Section 4 Consultation

Community, agency, and native Hawaiian consultation was an important component of the preparation and implementation of the Archaeological Inventory Survey (AIS) Plan for this study area. In accordance with Stipulation III of the HHCTCP Programmatic Agreement (January 2011), HART and HART's representatives, including Cultural Surveys Hawai‘i (CSH), pursued consultation with a range of state agencies and City departments, interested community groups, Native Hawaiian Organizations (NHOs), and lineal and/or cultural descendants. This consultation involved receiving input on the scope and design of the City Center (Section 4) AIS Plan, providing information during the conducting of field investigations, development of a consultation protocol for use during the AIS (Stipulation III.B.4), and the voluntary implementation of an AIS cultural monitoring program. A summary of these activities is outlined below.

Since the approval of the City Center AIS Plan, HART has continued an enhanced consultation effort given the high degree of sensitivity in finding *iwi kūpuna* throughout the area. HART organized and held numerous meetings, corresponded by e-mail, phone, direct mail, the Honolulu Star-Advertiser, and the project's website and social medial sites, providing updates on AIS activities and findings. HART also provided information through other publications including the Office of Hawaiian Affair's (OHA) Ka Wai Ola, the Hawaii Independent, Maoli World and ImuaRail to gather input and notify native Hawaiian individuals, organizations and other interested parties. In addition, HART voluntarily implemented a City Center and Airport Cultural Monitoring program. A full accounting of the continued consultation efforts since the approval of the AIS Plan is provided below.

HART posted notices in OHA's Ka Wai Ola for the following:

- November 2012 Ka Wai Ola—November 8, 2012 Consultation for *Iwi Kūpuna*
- February 2013 Ka Wai Ola—Burial Notice of all seven burial finds
- March 2013 Ka Wai Ola—Burial Notice of all seven burial finds

HART posted notices at TheHawaiiIndependent.com for the following:

- November 27, 2012 Consultation for *Iwi Kūpuna*
- February 7, 2013 Consultation for Burial Treatment Plan

HART posted notices at MaoliWorld.com for the following:

- December 17, 2012 Consultation for *Iwi Kūpuna*
- February 7, 2013 Consultation for Burial Treatment Plan

4.1 AIS Plan (AISP) Consultation

From March through September 2011, HART conducted several group and individual meetings to gather input in accordance with the project's PA and Hawai‘i Administrative Rules (HAR) Chapter 13-275-5(c)(3). Meetings included public forums to review the draft City Center (Section 4) AISP on March 16, August 12, August 26, and September 15, 2011 and the strategy for archaeological testing. In addition, input was solicited through meetings with the OIBC, SHPD, OHA, Pacific Justice and Reconciliation Center (PJRC), Royal Order of Kamehameha I -

Moku ‘O Kapuāiwa (Chapter 8), Hui Mālama I Nā Kūpuna O Hawai‘i Nei, the Royal Order of the Crown, Ka Iwi ‘Ōlelo, Kane Hili Hui, Kaleikini ‘Ohana, Kingdom of Hawai‘i and Kahu o Kahiki, Inc., various Union groups, and Kamehameha Schools. Finally, individual meetings and communication was also received from concerned individuals including the following individuals: Deldrene (Didi) Nohealani Herron, Kilinahe Ialuamoku Keli‘inoe, Paulette Ka‘anohi Kaleikini, Michael Kumukauoha Lee, Kamuela Kala‘i, U‘ilani Kapu, and Manuel Kuloloio.

4.1.1 Burial Consultation Protocol

In conjunction with the development of the AIS Plan, and required as part of the PA, HART developed the *Consultation Protocol for Iwi Kūpuna Discovery During the Archaeological Inventory Survey for the City Center (Construction Phase 4) of the HHCTCP* (Hammatt 2011). This protocol, finalized in October 2011, outlined HART’s approach to human skeletal remains found during the AIS field work. Through this effort, HART identified a list of over 350 individuals with whom to maintain regular communications for the duration of AIS field work. The consultation protocol summarized HART’s intent to provide early and frequent communication as AIS work progressed, what actions they would take should human skeletal remains be encountered, and a proactive look at possible relocation areas including project station areas.

A summary of the consultation that occurred for this document is included in Appendices B and C of the *Consultation Protocol for Iwi Kūpuna Discovery During the Archaeological Inventory Survey for the City Center (Construction Phase 4) of the HHCTCP* (Hammatt 2011).

