalani Trust), Mr. Cary Kondo (Belt Collins Hawai'i), Mr. Ronald Mitchell (Agape Ventures/caretaker of QLT property), Mr. Bobby Command (Hawai'i County Mayor's Office), Mr. Wally Lau (Hawai'i County Mayor's Office), and Mr. Matt McDermott (Cultural Surveys Hawai'i).

Additional consultation took place at a second burial site visit, held on 24 September 2009 organized by the County of Hawai'i and the Queen Lili'uokalani Trust. Participants included Ms. Hannah Reeves (recognized cultural descendent), Ms. Emalia Keohokālole (recognized cultural descendent), Mr. Keawe Keohokālole (recognized cultural descendent), Mr. Kealoha Keohokālole (recognized cultural descendent), Mr. Ka'imi Keohokālole (recognized cultural descendent), Ms. LeeAnn Crabbe (Queen Lili'uokalani Trust), Mr. Cary Kondo (Belt Collins Hawai'i), Mr. Ronald Mitchell (Agape Ventures/caretaker of QLT property), Mr. Bobby Command (Hawai'i County Mayor's Office), Mr. Wally Lau (Hawai'i County Mayor's Office), and Mr. Matt McDermott (Cultural Surveys Hawai'i).

Immediately following this 24 September 2009 site visit, all the site visit participants had a lunch meeting at the Kailua-Kona Mayor's offices, where they were joined by Ms. Nicole K. Lui (recognized cultural descendent), Mr. Aka Mahi (recognized cultural descendent), and Ms. Ruby McDonald (Office of Hawaiian Affairs and recognized cultural descendent). This meeting was lead by Mr. Wally Lau of the Hawai'i County Mayor's Office. The meeting purpose was to provide the recognized cultural descendents the opportunity to meet face to face and work out

the most appropriate burial treatment for the project's previously identified burials. The focus was on reaching consensus regarding burial treatment. Although Mr. Aka Mahi had to leave this lunch meeting early, he did have time to pass on his preferences regarding burial treatment to Mr. Wally Lau and Ms. Ruby McDonald before he left.

These burial site visits, and especially the 24 September 2009 lunch meeting, were highly beneficial to the preparation of the October 2009 version of this burial treatment plan. By bringing project proponents, project consultants, SHPD staff members, the affected land owners, and recognized cultural descendants together, a consensus was reached regarding burial treatment. This consensus, preservation of all the burials in place, was predominantly the result of the 24 September 2009 lunch meeting and the burial treatment that was agreed upon is described in detail in Section 5 of the October 2009 version of this burial treatment plan.

Based on the recognized cultural descendants consensus regarding burial treatment, namely preservation in place, at the 15 October 2009 HIBC meeting, the HIBC voted unanimously for preservation in place of the Ane K project's four previously identified burials (SIHP # 50-10-28-13387, -26831 & -26836). Additionally, the HIBC expressed its conditional acceptance of the October 2009 draft of the Ane K's BTP, with the condition that the following revisions be made to the plan. (Note: with the approval of the recognized cultural descendants, in consultation described below, these changes have been made to Section 5 of this November 2009 final version of the burial treatment plan.)

- A) The October 2009 burial treatment plan draft discussed protective signage only for SIHP -26831 (the burial site closest to the roadway). The HIBC would like the burial treatment plan to outline protective signage for all three burial sites. For SIHP -26831, the protective signage would remain the same as discussed in the October 2009 draft. For SIHP #s -13387 and -26836 the final version of the plan would describe the installation of large boulders, located approximately at the cardinal directions (N, S, E, W) around the perimeter of the three 30 ft-radius burial preserve areas (two preserve areas for SIHP #-26836 and one for -13387). At each burial preserve site (two preserve areas for SIHP #-26836 and one for -13387) one of the large boulders will have the same bronze plaque and text that is described in the October 2009 draft plan for SIHP # -26831.
- B) The recognized cultural descendants will have the opportunity to approve the boulders that are selected to mark the perimeter of the burial preserve areas.
- C) The text of the protective signage will be bilingual, in Hawaiian and English.
- D) The temporary vehicular access routes established to create the burial preserve areas will be made impassible (with large rocks, etc.) once the burial preserve areas are prepared (once the lava tube entrances are sealed and the collapsed lava blisters or sinks are filled in with stone) and the protective signage boulders are installed. This will be done so that the stones used at the burial preserve area are not stolen and to restrict vehicular access to the burial preserve sites.
- E) The plan text will reflect that the Keohokalole Family was recognized by the HIBC as cultural descendants at the HIBC's 15 October 2009 meeting.

The following text briefly summarizes the results of consultation with the recognized cultural descendants for the project's previously identified burials.

Ms. Nicole K. Lui

Ms. Nicole K. Lui was recognized by the HIBC as a cultural descendent of the project's burials (SIHP # 50-10-28-13387, -26831 & -26836) at the HIBC's 20 August 2009 meeting. Ms. Lui kindly agreed to provide her initial input regarding burial treatment for the project's previously identified burials during the later part of the 20 August 2009 HIBC meeting. This initial input is summarized in Appendix E—a consultation summary letter from CSH.

Subsequently, Ms. Lui provided more considered input regarding what she felt would be appropriate burial treatment during the 4 September 2009 site visit to the project's burial sites. In some instances Ms. Lui has changed her preferred burial treatment; this is reasonable considering the better understanding she now has of the burial's context based on seeing the burial sites first hand.

Ms. Lui's 4 September 2009 preferences for burial treatment were as follows:

- 1) She eventually decided she would like all the burials to be preserved in place; however, she was very concerned about SIHP # -26831, the closest burial to the highway, and very nearly recommended that this burial be relocated, rather than preserved in place, because of potential harm related to roadway construction and use.
- 2) She would prefer that the entrances that provide access to the burial's lava tubes be sealed with locally available lava rock with concrete mortar.
- 3) She thought the proposed construction and permanent buffers around the burial sites were sufficient, given the construction constraints of the project.
- 4) Regarding access by cultural descendants to the burial preserve areas following project construction, she was willing to keep it informal, with access to be worked out in consultation with the affected land owner when and if the need arises—she also understood that the landowner would not make improvements to the burial sites, such as pathways or trails, to facilitate access.
- 5) She felt there was a need for constructed lava rock boundary walls around the permanent burial preserve areas for the three burial sites. She also indicated that signage should be installed to inform passers-by of the significance of the burial preserve areas and the need to keep out. She indicated a preference for these signs to reference the penalties for disturbing burial sites under HAR Chapter 13-300-43 and Hawai'i Revised Statutes (HRS) Chapter 6E-11(b).
- 6) As far as landscaping was concerned, she felt that generally the naturally occurring vegetation should be left in place—that this vegetation was more appropriate and feasible in the dry environment where irrigation would be difficult. In the case of SIHP # 50-10-28-13387, where the large Autograph Tree (*Clusia rosea*) is currently growing out of the site's collapsed lava blister area, Ms. Lui felt that that particular invasive tree should be removed. This large invasive tree makes the overall site location more attractive to homeless residents (who have left signs that they have used this lava tube site in the past)

because the tree provides shade and additional shelter. Removing the tree may discourage homeless from using the site in the future and more effectively safeguard the burial.

At the 17 September 2009 HIBC meeting, Ms. Lui once again expressed her concern over the appropriateness of preservation in place for SIHP # -26831. Upon reflection, she felt that relocation of this burial would be a more appropriate form of burial mitigation. Her concerns were mirrored by some HIBC members and individuals from the HIBC meeting's audience that participated in the discussion. Subsequent to the 17 September 2009 HIBC meeting, Ms. Lui was provided with a copy of the September 2009 version of this burial treatment plan to review.

At the 24 September 2009 lunch meeting Ms. Lui agreed that all burials should be preserved in place, following the procedures outlined in Section 5 of the October 2005 version of the burial treatment plan. Prior to the HIBC's October 2009 meeting, Ms. Lui was provided a draft of the October 2009 version of the burial treatment plan. Following her review of this October 2009 draft plan, Ms. Lui had no suggested revisions or corrections. She agreed that the draft October 2009 plan reflected the consensus burial treatment that was developed at the 24 September 2009 lunch meeting.

Ms. Lui was present at the HIBC's October 2009 meeting. She heard the HIBC's concerns regarding the October 2009 draft plan, and the discussion regarding the specific revisions that the HIBC wanted made to the October 2009 draft burial treatment plan (the revisions, listed A through E, earlier in this section of the plan). When asked by the HIBC members if she agreed with these changes to the burial treatment plan, Ms. Lui agreed that the revisions were acceptable and appropriate.

Mr. Aka Mahi

Mr. Mahi was recognized as a cultural descendent to the project area's burials at the HIBC's 17 September 2009 meeting. Mr. Mahi initially expressed concern to SHPD that his grandmother's first cousin, Kimona Kuakahela, might be one of the four burials that are the subject of this burial treatment plan. During the 4 September 2009 site visit to the project area's burials, Mr. Mahi concluded that his grandmother's first cousin was buried north of the current project area, and that his grandmother's first cousin was not one of the burials discussed in this document.