The consultation protocol was intended to be proactive and began with an inclusive outreach campaign of early identification of cultural stakeholders and parties that expressed interest in receiving burial related information. The contact list for all potentially concerned parties is continually updated and includes previously recognized lineal and/or cultural descendants, consulting and signatory parties to the PA, NHOs and other cultural groups, cultural monitors, meeting attendees, project staff, elected officials, and individuals. Any interested party may request to be on the contact list to receive information.

4.2 AIS Field Work Consultation

Consultation has continued since the approval of the AISP. Information has been both shared and solicited through various forums. HART provided the following opportunities to answer questions and solicit feedback.

1. A series of Town Hall meetings provided a general project update including current AIS activities and the opportunity for questions to be answered. These were held on the following dates:

   a. May 1, 2012 Community Update: Honolulu
   b. May 2, 2012 Community Update: Salt Lake
   c. May 3, 2012 Community Update: Kalihi
   d. May 8, 2012 Community Update: Waipahu
   e. May 9, 2012 Community Update: Mililani

2. Canvassing of communities along the corridor was conducted prior to test excavation activities commencing in each area.

3. Weekly updates on test excavation progress and finds were provided on the project website and by e-blast (mass email notification system) to interested individuals from November 2011 through the completion of AIS field work in January 2013.

4. On a monthly basis, direct mailings were provided to individuals without e-mail access.

5. Monthly project updates were provided at OIBC meetings, with the most recent update in June 2013.

6. Between October 2012 and July 2013, bimonthly coordination with SHPD was conducted for AIS Plan modifications, AIS field work results, and AIS report form and content.

4.2.1 Community Meetings, Expos, Fairs, and Other Events

HART has continued to update the public on the current status of the AIS over the past year using many different methods. They have included the following:

AIS Canvassing/Direct Mailings

AIS canvassing work included the development of a custom tri-fold brochure (complete with aerial maps of the alignment), traffic update sheets (relative to the canvassed area), mail-in comment forms, and a general project overview brochure. An initial mass canvassing effort was conducted and followed up by smaller week-by-week spot canvassing efforts as actual AIS work was planned for each area. Each of the week-by-week spot canvassing activities were documented in report logs as canvassing progressed. The canvas logs noted business names, contact information, and potential issues, mitigation activities, and discussion notes.

Community Meetings

During the period of AIS field work, several community meetings were also orgnized in order to provide up-to-date information on the project and the ongoing AIS, to provide the community an opportunity to ask questions, and to identify any additional individauls interested in being part of the consultation process. The meetings occurred on the following dates:

- 8/23/11 through 8/25/11—10th Annual Native Hawaiian Convention at Hawai‘i Convention Center
- 9/14/11—Kalihi Business Association Speakers Bureau; a presentation was given, which included the AIS process and schedule/status for City Center
- 9/26/11—City Center AIS Informational Community Meeting at Farrington HS
- 10/5/11—Community Update: Town Hall Series—Urban Honolulu at Neil Blaisdell Center
- 11/2/11—City Center AIS Informational Community Meeting at McKinley HS
- 11/29/11—City Center AIS Consultation at Kalākaua District Park, Multipurpose Room
- 10/01/12 through 10/05/12—11th Annual Native Hawaiian Convention at Hawai‘i Convention Center
- 5/1/12—Community Update, Urban Honolulu at McKinley HS

In addition, HART maintained an active involvement in a speakers bureau and regularly attended Neighborhood Board meetings, including providing presentations to the Kalihi, Downtown, Makiki and Ala Moana Neighborhood Boards, the Chinatown Business and Community Association, the Hawaii Building Trades Council, and the Construction Alliance (which includes Pacific Resource Partnership, Carpenters, Masons, Laborers, Operating Engineers, the Land Use Research Foundation of Hawaii, General Contractors Association and Building Industry Association).

PA Meetings

The City continued to meet with consulting parties regarding the implementation of the PA. Meetings included an update on the AIS progress and answers to specific questions. This included individual meetings with the Kāko‘o and regularly scheduled PA updates. In addition, regular PA reporting also included written updates on AIS work, available on the project website (http://honolulutransit.org/planning/xiv-administrative-provisions.aspx).