Mr. Mahi made it clear during the 4 September 2009 site visit that he was very much opposed to the proposed Ane Keohokālole Highway Project. He feels the project is unnecessary and will result in undesirable development and depletion of needed open spaces in the region. Because of Mr. Mahi's opposition to the project, he was in some ways reluctant to provide his opinions regarding the proposed burial treatment. He indicated that by providing his preferences for burial treatment, he was facilitating the highway project.

During the 4 September 2009 site visit Mr. Mahi did indicate some of his preferences regarding burial treatment. He is in favor of preservation in place of all the burials. He would also prefer that all the burial lava tube entrances be sealed with lava rock and concrete mortar. He also was in favor of lava rock walls around the burial preserve area boundaries. He also was in favor of removing the large Autograph Tree from SIHP # 50-10-28-13387.

Mr. Mahi was not present at the HIBC's 17 September 2009 meeting. Subsequent to the 17 September 2009 HIBC meeting, Mr. Mahi was provided with a copy of the September 2009 version of this burial treatment plan to review. At the 24 September 2009 lunch meeting, he did provide his input regarding appropriate burial treatment to Ms. Ruby McDonald and Mr. Wally Lau. According to Ms. McDonald and Mr. Lau, Mr. Mahi remains opposed to the Ane Keohokālole Highway Project and in favor of the preservation in place of the project's burials.

Mr. Mahi was provided a draft of the October 2009 version of the burial treatment plan to review. On 2 October 2009, Mr. Mahi, following his review of the draft plan, conveyed to project proponents once again his opposition to the overall highway project. In the past, Mr. Mahi had been a proponent of preservation in place of the project's previously identified burials. Regarding the October 2009 draft burial treatment plan, Mr. Mahi was reluctant to comment.

Mr. Mahi was not present at the HIBC's October 2009 meeting. He did not hear the HIBC's concerns regarding the October 2009 draft plan, and the discussion regarding the specific revisions that the HIBC wanted made to the October 2009 draft burial treatment plan (the revisions, listed A through E, earlier in this section of the plan).

On 12 November 2009, Mr. Matt McDermott of Cultural Surveys Hawai'i, telephoned Mr. Mahi to obtain his input regarding the HIBC's requested revisions to the October 2009 draft burial treatment plan. During this conversation, Mr. Mahi once again expressed his strong opposition to the project. Specifically regarding the proposed treatment of the project's previously identified burials, Mr. Mahi thought the HIBC's requested revisions to the October draft plan were acceptable.

The Keohokālole Family

Ka'imi and Keawe Keohokālole provided testimony at the 20 August 2009 HIBC meeting, expressing their support for the proposed Ane Keohokālole Highway Project. On 21 August 2009, Matt McDermott of Cultural Surveys Hawai'i (CSH) and Lesley Matsumoto of Belt Collins Hawai'i met with the sister (Ms. Emalia Keohokālole) and brother (Mr. Kealoha Keohokālole) of Ka'imi and Keawe Keohokālole. The purpose of this meeting was to discuss the proposed project's historic preservation and environmental review process and to update the Keohokālole family on the project's proposed burial treatment. Ms. Emalia Keohokālole indicated that their family was considering coming forward to SHPD with a descendent claim for the project area's burials. Accordingly, the family's initial input regarding burial treatment was recorded, based on the preferences of Emalia and Kealoha Keohokālole at the 21 August 2009 meeting. The Keohokālole family was invited to the 4 September 2009 site visit to the project area's burial sites; however, they already had a family commitment and could not attend.

Based on the 21 August 2009 meeting, the Keohokālole family's preferences for burial treatment were as follows: 1) they would like the burials to be preserved in place; 2) they would prefer that the entrances to the burial's lava tubes be sealed with locally available lava rock and concrete mortar; 3) they thought the proposed construction and permanent buffers around the burial sites were sufficient, considering the space limitations of the proposed roadway; 4) regarding access to the burial sites following construction, they were willing to keep it informal, with access to be worked out in consultation with the affected land owner when and if the need arises—they also understood that the landowner would not make improvements to the burial

sites, such as pathways or trails, to facilitate access; 5) they felt there was no need for boundary markers (such as walls, fences, or hedges) or burial site signage to call out the boundaries of the permanent burial preserve areas; and, 6) they felt that landscaping was not necessary within the burial preserve areas, that keeping the vegetation natural was more feasible and appropriate.

Keawe Keohokālole was present at the 17 September 2009 HIBC meeting. Subsequent to the 17 September 2009 HIBC meeting, the Keohokālole Family was provided with a copy of the September 2009 version of this burial treatment plan to review. Emalia, Keawe, Kealoha, and Ka'imi Keohokālole all participated in the 24 September 2009 site visit and the subsequent lunch meeting. At the lunch meeting all of the Keohokālole Family agreed that the project's burials should be preserved in place, following the procedures outlined in Section 5 of the October 2009 version of the project's burial treatment plan. Prior to the HIBC's October 2009 meeting, the Keohokālole Family was provided a draft of the October 2009 version of the burial treatment plan. They had no suggested revisions or corrections. They agreed that the October 2009 draft plan reflected the consensus burial treatment that was developed at the 24 September 2009 lunch meeting.

Mr. Keawe Keohokālole was present at the HIBC's October 2009 meeting. He heard the HIBC's concerns regarding the October 2009 draft plan, and the discussion regarding the specific revisions that the HIBC wanted made to the October 2009 draft burial treatment plan (the revisions, listed A through E, earlier in this section of the plan). When asked by the HIBC members if he agreed with these changes to the burial treatment plan, Mr. Keohokālole agreed, on behalf of his family, that the revisions were acceptable and appropriate.

Ms. Ruby McDonald

SHPD indicated Ms. Ruby McDonald's intention to make a claim as a cultural descendent of the project area's burials at the 4 September 2009 site visit. Ms. McDonald took part in that site visit and there expressed her wish to review a copy of the draft burial treatment plan prior to providing her preferences for burial treatment.

At the 17 September 2009 HIBC meeting, Ms. McDonald was recognized as a cultural descendent to the project's burials. She pointed out that she had not yet seen a copy of the draft burial treatment plan, which made it difficult for her to provide informed input regarding appropriate burial treatment. Ms. McDonald expressed concern that the burial treatment plan only discussed Keahuolū Ahupua'a, and not the other *ahupua'a* that the Ane Keohokālole Highway Project passes through to the north. She expressed her concern that, should the project uncover inadvertent burials in these more northerly *ahupua'a*, she and other recognized cultural descendents would not be notified or consulted regarding the treatment of these inadvertent burials because they had only been recognized for Keahuolū Ahupua'a. SHPD Burials Program staff explained why recognition for the more northerly *ahupua'a* was not possible. This discussion reiterated to HIBC members their need for legal counsel to clarify such issues. Subsequent to the 17 September 2009 HIBC meeting, Ms. McDonald was provided with a copy of the September 2009 version of this burial treatment plan to review.

Ms. McDonald participated in the 24 September 2009 lunch meeting. At the lunch meeting she agreed that the project's burials should be preserved in place, following the procedures outlined in Section 5 of the October 2009 version of the burial treatment plan. Ms. McDonald

was provided an earlier draft of the October 2009 version of the burial treatment plan to review. As of 5 October 2009, when the October 2009 draft plan needed to be finalized for HIBC distribution, Ms. McDonald was still reviewing the document and her comments on the October 2009 version of the burial treatment plan were not available.

Ms. McDonald was not present at the HIBC's October 2009 meeting. She did not hear the HIBC's concerns regarding the October 2009 draft plan, and the discussion regarding the specific revisions that the HIBC wanted made to the October 2009 draft burial treatment plan (the revisions, listed A through E, earlier in this section of the plan).

On 12 November 2009, Mr. Matt McDermott of Cultural Surveys Hawai'i, exchanged emails with Ms. McDonald to obtain her input regarding the HIBC's requested revisions to the October 2009 draft burial treatment plan. In her reply email, Ms. McDonald indicated that some of the burial treatment details would not have been her first choice, but that she was willing to go along with them for the sake of consensus among all concerned parties.

Ms. Hannah Reeves

SHPD indicated Ms. Hannah Reeves' intention to make a claim as a cultural descendent of the project area's burials at the 4 September 2009 site visit. At the 17 September 2009 HIBC meeting, Ms. Reeves was recognized as a cultural descendent to the project's burials. At that HIBC meeting she indicated her preference that the project's burials be preserved in place. She also indicated her general support for the Ane Keohokālole Highway Project, but cautioned project proponents to be conscientious and careful as the project moves forward to be sure they do what is right. She also asked the HIBC to do whatever they could to help Hawaii's people. Ms. Reeves expressed her desire that there be family involvement in the burial preserve area installation and maintenance. At the 17 September 2009 HIBC meeting, Ms. Reeves also indicated her desire for a site visit to the project's burial sites. Subsequent to the 17 September 2009 HIBC meeting, Ms. Reeves was provided with a copy of the September 2009 version of this burial treatment plan to review.

Ms. Reeves participated in the 24 September 2009 site visit and lunch meeting. At the lunch meeting she agreed that the project's burials should be preserved in place, following the procedures outlined in Section 5 of the October 2009 version of the burial treatment plan. Ms. Reeves was provided an earlier draft of the October 2009 version of the burial treatment plan for review. As of 5 October 2009, when the October 2009 draft plan needed to be finalized for HIBC distribution, Ms. Reeves was still reviewing the document and her comments on the October 2009 version of the burial treatment plan were not available.