Kāko‘o Meetings:

- September 27, 2012, Meeting #1
- October 25, 2012, Meeting #2
- November 29, 2012, Meeting #3
- April 18, 2013, Meeting #4
- May 23, 2013, Meeting #5
- June 26, 2013, Meeting #6

PA and Consulting Party Meetings

- April 14, 2011
- July 14, 2011
- November 1, 2011
- January 26, 2012
- April 13, 2012
- July 27, 2012
- November 1, 2012
- January 25, 2013
- April 25, 2013 (Farrington Highway Station Groupd Design Workshop #2 and 2nd Quarterly Meeting)
- May 8-9, 2013 (Traditional Cultural Properties City Center Consultation Meetings)

PA Progress Reports/Updates to Consulting Parties

The following updates were provided to signatories and consulting parties to the PA, and were posted to the project website:

- July 2011—PA Semi-Annual Report for the period of 1/18/11 through 7/18/11
- January 2012—PA Semi-Annual Report for the period of 7/18/11 through 1/18/12
- July 2012 PA—Semi-Annual Report for the period of 1/18/12 through 7/18/12
- November 2012—Monthly PA Report
- December 2012—Monthly PA Report
- January 2013—PA Semi-Annual Report for the period 7/18/12 through 1/18/13
- January 2013—Monthly PA Report
- February 2013—Monthly PA Report
- March 2013—Monthly PA Report
- April 2013—Monthly PA Report
- May 2013—Monthly PA Report

Burial Treatment Protocol Notices

When human skeletal remains were found during the AIS, information was quickly disseminated according to the procedures outlined in the consultation protocol and in a manner faster than the normal notification process. Initial consultation with SHPD and OIBC representatives occurred immediately upon discovery. Within two days of the discovery, a notification was prepared and circulated to the distribution list of all interested parties. The notice included a description of the context, background information, Tax Map Key, any applicable Land Commission Awards (LCAs), and other relevant information. Finally, the identification of the human skeletal remains was recorded in the weekly e-blast update on AIS progress sent and maintained on the project website.

4.2.2 O‘ahu Island Burial Council (OIBC)

Since August 2011, HART and CSH have attended OIBC’s monthly meetings to update the Council and cultural stakeholders. The project presentations provided a comprehensive project update that included relevant background information regarding the historic context of the project area, and provided detailed information on the AIS, including information on the discoveries to date.

On September 14, 2011, a project update was presented by Matt McDermott and the project team. Michael Lee expressed concerns regarding the underground karst system. Paulette Ka‘anohi Kaleikini requested that any relocation of *iwi kūpuna* encountered during the AIS be as close as possible to the original burial location, that a curation process be in place, and that a cultural monitoring program be implemented.

The October 2011 OIBC meeting was cancelled. The November 2011 OIBC presentation was conducted by Faith Miyamoto, Kaleo Patterson and Matt McDermott. Miyamoto noted the Burial Consultation Protocol for *Iwi Kūpuna* had been finalized. The Burial Consultation

Protocol for *Iwi Kūpuna*, developed in close coordination with the OIBC and other cultural stakeholders, facilitated the broadest outreach and community notification regarding the progress of the AIS, especially with regards to *iwi kūpuna* discoveries and other finds encountered during the AIS fieldwork. It was announced that the AISP for the City Center was approved and the AIS would be starting soon. Cultural sensitivity training for contractors would be provided by CSH in late September or early October.

Chair Kalu announced that she would ensure a Hawaiian voice in the process and guidance from the OIBC for this project.

On December 14, 2011, Matt McDermott provided a project update on the AIS work for City Center. Approximately 10% of the test excavations were complete, with excavations having commenced on Halekauwila St. and Dillingham Blvd.

P. Ka‘anohi Kaleikini reiterated the need for a cultural monitoring program, with recognized cultural descendants to take precedence over others as cultural monitors. She also requested that more test sites be added in the City Center area.

Michael Lee expressed concerns about the karst system within the City Center area and requested that the OIBC take action by requesting that studies be done. He also requested more coordination with OHA. In regards to *iwi kūpuna*, Lee noted that he has family burials in proximity to the Chinatown station and requested that any *iwi kūpuna* encountered during the AIS be preserved in place. He noted that previous relocations of *iwi kūpuna* had made him ill, meaning the *iwi kūpuna* did not want to be moved.

On January 11, 2012, Faith Miyamoto and Kaleo Patterson reported on their work developing cultural monitoring protocols and a cultural monitoring program, with community meetings planned. It was also reported that test excavations would resume the following Friday, with weekly AIS results to be posted on the website and through regular e-blasts. Upcoming meetings were announced and Chair Kalu stated her intention to attend.

OIBC meetings in February, March, April, and May of 2012 were cancelled.

On June 13, 2012, Faith Miyamoto, Dawn Hegger, Paul Cleghorn, and Matt McDermott presented an update on the AIS status for the full project. It was reported that the AIS for Sections 1 and 2 were complete and approved, a Data Recovery Plan had been approved for Section 1, the Monitoring Plan for Section 2 was also approved, and the AIS Plans for Airport and City Center had been approved and the AIS excavations begun. To date, the Project had 60 out of 272 test excavations completed for Airport and City Center. As of June 2012, the only archaeological find of note consisted of an *imu* feature in alluvial deposits in the vicinity of the O‘ahu Community Correctional Center (OCCC). It was also noted that the coral shelf along Dillingham Blvd. was encountered at a shallower depth than expected, at approximately 2 feet below surface. HART continued to post weekly updates to the cultural descendants and other stakeholders.

Paul Cleghorn introduced himself as the newly hired Kāko‘o on the project. He clarified that his task was to ensure that the consulting parties had every opportunity to consult and that information would be provided to them.

Paulette Ka‘anohi Kaleikini questioned whether the AIS test excavation sites were selected for areas of significance. McDermott explained that CSH used extensive background research to create a predictive model for areas of previous cultural and historic activity, and that CSH was testing only within the project footprint. Per the AISP, 232 test excavations were planned in the City Center section; however, additonal testing may be proposed depending on the findings of the AIS.

At the August 8, 2012, meeting, Matt McDermott reviewed the use of ground penetrating radar (GPR) as part of the AIS and confirmed that updates on the AIS progress and findings would be provided to the OIBC and attendees on a regular basis. A site visit was requested by the OIBC.

Issues addressed at the meeting included the following: Chair Wong-Kalu requested information on the temporary curation of *iwi kūpuna* and whether they would reside within the project area or outside of the project area; Mike Lee, a recognized descendant, raised concerns regarding the potential impact from the project to a karst system in the area (which might affect fish, seaweed, etc. as well as *iwi kūpuna* within the karst); Lee also felt he was being shut out of the consultation process and requested to be more involved. Matt McDermott responded that he had confered with the project’s geologist and was informed that the project would not impact any karst system which may be in the area. Lee was concerned that pressure from the project may cause the karst system to collapse. Hegger was to follow up with Lee to address his concerns.

At the September 12, 2012, meeting, Matt McDermott reported that 50% of the Airport AIS and 25% of the City Center AIS had been completed, with no significant finds to date.

Michael Lee raised questions regarding a cultural monitoring program and impact to the underground karst system. Lee expressed concern that a *kahu* be available to assist with *mihi* (apology) should *iwi kūpuna* be encountered during the City Center AIS and expressed his willingness to assist with *mihi*. In response, project staff explained that a cultural monitoring program was very close to being finalized and that potential *kahu* had been identified. Council member Holck asked the team to report back by the following month on final plans for the cultural monitoring program. Regarding the karst system, Lee questioned whether the karst had been impacted and whether water had been encountered during drilling. He expressed concern that outreach and attention to this problem had not been sufficient.

In addition, Paulette Ka‘anohi Kaleikini stated that she had requested to be a cultural monitor from the beginning of the project and felt that families from the area knew the area best. She also sought the opportunity to provide input in the progress of the AIS testing. Matt McDermott responded that the work was proceeding based upon the approved AISP.

At the October 10, 2012, OIBC meeting, Matt McDermott presented information on the recent *iwi kūpuna* find at Test Excavation 150, located on Halekauwila St. near the corner of Cooke St. McDermott described the cultural and historic background of the area. Various maps and visuals from the 1880s were presented showing the land use history of the area. A description of the *iwi kūpuna* and its archaeological context was provided.

Discussion by meeting attendees regarding the treatment of the *iwi kūpuna* centered on the protection of the *iwi* from exposure and the need to preserve in place (consensus from Kanaloa Koko, J.R. Keoneakapu, Kamuela Kala‘i and Zee representing Hui Makawalu). Michael Lee also

requested to be a cultural monitor, that cultural practitioners be involved in the process, and that family members be present at excavations on their associated lands. Umi Sexton stated that regarding the discovery of *iwi kūpuna*, he did not trust the archaeologists to have reported any previous *iwi kūpuna* finds during the AIS (prior to Test Excavation 150), and that therefore certain areas may need to be re-examined.

Dan Grabauskas, HART's Executive Director and CEO, expressed his belief that cultural monitors are important for this project (the monitoring program began on October 16, 2012). He also stated that the project was willing to design around sensitive areas if necessary. OIBC Chair, Hinaleimoana Wong-Kalu, requested that the cultural monitoring program be set up by the next meeting. Kaleo Paik stressed that the cultural monitoring program must be done right and that cultural monitors should be trained in burial protocol, rights, etc.

At the November 14, 2012, meeting, Matt McDermott presented an update of AIS finds, including *iwi kūpuna* within Test Excavations 141, 142 and 150, and reported that the City Center AIS was 90% complete.