Ms. Reeves was present at the HIBC's October 2009 meeting. She heard the HIBC's concerns regarding the October 2009 draft plan, and the discussion regarding the specific revisions that the HIBC wanted made to the October 2009 draft burial treatment plan (the revisions, listed A through E, earlier in this section of the plan). When asked by the HIBC members if she agreed with these changes to the burial treatment plan, Ms. Reeves agreed that the revisions were acceptable and appropriate.

SHPD

SHPD reviewed the October 2009 version of the burial treatment plan and provided comments that were incorporated into the October 2009 version of the plan that was circulated to the HIBC members prior to the October 2009 HIBC meeting.

Section 5 Proposed Burial Treatment

The landowner and project proponents have been conscientious in their good faith effort to identify lineal and cultural descendants for the survey area's burials. They also have been proactive in consulting with the HIBC regarding the Ane Keohokālole Highway project's development, archaeological inventory survey results, and proposed burial treatment options. This burial treatment plan was prepared to reflect this input from these various concerned parties.

As with all previously identified Native Hawaiian burial sites on Hawai'i Island, the decision to preserve in place or relocate burial remains falls under the jurisdiction of the HIBC, which makes its decision in consultation with any recognized lineal and/or cultural descendants, per the requirements of HAR Chapter 13-300-33. Once the determination regarding burial treatment is made, the remains' proper treatment is carried out in accordance with HAR Chapter 13-300-38. This burial treatment plan is intended to provide the HIBC, any recognized lineal and/or cultural descendants, and SHPD with detailed information to support this burial treatment decision-making process.

At their 15 October 2009 meeting, the HIBC voted unanimously for preservation in place of all the project's previously identified burials. The following discussion of burial treatment includes the revisions to the October 2009 version of the burial treatment plan that the HIBC requested. As summarized briefly in Section 4 above, all of the project's recognized cultural descendants have expressed their approval of this burial treatment.

5.1 Statement of Proposed Burial Treatment in Brief

The affected landowners, the project proponents, and all of the project's recognized cultural descendants that have come forward to date, would like to preserve all burials in place within four discrete burial preserve areas. These permanent burial preserve areas will correspond approximately (see discussion below in Section 5.5.2) to the area within a 30-foot radius measured out from the perimeter of the lava tube chamber where each burial was found. The two southern burial sites, SIHP #s -13387 and -26831 will each have their own separate burial preserve areas. For the northern burial site, SIHP # -26836, which contains two previously identified burials, two separate burial preserves will be established, one for each of the site's two burials.

During project construction, each permanent burial preserve area will be surrounded by a 50-foot wide construction buffer measured out from each burial preserve area's outer boundary (refer to Figure 25, where the 30-foot radius permanent burial preserve area is shown within the larger 50-foot wide construction buffer). Note: there will be the need to temporarily breach the 50-foot wide construction buffer around SIHP # -26831 (see section 5.4.1, below) because of construction area constraints.

Lava tube entrances that provide access to the burials will be sealed with locally available lava rock and concrete. For each burial site, the collapsed lava tube blisters, or lava sinks, that provide access to the burial lava tubes will be filled with locally available lava rock boulders. These boulders will completely fill in the lava tube blisters to the level of the surrounding land

surface, providing additional protection for the burials. The lava rock fill material will be dry-stone, without mortar.

Permanent burial preserve areas for each burial will be established within an area 30 feet in radius measured out from the perimeter of the lava tube chamber in which each burial is located. To avoid disturbance, these permanent burial preserve boundaries will be marked with large boulders. Additionally, the boundaries will be recorded with the Bureau of Conveyances so that the burial areas will be preserved undisturbed in perpetuity.

At SIHP -26831, the burial preserve nearest to the highway, the permanent burial preserve area will be cleared of introduced vegetation and landscaped with drought-tolerant Native Hawaiian vegetation, in particular *alahe`e* (*Psydrax odorata*) and *noni* (*Morinda citrifolia*), which naturally flourish in the vicinity. Also, at SIHP -26831 a single large boulder bearing a bronze plaque will be installed to inform passerby's to keep out, with a reference to the penalties for disturbing burial sites under Hawai'i Revised Statutes (HRS) Chapter 6E-11.

For SIHP #s -13387 and -26836 similar large boulders will be installed to mark the preserve area boundaries, four for each burial preserve area, located approximately at the cardinal directions (N, S, E, W) around the perimeter of the three 30 ft-radius burial preserve areas (two preserve areas for SIHP # -26836 and one for -13387). At each of the three burial preserve areas (two for SIHP # -26836 and one for -13387), one of the large boulders will have the same bronze plaque and text as SIHP # -26831. No vegetation or landscaping will be undertaken at SIHP #-26836 and -13387.

5.2 Mailing Addresses of Applicant, Land Owner, & Consultant

Applicant

County of Hawai'i Department of Public Works

101 Pauahi Street, Suite 7

Hilo HI 96720

Contact: Warren Lee

Land Owner

Current: For all three burial sites

Queen Lili'uokalani Trust

1100 Alakea Street, Suite 1100

Honolulu, HI 96813

Contact: LeeAnn Crabbe

Future: for SIHP#50-10-28-26831 only (see property boundaries on Figure 24; access point of contact should be County of Hawai'i, permanent burial preserve boundary extends onto property owned by the State of Hawai'i):

County of Hawai'i Department of Public Works

101 Pauahi Street, Suite 7

Hilo HI 96720

Contact: Warren Lee

Hawai'i Housing Finance and Development Corporation

Department of Business, Economic Development and Tourism

State of Hawai'i

677 Queen St., Suite 300

Honolulu HI 96813

Contact: Stanley Fujimoto

Consultant

Belt Collins Hawai'i , Ltd.

2153 North King Street, Suite 200

Honolulu, HI 96819

Contact: Lesley Matsumoto

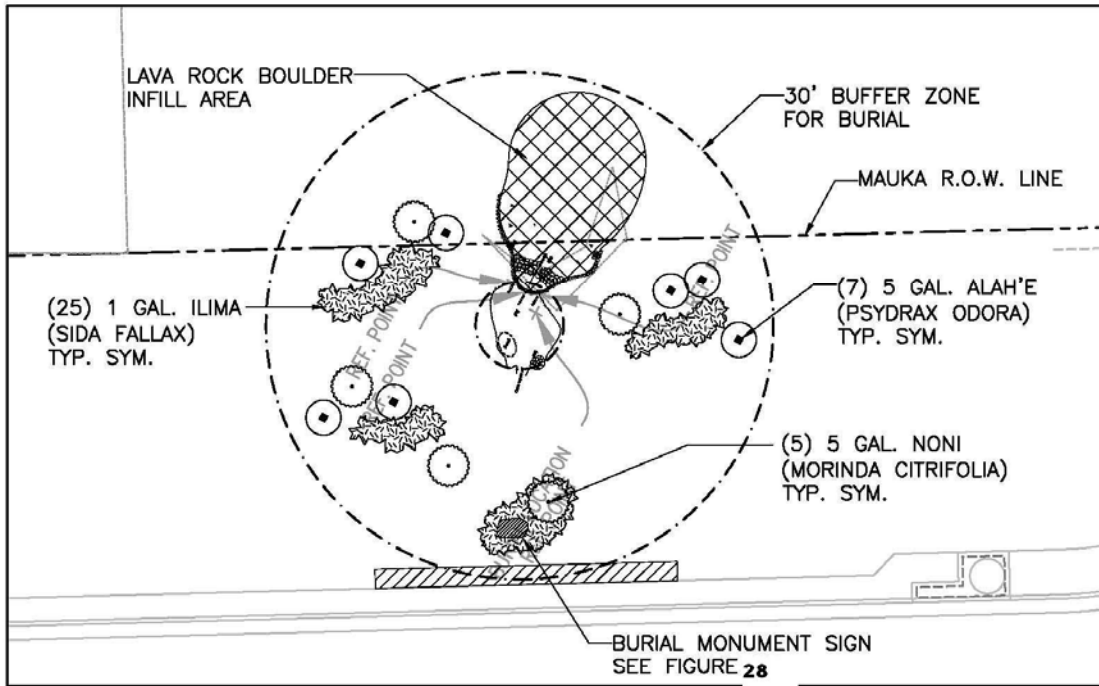
5.3 Immediate Burial Protection Measures Following Discovery

During the archaeological inventory survey that recorded these burial sites, all skeletal remains were left in place within the cave/lava tube in which they were observed. No immediate preservation measures were implemented subsequent to the inventory survey because such measures could draw undue attention to the burial sites. The idea is to not attract undue attention to the burial sites and hopefully prevent exploration and/or vandalism. Only once the project construction begins will the interim construction protection measures be implemented (see Section 5.4).