Regarding the recent *iwi kūpuna* finds within Test Excavtion 141 and 142, Paulette Ka‘anohi Kaleikini asked whether additional exploratory test excavations were planned in the immediate vicinity. McDermott stated that additional excavation was an option, however, that the project planners were speaking with project engineers to see if the area could be completely avoided.

OIBC chairperson, Hinaleimoana Wong-Kalu, asked that the testing strategy for areas with *iwi kūpuna* finds be formulated by the next meeting. McDermott responded that the potential plan was to excavate the entire column footprint in the locations of *iwi kūpuna* finds in order to determine the extent of the skeletal remains and whether they were isolated fragments. He reiterated that the burial consultation protocol allowed for the curation of inarticulated skeletal fragments not from a burial context; however, that the project would pursue redesign alternatives to accomodate complete burials.

Paulette Ka‘anohi Kaleikini requested that the columns in the area of Test Excavation 141 be redesigned and moved. She emphasized that *iwi kūpuna* were to be afforded the highest level of respect just as one would their own *iwi kūpuna*, and that she would hold Dan Grabauskas to his word to preserve all *iwi kūpuna* in place. Kanaloa Koko stated that he allowed for the relocation of *iwi kūpuna* if their remains would not remain safe in place.

Matt McDermott stated that although the test excavations were almost complete, additional test excavations were anticipated, based on SHPD request.

On December 12, 2012, Michael Kumukauoha Lee and Paulette Ka‘anohi Kaleikini and ‘Ohana were recognized as cultural descendants of the *iwi kūpuna* found within the City Center AIS study area. David Shideler from CSH presented an update to the OIBC, stating that although the total number of test excavations specified in the AISP (232 trenches) would be completed by that weekend, SHPD was expected to request additional test excavations. Paulette Ka‘anohi Kaleikini stated that all *iwi kūpuna* found were native Hawaiian unless proven otherwise.

At the January 9, 2013, OIBC meeting, Umi Sexton, Ke‘ala Norman, Mana Caceras, Deldrene Herron and Eha Rosete were recognized as cultural descendants for the City Center AIS study area. Matt McDermott provided an update on the City Center AIS, notifiying the OIBC that with

the recent excavation of an additional 13 test excavations (per the request of SHPD), the City Center AIS fieldwork was completed.

Ragarding the *iwi kūpuna* identified in the Chinatown Station footprint, Umi Sexton stated that the *iwi* were not being protected and respected currently because trash cans had been located near the site. Mike Lee also expressed concern for the protection of the *iwi* and requested buffers as an interim treatment. Paulette Ka‘anohi Kaleikini stated that it was in the best interest of HART to ensure the *iwi kūpuna* were respected and protected from further desecration. Mike Lee agreed, saying that there are many homeless that frequent the Chinatown area. Paulette Ka‘anohi Kaleikini suggested plants as an option for some sites.

At the February 13, 2013, OIBC meeting, Matt McDermott presented an overview of the City Center AIS study area, including the 9 stations and the 250 total test excavations.

Jonathan Scheuer (Vice chair and Kona representative) reiterated that it was the preference of cultural descendant attendees and others for *iwi kūpuna* to be preserved in place. HART expressed the desire to provide the highest level of interim protection possible and acknowledged that permanent treatment awaited input and approval from OIBC. OIBC stated that iterim protective measures were sufficient for now until final determinations were reached. Support was expressed by meeting participants that HART move forward with interim treatment despite it being only temporary. HART raised a question about the treatment of inadvertent discoveries of *iwi kūpuna* (human skeletal remains that may be found during the construction phase of the project). Scheuer requested that all inadvertent discoveries be preserved in place. Kanaloa Koko stated that he would want all seven previously identified *iwi kūpuna* finds (identified during the AIS) moved to a single location, similar to the Waikīkī burial mound. Dee Dee Herron agreed. OIBC Chair Hinaleimoana Wong-Kalu stated that the OIBC would listen to the descendants and support any conclusions they reached regarding reinterment.

At the March 13, 2013, OIBC meeting, Donna Makaiwi was recognized as a cultural descendant to the *iwi kūpuna* found within the City Center AIS study area. Matt McDermott updated the OIBC on the interim protection measures recently completed to safeguard the *iwi kūpuna* and on those scheduled for completion the following week.

With regards to temporary buffers or planters placed on the surface above the human skeletal remains, Paulette Ka‘anohi Kaleikini stated a preference for leaving in place what was already present, as opposed to placing something new (like a planter) that might attract unwanted attention. Mana Caceres was particularly concerned with Test Excavation 227A (which contained infant remains), and expressed his desire for the human skeletal remains to be preserved in place. He also expressed concern for what would become of the remains in ten years if the project were to place a ultility near the interment site, causing the remains to be relocated. He was also concerned that additional *‘ohana* who may also be buried nearby might be disturbed and possibly removed in the course of future construction activity. It was noted that preservation is typically in perpetuity and that all human skeletal remains were recorded with the Bureau of Conveyances.

OIBC Vice Chair Jonathan Scheuer again asked whether preservation in place would apply to any future inadvertent finds and that the protection of human skeletal remains should take precedence over project construction. Dan Grabauskas reiterated his commitment to working

with the OIBC and lineal and/or cultural descendants regarding the best way to protect *iwi kūpuna*. OIBC Chair Hinaleimoana Wong-Kalu expressed concern that Mr. Grabauskas' assurances may not be a policy that would be followed by the next administration.

Paulette Ka‘anohi Kaleikini asked whether the public was afforded a chance to comment on the AIS for HHCTCP Sections 1 and 2. Matt McDermott responded in the affirmative.

The OIBC Chair then asked if there were any comments on the process to-date. Ha‘aheo Guanson stated that her organization had asked HART to be more responsive and sensitive to Hawaiian concerns overall and not only with regards to burials. Michael Lee stated that he would like to see the project hire a Hawaiian cultural interpreter for the karst and other natural features and that these features be recognized federally. Paulette Ka‘anohi Kaleikini stated that the project needed to schedule a meeting in order to address AIS testing issues and native Hawaiian cultural concerns separate from the station design.

At the April 10, 2013, meeting Matt McDermott related that the draft City Center AIS report had been submitted to SHPD for review. Faith Miyamoto indicated that the draft report was currently being put on the HART project web-site for public review and comment. She indicated that the public comment period was 30 days and that comments should be addressed to SHPD. Justin Kepo‘o Keli‘ipa‘akaua was recognized as a cultural descendant to the *iwi kūpuna* found within the City Center AIS study area.

The May 8, 2013, meeting ended early without completion of the discussion of the many potential cultural descendants that were on the agenda. Kaleo Patterson, Jordan Makaala Patterson, Josiah Kekoanui Patterson, and Brandy Kaleihua Caceres, were recognized as cultural descendants to the *iwi kūpuna* found within the City Center AIS study area.

At the June 12, 2013, meeting Bruce Yoshio Keaulani, Duane Kiaaina Medeiros, Harry Keawe Kahele Kekai Kapu, Joshua Nainoa Keonaona Makaiwi, JW Kaeo Kapu Williams, Pauline Mapuana Kekai Kapu Lukela, and Rachel Hinaea Makaiwi were recognized as cultural descendants to the *iwi kūpuna* found within the City Center AIS study area. HART provided an update to the OIBC on the ongoing consultation with the project's recognized cultural descendants, relating that the recognized cultural descendants were largely in agreement regarding burial treatment and that the consultation was moving forward well.

Matt McDermott provided an overview on the proposed archaeological data recovery mitigation measures that were being formulated in consultation with SHPD, based on the City Center AIS results. He provided OIBC members with a map of the location of the archaeological historic properties that would have data recovery investigations, and related how the investigations would be conducted and what the research focus would be. In response to questions, he clarified that *iwi kūpuna* found during data recovery within archaeological historic properties that contained previously identified burials would be previously identifed burials themselves and discussion of their treatment would be included with the project's burial treatment plan.

4.2.3 SHPD Consultation

Since October 2012, HART has conducted bi-monthly meetings with SHPD to discuss the progress and results of the AIS work. In addition, HART, PB, and CSH staff have met with SHPD to review specific finds in order to seek clarification on additional AIS research as

necessary. HART’s archaeological consultant has been involved in these meetings to further clarify documentation requirements for AISP amendments and AIS report requirements. The following summarizes the key topics of discussion at each meeting.

October 3, 2012—CSH reviewed the human skeletal remains found at Test Excavation 150 and sought information on the SHPD burial determination, whether the *iwi kūpuna* would be classified as a burial or as human skeletal fragments from a non-burial context. No determination had been made and further consultation with OIBC was recommended. Dr. Pua Aiu requested additional information regarding the temporary curation facility in Iwilei, the building configuration, and how long anything would be located at this facility. She recommended that HART conduct additional research on curation facilities, including in the Mother Waldron Park area.

HART staff provided a summary of City Center AIS modifications required as a result of various issues and obstacles, including: realignments to avoid building footprints, revised station locations, denied rights of entry, and deletions due to underground utility conflicts. SHPD requested documentation of all of these changes.