5.4 Interim Construction Protection at the Burial Preserve Area

Prior to the commencement of any construction in the vicinity of the burials, an interim construction buffer of 50 ft will be physically set around each 30-foot radius burial preserve area. The 50-foot construction buffer boundaries will be marked with 4-foot tall, high-visibility plastic mesh fencing, staked at a minimum of every 20 feet, which will serve to keep construction activity away from the burials (see Figure 25, Figure 27, Figure 29, and Figure 30). These 50-foot wide construction buffers will be recorded on all construction plans. All construction personnel will be instructed on the importance of the burial construction buffers remaining free of all construction activity. During construction, the fenced-off 50-foot wide construction buffer

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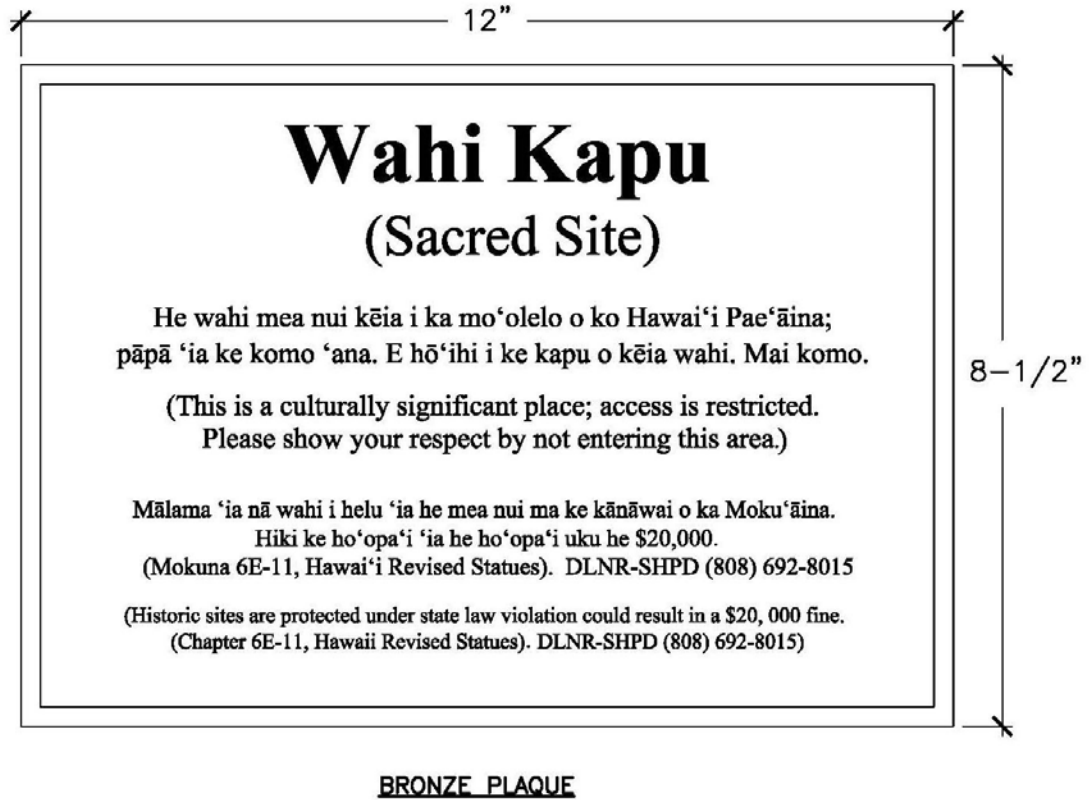
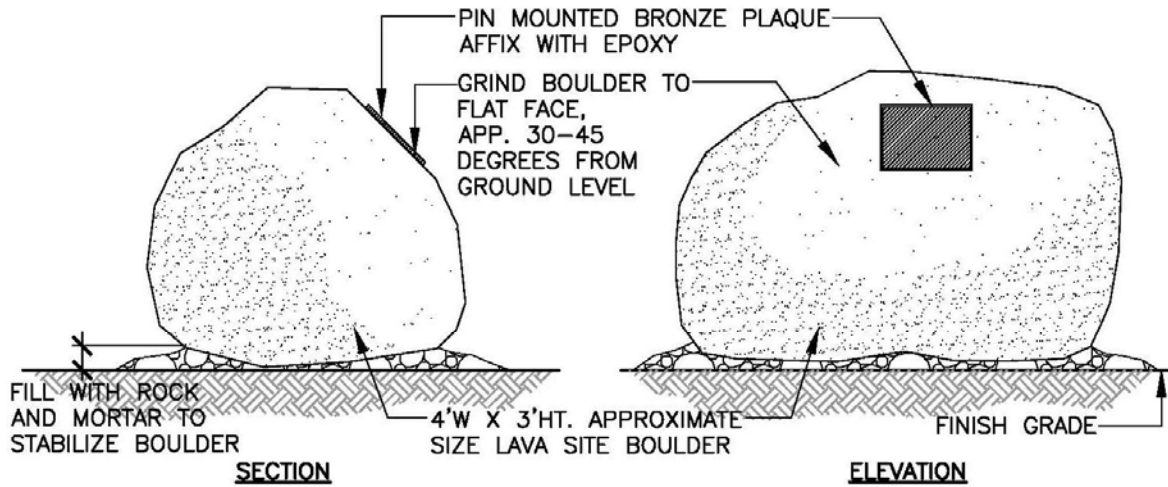
NOTES:

1. REMOVE ALL NON-NATIVE PLANTING, I.E. FOUNTAIN GRASS, HALE KOA.
2. PROTECT EXISTING NATIVE PLANTS TO REMAIN.
3. PROVIDE 12" CINDER SOIL TO PLANTING POCKETS IN NATURAL DEPRESSIONS.
4. DO NOT DISTURB EXISTING ROCK FORMATIONS.
5. PROVIDE TEMPORARY IRRIGATION FOR A MINIMUM OF 120 DAYS AFTER PLANTING. REMOVE ANY IRRIGATION EQUIPMENT AND MATERIAL AFTER PLANT ESTABLISHMENT PERIOD.
6. PLANTING LOCATIONS ARE SHOWN AS CONCEPTUAL AND SHALL BE FIELD ADJUSTED AS REQUIRED PER NATURAL ROCK DEPRESSIONS LOCATED AFTER SITE CLEARING.

ENLARGED BURIAL PRESERVE
 PLANTING PLAN

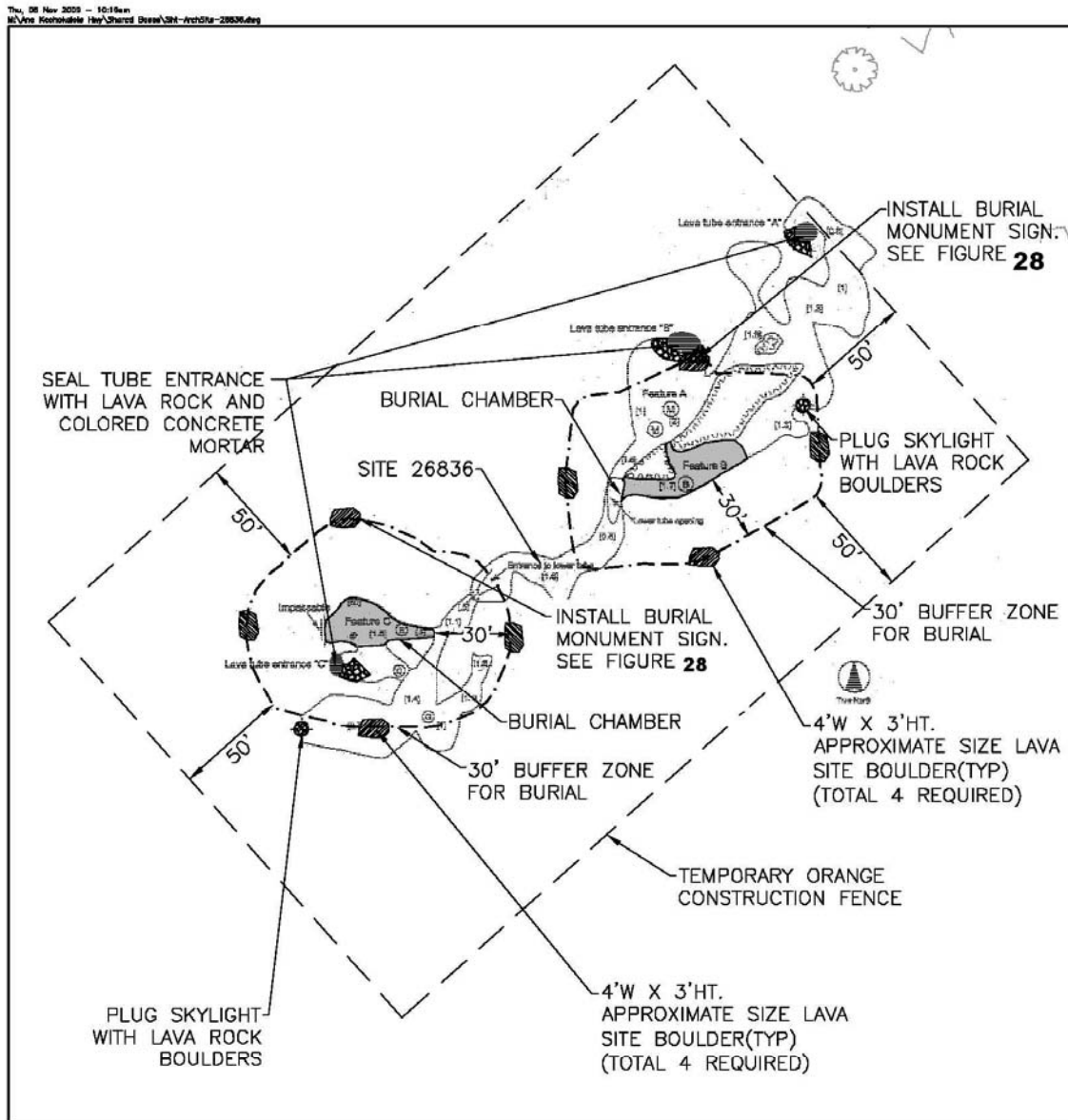
Figure 27 Planview of SIHP -26831 showing burial preserve features in relation to the highway