The overall roadmap for completing the project’s archaeological documentation was discussed. There was general agreement that the project continue with documentation by construction section since AISP and AIS reports for Sections 1 and 2 had already been completed and approved. However, no final recommendation was reached. The possibility for expedited review of documents was also discussed. It was decided that the Kāko‘o should be included in documentation reviews prior to documents being submitted to SHPD, that there should be regular meetings to update SHPD on the AIS progress and to discuss documentation questions, and that continued discussion regarding documentation required to satisfy 6E compliance should continue.

October 17, 2012—This meeting focused on two topics: City Center AIS *iwi kūpuna* finds within T-141, T-142, and T-150, and modifications to the AIS Plans for Airport and City Center. Regarding the *iwi kūpuna* finds, SHPD requested that an additional test excavation be conducted adjacent to T-150 in order to find the boundary of the associated cultural layer. Additional trenching in the area of Test Excavations 141 and 142 was still under review pending HART’s exploring alternative design options and SHPD consideration of what additional information might be necessary.

Modifications to the AIS Plans for Airport and City Center were also discussed. Modification to the City Center AISP consisted of a slight shift *mauka* in the location of the Kaka‘ako Station. SHPD requested that the same sampling strategy be implemented (i.e. the same number of test excavations) and that documentation on all changes from the original Airport and City Center AIS Plans be supplied to SHPD.

October 31, 2012—CSH gave a status update on AISP modifications. HART project staff answered SHPD questions regarding deleted trenches and realignment design shifts deemed necessary. Discussion continued regarding the *iwi kūpuna* finds in Test Excavations 141, 142, and 150, potential additional investigative excavation in the vicinity, and alternative engineering designs to avoid impacting the *iwi*.

HART also updated SHPD on their implementation of an AIS Cultural Monitoring program that began on October 16, 2012. The program had been initiated with a small group of interested cultural practitioners. In addition, the city communicated the intention to expand outreach efforts related to the *iwi kūpuna* finds through an upcoming community meeting.

November 14, 2012—Project staff provided a review of excavation results between Test Excavations 141 and 154, including additional trenching previously requested around Test Excavation 150. Excavation challenges due to subsurface utilities were also described. SHPD notified Project staff that a recent inadvertent discovery of human skeletal remains was located just *mauka* from T-150 at the corner of Halekauwila St. and Cooke St. SHPD stressed the need for ongoing projects to communicate and coordinate with each other. Discussion of the desired and/or required extent of AIS testing in highly sensitive areas was also raised.

In addition, the results of test excavations within the Chinatown Station footprint were reviewed, including the difficulties in excavating due to layers of subsurface building foundation remnants and unstable sediments. Excavation options were discussed, including utilizing test borings. The *iwi kūpuna* find within Test Excavation 170 and additional potential excavations in the vicinity were also reviewed.

November 28, 2012—CSH reported on additional *iwi kūpuna* (tiny fragments and a tooth) found during laboratory processing of a bulk sediment sample from Test Excavation 142. At this time these remains have been curated in the Iwilei AIS curation facility pending consultation. AIS modifications due to denied right-of-entry in the location of Test Excavations 215 and 216 was also discussed. Given the extent of previous excavations in that area and the known subsurface stratigraphy (clay deposits), SHPD concurred that an alternative test excavation could be dug in the vicinty of the nearby documented historic privy (T-202) in order to investigate that cultural resource.

Issues raised at the November 27th cultural descendants meeting were also discussed, including whether excavation to just below the water table is sufficient, related safety laws and concerns, whether the column footprints should be excavated in their entirety, and the demand to excavate the entire project footprint during the AIS.

December 19, 2012—HART project staff, CSH, and SHPD met to review all documented finds within the City Center AIS study area. Through this discussion, areas for additional AIS test excavations were identified and agreed upon.

SHPD burial determinations related to *iwi kūpuna* finds were also discussed. It was recommended that the consultation process continue. Kawika Farm from SHPD indicated that two individuals had been officially recognized as cultural descendants for the *iwi kūpuna* within Honolulu Ahupua‘a. Four additional claimant applications had been received and were in review.

HART also presented research in response to a question raised by Paulette Ka‘anohi Kaleikini regarding the effect that tides have on the water table and whether the test excavations conducted thus far were sufficient. This issue was raised at a cultural descendants meeting as well as with SHPD staff directly. An analysis of completed test excavations did not identify a discernable difference between when the water table was encountered at high tide or low tide. SHPD recommended that this information be communicated to Paulette Ka‘anohi Kaleikini.