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BURIAL PRESERVE SIGN DETAIL

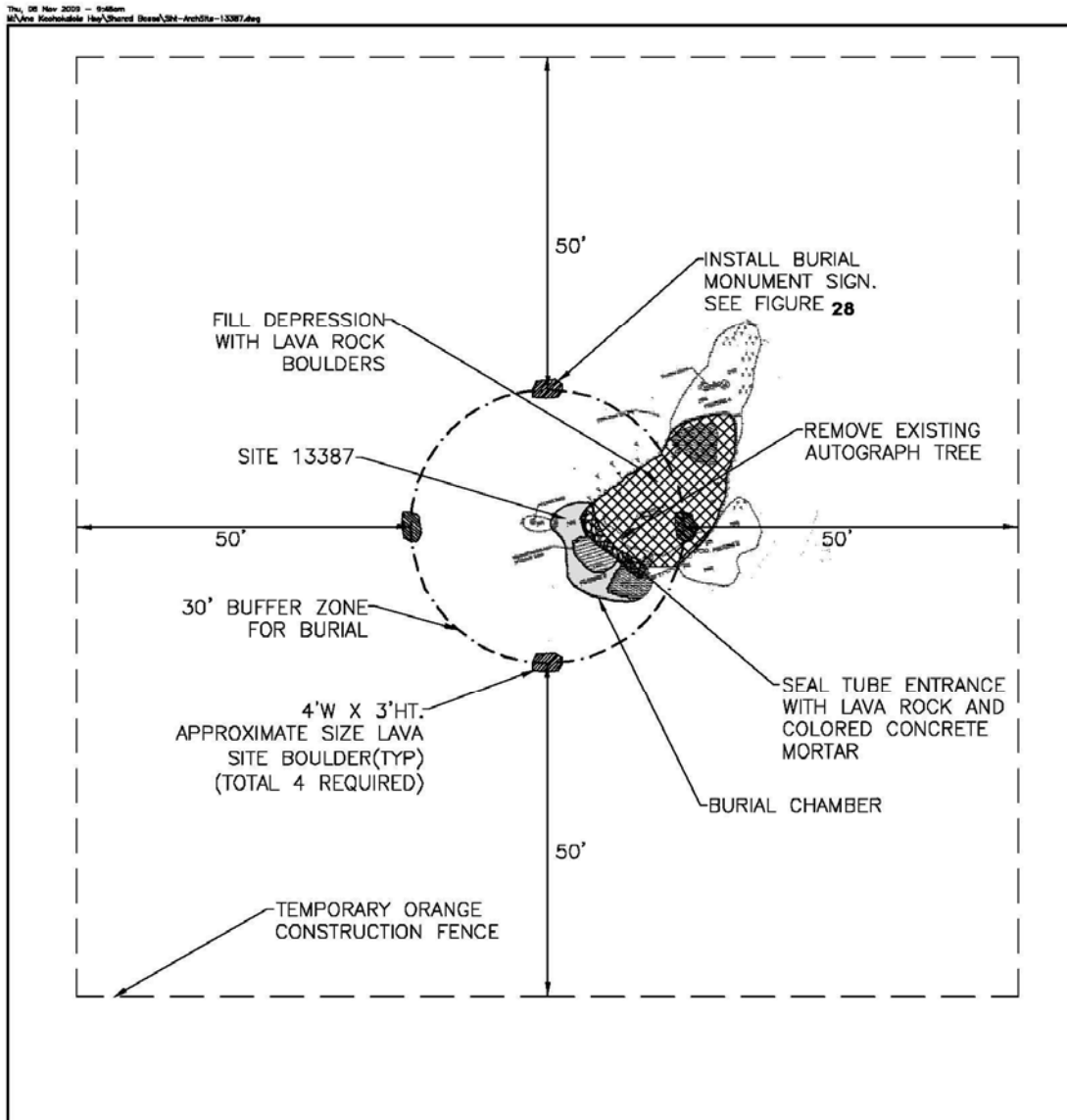
Figure 28 Schematic showing basalt boulder and bronze plaque for burial preserve areas



ARCHAEOLOGICAL SITES 26836 B AND C PRESERVE PLAN



Figure 29 Planview of SIHP -26836 showing permanent burial preserve areas and 50 foot temporary construction buffer



ARCHAEOLOGICAL SITE 13387
PRESERVE PLAN



Figure 30 Planview of SIHP – 13387 showing permanent burial preserve area and 50 foot temporary construction buffer

areas will be kept free of construction materials and windblown trash. As part of the Ane Keohokālole Highway project's ongoing archaeological monitoring program, the on-site archaeological monitor will help ensure that the construction buffers are maintained.

5.4.1 SIHP -26831

A 50-ft wide construction buffer will be maintained at the SIHP -26831 burial preserve for the majority of highway construction. However, due to the proximity of the burial preserve to the proposed highway, the 50-ft construction buffer will need to be truncated at the western and southern edges of the temporary construction buffer, creating a temporary "restricted construction zone" to allow construction of the sidewalk (forming, pouring and finishing from both sides of the sidewalk) and for minor grading (see Figure 25, Figure 26, and Figure 27). There will be 9 inches between the sidewalk edge and the western edge of the 30-ft radius permanent burial preserve boundary (see Figure 25). The existing ground at this location is lower than the proposed sidewalk along the burial buffer edge, so the sidewalk edge will be thickened to sit on existing ground. Stone fill in this area will be needed to keep the drop at the sidewalk edge to less than 12 inches for safety. The stone fill will just sit on the existing ground surface and is expected to extend about 2 feet into the 30-ft radius permanent burial preserve. No grading will occur within the burial buffer.

The following measures will be enforced within the "restricted construction zone" (see Figure 25) during sidewalk construction and minor grading:

1. No blasting allowed.
2. Construction excavation equipment limited to hoe-ram and D6 size dozer or smaller. The use of all construction equipment approaching the size and potential impact of the hoe ram and/or D6 size dozer will be reviewed for appropriateness by the project's archaeological monitor and the project's Engineer.
3. No compaction using rollers with vibratory mode of operation.
4. Project archaeologist to monitor all work plans and operations within the restricted construction zone. The role of the monitor will be defined in the archaeological monitoring plan that will be approved by SHPD.

5.5 Long-Term Management of the Burial Preserve Areas

5.5.1 Sealing of Entrances to the Lava Tubes Containing *Iwi Kūpuna*

Long-term preservation and protection of the burial preserve areas will include the permanent sealing of the lava tube openings that provide access to the chambers where *iwi kūpuna* were found. Lava tube entrances to each of the four permanent burial preserves will be permanently sealed with concrete and locally available lava rock. Stain or dye will be added to the concrete used so that the concrete will be dark in color and blend in well with the surrounding lava rock.

Additionally, for each burial site, all of the collapsed lava tube blisters, or lava sinks, that provide access to the burial lava tubes will be filled with locally available lava rock boulders (see Figure 25, Figure 27, Figure 29, and Figure 30). These boulders will completely fill in the lava

tube blisters to the level of the surrounding land surface, providing additional protection for the burials. This in-filling will keep these collapsed lava tube blisters from being explored and/or used as shelters by homeless persons.

Tons of lava rock boulders will be required to accomplish this in-filling of the collapsed lava tube blisters. This in-filling will be accomplished in a careful manner, but using appropriate equipment, including dump trucks, backhoes, and/or front end loaders. The lava rock fill material will be dry-stone, without mortar.

The tube openings will be sealed, and the lava tube blisters filled, once the majority of the work for the highway has been completed, but prior to the opening of the Ane Keohokālole Highway. This will allow for easier access to the burial sites and transportation of materials but will also ensure that the burial preserve areas will be secure prior to increased traffic through the highway corridor. The lava rock used for the sealing of the lava tubes entrances will be brought in from another portion of the project area to ensure that no archaeological features are “robbed” of their component stones.

This labor intensive work to seal off the entrances to the burial preserve lava tubes, and the installation of boulders and signage around the preserve area perimeters (see discussion below in Sections 5.5.3 and 5.5.5), will require heavy machinery at the burial preserve areas. This work will require the preparation of temporary access roads from the under construction highway alignment to the burial preserve areas. In order to safe-guard the burial preserve areas from vehicular disturbance, and discourage the theft of the protective boulder fill within the collapsed lava tube blisters, once the burial preserve areas have been prepared, the temporary access roads will be closed off. This will involve the placement of large boulders across the temporary access roads to stop vehicular access. Vegetation will be allowed to grow over and further close off these temporary access routes to the burial preserve areas.

5.5.2 Permanent Burial Preserve Establishment

Based on input from the affected land owners (Queen Lili'uokalani Trust and the County of Hawai'i), for each of the burial sites, permanent burial preserve areas will be established to include the area within a 30-foot radius from the outer perimeter of the burial chamber (i.e. the specific lava tube chamber in which the remains are located). As noted in Section 5.1 above, at SIHP # -26836, two separate burial preserve areas will be established, one for each of the site's two burials. These burial preserve boundaries are shown on the plan view maps of each burial site (see Figure 25, Figure 27, Figure 29, and Figure 30).

5.5.3 Permanent Burial Preserve Perimeter Demarcation

To safe-guard the four burial preserve areas from disturbance and to avoid unwanted pedestrian and/or vehicular access, large boulders will be installed to demarcate the boundaries of the four permanent burial preserves. At SIHP -26831, the burial preserve nearest to the highway, the permanent burial preserve area will be marked by a single large boulder (refer to Figure 30) bearing a bronze plaque (see discussion in Section 5.5.5 below and Figure 28). This boulder will be located along the burial preserve area boundary closest to the Ane Keohokālole Highway.

For SIHP #s -13387 and -26836 similar large boulders (refer to Figure 28 for approximate dimensions) will be installed to mark the preserve area boundaries. In the case of SIHP #s -13387 and -26836, however, four large boulders will mark the perimeter of each burial preserve area. These boulders will be located approximately at the cardinal directions (N, S, E, W) around the perimeter of the three 30 ft-radius burial preserve areas (two preserve areas for SIHP # -26836 and one for -13387—refer to Figure 29 and Figure 30). At each of the three burial preserve areas (two for SIHP #-26836 and one for -13387), one of the large boulders will have the same bronze plaque and text as SIHP # -26831 (refer to Figure 28, Figure 29, and Figure 30).

The placement of these thirteen large boulders (one for SIHP #- 26831, four for -13387, and eight for the two preserve areas of -26836) will be adjusted to the natural topography to be aesthetically pleasing as well as effective visible markers of the burial preserve boundaries. Additionally, the project's recognized cultural descendents will have the opportunity to approve the boulders that are selected to mark the perimeter of the burial preserve areas. As desired by the recognized cultural descendents, should they desire to review and approve the selected boulders, this approval will be either through a site visit to physically inspect the selected boulders, or through photographs of the selected boulders that are made available to the recognized cultural descendents.

5.5.4 Access to the Burial Preserves

If recognized cultural descendants would like access to the burial preserve areas, this access will be worked out in consultation with the landowners, Queen Lili'uokalani Trust and the County of Hawai'i (see Section 5.2.2 above for contact information).

5.5.5 Signage

At SIHP #-26831, the permanent burial preserve area closest to the highway, protective signage (Figure 28) will be installed on a large boulder erected adjacent to the highway's sidewalk near the permanent burial preserve boundary (refer to Figure 25 and Figure 27). At each of the three permanent burial preserve areas of SIHP #s -13387 and -26836, the same protective signage will be installed on a bronze plaque on the northern-most of the four large perimeter boulders (refer to Figure 28, Figure 29, and Figure 30).

The text of the protective signage will be bilingual, in Hawaiian and English (refer to Figure 28). It will inform passerby's to keep out of the burial preserve, with a reference to the penalties for disturbing burial sites under Hawai'i Revised Statutes (HRS) Chapter 6E-11.

5.5.6 Landscaping

In general, the four permanent burial preserve areas established by this plan will be left in passive preservation with no construction of paths, lighting, or other hardscape improvements. As described above, there will be the in-filling of the lava tube collapsed blisters/sinks, and the installation of large boulders and protective signage, at all four permanent burial preserve areas. At SIHP # -13387 there is a large Autograph Tree (*Clusia rosea*) currently growing out of the site's collapsed lava blister. This large invasive tree will be removed prior to the in-filling of that lava tube's collapsed blister (Figure 30). At SIHP -26831, the permanent burial preserve area will be cleared of introduced vegetation and landscaped with drought-tolerant Native Hawaiian

vegetation, in particular *alahe`e* (*Psydrax odorata*) and *noni* (*Morinda citrifolia*), which naturally flourish in the vicinity (Figure 27). At SIHP #-13387 and -26836, the naturally occurring dryland vegetation will be left unaltered.

If any landscaping is desired in the future, the matter may be addressed with the SHPD. No landscaping will be allowed within the preserves without the written permission of the SHPD and affected land owner.

5.5.7 Vegetation Clearing

Any vegetation clearing within the four permanent burial preserve areas by the landowner will be done by hand or small hand-held tools, and cut vegetation will be removed by hand from the burial preserve to beyond the permanent burial preserve boundary. In general, wheeled vehicles will not be used within the permanent burial preserve boundary, and, if allowed for the purpose of transporting the cut vegetation out of the preserve, these vehicles must have rubber tires, as opposed to track vehicles, which are more likely to cause ground disturbance. Allowable hand tools include, but may not be restricted to: chain saws, machetes, weed eaters, and clippers. Herbicides may be used prior to manual clearing, if specified and approved by DLNR-SHPD prior to their use, in order to minimize the volume of vegetation to be removed.

5.5.8 Maintenance Measures to be Followed

It was noted during the field documentation that the immediate vicinity of SIHP # -26831 was used as a contemporary camp with perhaps as much as 100 kilograms of modern trash in the immediate area. The collection and removal of this modern trash from the immediate vicinity of the burial site will be undertaken as part of establishment of SIHP # -26831's permanent burial preserve area.

Given the location of the proposed burial preserves, the volume of litter anticipated in the vicinities may not be that great. It is, however, recommended that routine maintenance of these preserves be carried out at least once a year. These yearly inspections would allow for examination of the integrity of the burial preserves.

Storm, flood, fire, traffic mishap, or other natural and/or cultural events could potentially damage these burial preserve areas. Should this occur, short-term, immediate repairs should be made to the affected burial preserve area to stabilize any damage. SHPD and the HIBC shall be notified of the damage. The landowner (Hawai'i County in the case of SIHP # -26831 and the Queen Lili'uokalani Trust in the case of SIHP # -13387 and SIHP # -26836), in consideration of any comments from SHPD and the HIBC, will perform repairs and/or reconstruction of the burial preserve area following best practices.

5.6 Burial Preserve Recordation

In order to provide perpetual protection for the permanent burial preserve areas, the project proponents (County of Hawai'i) pursuant to HAR 13-300-38(g), will record the permanent burial preserve locations with the State of Hawai'i Bureau of Conveyances. This recordation would create an encumbrance on the property (TMK [3] 7-4-020: 010 por.; [3] 7-4-020: 022 por.) to run with the land in perpetuity. One or more of the burial preserves may be subdivided to create legal

lots or easements prior to recordation. The burial preserve area recordation with the Bureau of Conveyances will be done upon the acceptance of this burial treatment plan by SHPD. Copies of the recorded document shall be submitted to SHPD, HIBC, and interested parties that participated in the burial treatment consultation process.

Any redevelopment of that property (i.e. construction) must take into consideration the presence of the permanent burial preserves and the need to respect their integrity and function. Any modifications to the permanent burial preserves will be made following consultation and approval with SHPD, the HIBC, and recognized cultural and/or lineal descendents.

5.7 Treatment of Inadvertent Burial Discoveries

The survey area's archaeological inventory survey report represented a good faith effort to identify and document the historic properties within the survey area. Based on a comprehensive subsurface testing sampling strategy, CSH is reasonably confident that all historic properties within the survey area have been identified and documented. Due to the inherent limitations of any sampling strategy it is likely that additional features of these historic properties, potentially including human burials, may be uncovered during the proposed Ane Keohokālole Highway Project's construction.

Before construction begins, the Ane Keohokālole Highway Project will have an SHPD-approved archaeological monitoring plan. This plan will include the results of the five completed archaeological inventory survey investigations for the Ane Keohokālole Highway Project. This archaeological monitoring plan will facilitate the identification and proper treatment of any inadvertent burials that might be discovered during the Ane Keohokālole Highway project construction.

If burial remains are discovered during the Ane Keohokālole Highway project construction, they will be treated in accordance with Hawai'i State burial law regarding inadvertent burial discoveries (HAR Chapter 13-300-40). Following these regulations, burial treatment of all inadvertent burial finds shall be determined by SHPD on a case by case basis in accordance with Chapter 6E, HRS, in consultation with the landowner and any recognized lineal and/or cultural descendants.

During the 24 September 2009 site visit and subsequent lunch meeting, the recognized and potential cultural descendents were asked their opinion regarding the treatment of potential project-related inadvertent burial finds that could not be preserved in place. The use of a previously recorded burial lava tube, SIHP # -13350, located within the Queen Lili'uokalani Trust's Keahuolū Historic Preserve Area, was discussed as a potential reinterment site for inadvertent finds from Keahuolū Ahupua'a. The recognized and potential cultural descendents indicated that the use of SIHP # 50-10-28-13350 as a reinterment site for inadvertent burial finds might be appropriate, should the need arise.

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Appendix A Honolulu Advertiser Burial Notice

IN THE MATTER OF
Public Notice

Public Notice
 NOTICE TO INTERESTED PARTIES IS HEREBY GIVEN that three sets of unmarked, human skeletal remains were discovered by Cultural Surveys Hawai'i, Inc. in the course of archaeological inventory survey related to the proposed development of the Ane Keohokālole Highway at Keahouli Ahupua'a, North Kona District, Island of Hawai'i.

The *ini kōpua* (bones) were found on Queen Lili'uokalani Trust property, *maka* of Queen Ka'ahumanu Highway, in or near a proposed Ane Keohokālole Highway road corridor (two on TMK [3] 7-4-020:010 and one on TMK [3] 7-4-020:022).

The project proponent is the Hawai'i County Department of Public Works (contact: Mr. Warren Lee, Director, County of Hawai'i Department of Public Works, 101 Pauahi Street, Suite 7, Hilo Hawai'i 96720; tel. (808) 961-8321; fax (808) 961-8630).

Background research indicates that during the *Māhele* these lands (along with the rest of the Keahouli Ahupua'a) were claimed by Ane Keohokālole and were transferred to her heir Lili'uokalani. No *kuleana* (*naka 'āina* Land Commission Awards) are known in the vicinity. Native Hawaiians who once resided on or near the *ahupua'a* of Keahouli are known to include Nahlowaa (w), Kanewaiwaiole (k), Oahu (k), Kaneaka (w), Kanae (k) and his wife Nika (w), Makapo (k), and Eleele (no sex shown), Kamaanawa Elua (k), his brother Hulu Kameemamoku (k) and their sister Aulani (w).

Following the procedures of Hawai'i Revised Statutes (HRS) Chapter 6E-43, and Hawai'i Administrative Rules (HAR) Chapter 13-300, the remains are believed to be over 50 years old. Assignment of SIHP (State Inventory of Historic Properties) numbers by the State Historic Preservation Division (SHPD) is pending. The project proponent would prefer to preserve in place the *ini kōpua*; however, the decision to preserve in place or relocate these previously identified human remains shall be made by the Hawai'i Island Burial Council and SHPD in consultation with any identified lineal and/or cultural descendants, per the requirements of HAR Chapter 13-300-33. The remains' proper treatment shall occur in accordance with HAR Chapter 13-300-38 or 13-300-39.

SHPD is requesting persons having any knowledge of the identity or history of these *ini kōpua* to immediately contact Mr. Anulu Josephides at SHPD, located at 40 Po'okela Street Hilo, Hawai'i 96720 [TEL: (808) 933-7650 / FAX (808) 933-7655] to present information regarding appropriate treatment of the unmarked human remains. All interested parties should respond within thirty days of this notice and file descendancy claim forms and/or provide information to SHPD adequately demonstrating lineal descent from these specific burials or cultural descent from ancestors buried in the vicinity of this project.

(Hon. Adv.: June 3, 4, 7, 2009) (A-685937)

STATE OF HAWAII
City and County of Honolulu

AFFIDAVIT OF PUBLICATION

ss.

Valerie L. Yanagihara being duly sworn deposes and says that she is a clerk, duly authorized to execute this affidavit of THE HONOLULU ADVERTISER, a division of GANNETT PACIFIC CORPORATION, that said newspaper is a newspaper of general circulation in the State of Hawaii, and that the attached notice is a true notice as was published in the aforementioned newspaper as follows

- 06/03/2009 The Honolulu Advertiser
- 06/04/2009 The Honolulu Advertiser
- 06/07/2009 The Honolulu Advertiser

and that affiant is not a party to or in any way interested in the above entitled matter.

Subscribed and sworn to before me this 7th day of June A.D. 2009



Jeanette T. Ching
Notary Public of the First Judicial Circuit
State of Hawaii
My commission expires June 16, 2010

This one (1) - page Affidavit of Publication dated June 7, 2009, was subscribed and sworn to before me this 10th day of June, 2009, in the First Circuit of the State of Hawaii, by Jeanette T. Ching
Jeanette T. Ching
Notary Public



685937

Appendix B West Hawaii Today Burial Notice

AFFIDAVIT OF PUBLICATION

State of Hawaii)
) SS:
 County of Hawaii)

Lorelei Logan, being first duly sworn, deposes and says:

1. That she is the Advertising Administrative Assistant of WEST HAWAII TODAY, a newspaper published in the City of Kailua Kona, State of Hawaii.

2. That "Public Notice NOTICE TO INTERESTED PARTIES IS HEREBY GIVEN" of which a clipping from the newspaper is attached hereto, was published in said newspaper on the following date(s) June 5, 7 and 10, 2009 (etc.)



Subscribed and sworn to before me
This 10th day of June, 2009



Notary Public, Third Circuit,
State of Hawaii



My Commission expires: August 4, 2009
Page(s): 1

Public Notice

NOTICE TO INTERESTED PARTIES IS HEREBY GIVEN that three sets of unmarked, human skeletal remains were discovered by Cultural Surveys Hawai'i, Inc. in the course of archaeological inventory survey related to the proposed development of the Ane Keohokalole Highway at Keahuolu Ahupua'a, North Kona District, Island of Hawai'i.

The *iai kupuna* (bones) were found on Queen Lili'uokalani Trust property, mauka of Queen Ka'ahumanu Highway, in or near a proposed Ane Keohokalole Highway road corridor (two on TMK [3] 7-4-020-010 and one on TMK [3] 7-4-020-022).

The project proponent is the Hawai'i County Department of Public Works (contact: Mr. Warren Lee, Director, County of Hawai'i Department of Public Works, 101 Pauahi Street, Suite 7, Hilo Hawai'i 96720; tel. (808) 961-8321; fax (808) 961-8630).

Background research indicates that during the *Mahale* these lands (along with the rest of the Keahuolu Ahupua'a) were claimed by Ane Keohokaloale and were transferred to her heir Lili'uokalani. No *huleana* (*maka'ainana* Land Commission Awards) are known in the vicinity. Native Hawaiians who once resided on or near the *ahupua'a* of Keahuolu are known to include Nahokwan (w), Kaniwewaiale (k), Oahu (k), Kameakua (w), Kanae (k) and his wife Nika (w), Makapo (k), and Elelele (no sex shown), Kamanawa Elua (k), his brother Hula Kameiamoku (k) and their sister Aulani (w).

Following the procedures of Hawai'i Revised Statutes (HRS) Chapter 6E-43, and Hawai'i Administrative Rules (HAR) Chapter 13-300, the remains are believed to be over 50 years old. Assignment of SIHP (State Inventory of Historic Properties) numbers by the State Historic Preservation Division (SHPD) is pending. The project proponent would prefer to preserve in place the *iai kupuna*; however, the decision to preserve in place or relocate these previously identified human remains shall be made by the Hawai'i Island Burial Council and SHPD in consultation with any identified lineal and/or cultural descendants, per the requirements of HAR Chapter 13-300-33. The remains' proper treatment shall occur in accordance with HAR Chapter 13-300-38 or 13-300-39.

SHPD is requesting persons having any knowledge of the identity or history of these *iai kupuna* to immediately contact Mr. Analu Josephides at SHPD, located at 40 Pu'okela Street Hilo, Hawai'i 96720 (TEL: (808) 933-7650 / FAX (808) 933-7655) to present information regarding appropriate treatment of the unmarked human remains. All interested parties should respond within thirty days of this notice and file descendant claim forms and/or provide information to SHPD adequately demonstrating lineal descent from these specific burials or cultural descent from ancestors buried in the vicinity of this project.

(No. 1508-West Hawaii Today, June 5, 7 and 10, 2009)

Appendix C Ka Wai Ola o OHA Burial Notice

NO KA ILINA • BURIAL NOTICES

KEAHUOLŪ AHUPUA'A

NOTICE TO INTERESTED PARTIES IS HEREBY GIVEN that three sets of unmarked, human skeletal remains were discovered by Cultural Surveys Hawai'i Inc. in the course of archaeological inventory survey related to the proposed development of the Ane Keohokālole Highway at Keahuolū Ahupua'a, North Kona District, Island of Hawai'i. At the time of submittal of this Notice fieldwork was ongoing.

The human remains were found on Queen Lili'uokalani Trust property, mauka of Queen Ka'ahumanu Highway, in or near a proposed Ane Keohokālole Highway road corridor (two on TMK [3] 7-4-020:010 and one on TMK [3] 7-4-020:022).


The project proponent is the Hawai'i County Department of Public Works [contact: Mr. Warren Lee, Director, County of Hawai'i Department of Public Works, 101 Pauahi St., Suite 7, Hilo Hawai'i 96720; tel. (808) 961-8321; fax (808) 961-8630].

Background research indicates that during the Māhele these lands (along with the rest of the Keahuolū Ahupua'a) were claimed by Ane Keohokālole and were transferred to her heir Lili'uokalani. No kuleana (Land Commission Awards) are known in the vicinity. Native Hawaiians who once resided on or near the ahupua'a of Keahuolū are known to include Naholowaa (w), Kanewaiwaiole (k), Oahu (k), Kaneakua (w), Kanae (k) and his wife Nika (w), Makapo (k), and Eleele (no sex shown), Kamanawa Elua (k), his brother Hulu Kameeiamoku (k) and their sister Aulani (w).


Following the procedures of Hawai'i Revised Statutes (HRS) Chapter 6B-43, and Hawai'i Administrative Rules (HAR) Chapter 13-300, the remains are believed to be over 50 years old. Assignment of SIHP (State Inventory of Historic Properties) numbers by the State Historic Preservation Division (SHPD) is pending. The project proponent would prefer to preserve in place the human remains; however, the decision to preserve in place or relocate these previously identified human remains shall be made by the Hawai'i Island Burial Council and SHPD in consultation with any identified lineal and/or cultural descendants, per the requirements of HAR Chapter 13-300-33. The remains' proper treatment shall occur in accordance with HAR Chapter 13-300-38 or 13-300-39.

SHPD is requesting persons having any knowledge of the identity or history of these human skeletal remains to immediately contact Mr. Analu Josephides at SHPD, located at 40 Po'okela St., Hilo, Hawai'i 96720 [TEL: (808) 933-7650 / FAX (808) 933-7655] to present information regarding appropriate treatment of the unmarked human remains. All interested parties should respond within thirty days of this notice and file descendancy claim forms and/or provide information to SHPD adequately demonstrating lineal descent from these specific burials or cultural descent from ancestors buried in the vicinity of this project.

Appendix D SHPD Acceptance Letter for the AIS



LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCE ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAROOLAWA ISLAND RESERVE COMMISSION
LAND
STATE PARKS

August 20, 2009

Dr. Hallett H. Hammatt
Cultural Surveys Hawai'i, Inc.
P.O. Box 1114
Kailua, Hawaii 96734

Dear Dr. Hammatt:

**Subject: Chapter 6E-8 and National Historic Preservation Act Section 106 Review-
Revised Archaeological Inventory Survey for a 2.3-km Section of the Proposed
Ane Keohokālole Mid-Level Highway Project (Approximately 72 Acres)
Kealakehe and Keahuolū Ahupua'a, North Kona District, Island of Hawai'i
TMK: (3) 7-4-20: portions of 06, 07, 10 & 22; and 7-4-21: portions of 03, 04 & 20**

LOG NO: 2009.3247
DOC NO: 0908TD11
Archaeology

Thank you for submitting the subject revised draft report entitled *Archaeological Inventory Survey of an Approximately 2.3-km Long Portion of the Proposed Ane Keohokālole Highway Project, Kealakehe and Keahuolū Ahupua'a, North Kona District, Hawai'i Island* (J. Tulchin and H. H. Hammatt, August 2009). The report documents the results of background research and a systematic pedestrian survey of a 400-foot wide corridor between Puohuluhuli Street (north end) and a point approximately 1,000 feet (300 meters) north of Palani Road (south end). The project area includes the area of potential effect (APE) for the construction of Ane Keohokālole Highway, a federally funded undertaking. This project area is a portion (approximately one third) of a larger APE that has been identified for the Ane Keohokālole Highway project.

The survey identified features associated with four previously identified sites (SIHP Sites 5011, 1320F, 1337G, and 13387) as well as eight newly identified sites (SIHP Sites 26829 through 26836). Identified formal types include three lava tubes, three terraces, three modified or filled blisters, a cave, a trail and a wall. Eleven of the sites are determined to be Pre-contact in age and the wall is determined to be post-contact.

In our prior review of this report, we indicated that report contains adequate background information on the environmental setting, historic context and previous archaeology in the vicinity of the project area (Log 2009.2425, Doc No 0907TD22). We had a few comments regarding the regulatory context, agencies, and number of historic properties identified in the management summary and elsewhere in the introductory section; and some questions and comments regarding the methods section and justifications for recommendations of no further work at certain sites. These comments and questions have been adequately addressed in the revised report. The maps have also been updated to more clearly depict the project APE.

We note that the revised report contains new information on testing at Site 13379G and provides information on recovered artifacts (basalt and volcanic glass flakes). These materials have accession numbers, indicating that they are now in your possession. We request that you revise Section 7.3 (page 92) which states that no cultural material was collected.

The report concludes that eight of the twelve sites are significant under HRHP/NRHP criterion "d", and that sufficient information has been collected for adequate mitigation of impacts to these sites (SIHP Sites 13201F, 13379G, 26829, 26830, 26832, 26833, 26834, and 26835). We concur with these assessments, given the addition of new information in the form of additional testing and mapping that is provided in the revised report.

One of the sites (SIHP 5011) is assessed as significant under HRHP/NRHP Criteria "c" and "d". A detailed map and cross section of the wall within the APE is provided, along with photographs of this feature. We concur that no further data collection is needed at this time, with the understanding that demolition of the wall will be monitored as part of the project monitoring program. We wish to note that our concurrence applies only to the project APE. Given the excellent condition of this wall, we hope that surrounding landowners will be amenable to some level of preservation in the context of future development in the vicinity of this site.

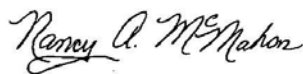
Three sites (SIHP 13387, 26831 and 26836) are assessed as significant under HRHP/NRHP Criterion "d" and HRHP criterion "e", with preservation recommended. We concur with the significance assessments and note that a burial treatment plan has been prepared for presentation to the Hawai'i Island Burial Council. The decision regarding final disposition of these sites will be made by the Burial Council.

Finally, we concur with the recommendation that all ground disturbance in connection with this project will be monitored in conformance with a monitoring plan that is approved by our office.

The revised report is accepted pursuant to the Secretary of the Interior's Standards for Identification, Evaluation and Archaeological Documentation, and 36 CFR Part 800.11. In addition, as allowed per §800.11 (b), the report complies with Hawaii Administrative Rule 13-13-276. Please send one hard copy 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 of "SHPD Library". Please revise Section 7.3 as requested above in the final submittal.

If you have any questions regarding this letter, please contact Theresa Donham at (808) 933-7653.

Aloha,




Nancy McMahon, Deputy SHPO/State Archaeologist
and Historic Preservation Manager
Historic Preservation Division

cc: Pat V. Phung
Federal Highway Administration
Box 50206
300 Ala Moana Blvd., Room 3-306
Honolulu, HI 96850

Leslie Matsumoto
Belt Collins Hawaii, Ltd.
2153 North King Street, Suite 200

Appendix E Summary Letter of Initial Consultation with Ms. Nicole K. Lui

CULTURAL SURVEYS HAWAII
ARCHAEOLOGICAL, CULTURAL, AND HISTORICAL DOCUMENTATION SERVICES - SINCE 1982



August 25th, 2009

Ms. Nicole K. Lui and
The Lui Family
76-6217 Lehua Road
Kailua-Kona, HI 96740
Tel. (808) 329-7011

Subject: Your input regarding the draft burial treatment plan for the Ane Keohokālole project, North Kona, Hawaii Island

O'ahu Island
P.O. Box 1114
Kailua, Hawai'i 96734
Ph: (808) 262-9972
Fax: (808) 262-4950

Maui Island
1993 Main Street
Wailuku, Hawai'i 96793
Ph: (808) 242-9882
Fax: (808) 244-1994


Branch Offices:
Hilo, Hawai'i
Kona, Hawai'i
Lāwai, Kaua'i

Dear Nicole and family:

Thank you for taking the time to speak with me and Ms. Lesley Matsumoto from Belt Collins during the Thursday August 20th, 2009 Hawaiian Island Burial Council (HIBC) meeting. Prior to our conversation, the HIBC had discussed the Ane Keohokālole project's draft burial treatment plan (Tulchin and Hammatt 2009), a copy of which is enclosed with this letter for your review. Also prior to our conversation, the HIBC had recognized you, Nicole, as a cultural descendant for the Native Hawaiian burials that are proposed for preservation in place in the Ane Keohokālole project's draft burial treatment plan.

During our conversation, along with your father Joseph Kealohaokalani Lui and mother Agnes Kaelemakale Lui, we discussed your preferences for burial treatment for the project's three burial sites (which contain four previously identified burials—refer to the details in the attached draft burial treatment plan). As we discussed, you are now a recognized cultural descendent for these burials, and your input will be included within the project's final burial treatment plan, which is currently being prepared, based on input from you, any other recognized lineal and/or cultural descendents that may come forward, the State Historic Preservation Division (SHPD), HIBC, and the affected land owners.

In brief, your preferences for burial treatment were as follows: 1) you would like the burials to be preserved in place; 2) you would prefer that the entrances to the burial's lava tubes be sealed with locally available dry-stone (without mortar) lava rock; 3) you thought the proposed construction and permanent buffers around the burial sites were sufficient; 4) regarding access to the burial sites following construction you were willing to keep it informal, with access to be worked out in consultation with the affected land owner when and if the need arises—also, you understood that the landowner would not



WWW.CULTURALSURVEYS.COM - INFO@CULTURALSURVEYS.COM

Ms. Nicole K. Lui

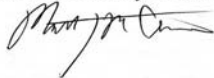
Page 2

August 25, 2009

make improvements to the burial sites, such as pathways or trails, to facilitate access; 5) you felt there was no need for boundary markers (such as walls, fences, or hedges) or burial site signage to call out the boundaries of the permanent burial preserve areas; and, 6) you felt that landscaping was not necessary within the burial preserve areas, that keeping the vegetation natural was more feasible and appropriate.

I hope this short summary adequately reflects our conversation on August 20th, 2009. If you have corrections to the summary above, or if you have changed your mind about the proposed burial treatment, please contact me by phone, email, or post. I want to thank you once again for taking the time to discuss this important issue with me. It was a pleasure meeting you and your family.

Sincerely,
Cultural Surveys Hawaii, Inc.



Matt McDermott, MA
Projects Manager
P.O. Box 1114, Kailua, HI 96734
Office (808) 262-9972
Cell (808) 754-8852
mmcdermott@culturalsurveys.com