HART also discussed the recently received letter regarding SHPD concerns with the on-going PA consultation (Pua Aiu to Ted Matley, letter, 15 October 2013, SHPD). This included discussion of SHPD comments on the Burial Consultation Protocol, the current status of Station Design, and the application of the Design Language Pattern Book and how it was being applied to the refined modular design.

January 14, 2013—CSH reviewed the results from additional trenching requested by SHPD as part of the City Center AIS. Fourteen trenches were reviewed.

January 30, 2013—A review of all trenches that contained archaeological finds was presented. CSH reviewed their approach to assigning cultural resource numbers (SIHP #s), including combining some cultural resources identified during the City Center AIS with adjacent, previously documented sites with existing SHIP numbers. CSH also reviewed their approach to organizing the City Center AIS report into geographic zones.

February 2, 2013—Resource requirements to augment SHPD documentation review were discussed and an update on the candidate identification process was provided. General requirements for the archaeological and genealogical positions were also outlined.

Upcoming document reviews were discussed. SHPD requested that the Kāko‘o be involved in the review process. Recently submitted amendments to the AIS Plans for Airport and City Center had been reviewed and SHPD provided some initial feedback on corrections that were necessary. Dr. Susan Lebo outlined the key elements to be included in the AIS reports, including: a clear description of the research questions, background research, how the research answered the questions, and a clear description of the stratigraphy to be reviewed.

The group also discussed all the documents that would be required to complete the historic documentation process. An understanding of the full scope of work would help to assess the length of time additional staff support (for the review process) may be necessary.

February 27, 2013—Interim *iwi kūpuna* treatment decisions recommended by cultural and/or lineal descendants were reviewed. The City requested guidance from SHPD on past practices for these interim treatments. SHPD advised that interim treatment varied on a case by case basis and that it was best to continue to seek descendant recommendations.

SHPD and the City discussed how the review process would work. Dr. Lebo stated that SHPD would make an effort to facilitate early reviews to accelerate the process. However, they noted they did expect to receive well written, comprehensive documents.

The selection process for the additional archaeological and genealogy support staff was discussed.

March 14, 2013—An update on project consultation meetings with descendants and the OIBC was presented. SHPD reported that a review of the Airport AIS report had been started. They provided a summary level of concerns and issues they had with the document and provided examples of inconsistency and lack of clarity in certain sections. In order to address these issues for the Airport report and to inform the City Center report writing, CSH followed up this discussion by meeting individually with Dr. Lebo on March 18, 2013 to go over her initial comments in detail.

A summary report schedule was provided outlining what reports were remaining to be completed and the schedule for submission. In order to support this effort the City has agreed to hire SHPD staff support. An update on that hiring process was provided. Candidates for archaeological and genealogical review support for SHPD have been reviewed and interviews were scheduled for genealogy support. SHPD recommended that HART consider hiring staff for up to one year.

April 15, 2013—HART provided SHPD with an update on the April 11, 2013 public meeting regarding burial treatment. HART indicated its plan to move forward with meetings specifically with the project’s recognized cultural descendants in order to formalize the project’s burial treatment plan and foster concensus among recognized cultural descendants.

SHPD provided feedback on the initial portions of the draft City Center AIS report that had been reviewed by that point. SHPD’s review of the AIS draft was discussed and it was agreed that SHPD would provide HART and CSH with review comments on the portions of the AIS as they were reviewed. CSH would begin the revisions to the draft as report sections became available. To facilitate public review and comment of the draft City Center AIS and draft Airport AIS reports it was agreed that these reports would be posted on HART’s web site. A link put on the SHPD web site that would direct the public to HART’s website to view the documents.

April 20, 2013—This meeting largely focused on the overall requirements and schedule for the project’s compliance with the Hawaii State historic preservation review process—compliance with HRS Chapter 6E—so that the project could get back to construction. Dr. Pua Aiu, SHPD administrator, reiterated her belief that construction could resume when the AIS reports for all construction sections had been approved, monitoring plans were approved by SHPD, and, following the acceptance by SHPD of the required data recovery plans, any data recovery fieldwork had been completed and SHPD had verified its completion.

May 2, 2013—HART provided SHPD with an update on the April 17, 2013 recognized cultural descendant-only meeting. Initial indications were that there was general consensus regarding burial treatment among the recognized cultural descendants. The status of the ongoing review of the City Center AIS was discussed. The Kakoʻo’s role in the review of the draft City AIS report was clarified, with SHPD agreeing that the Kakoʻo and his staff would provide a review of the AIS revisions to ensure that SHPD comments and requested revisions were addressed. It was agreed that CSH would provide revised text to the Kakoʻo and his staff before this revised text was submitted to SHPD. HART discussed with SHPD the potential for HART to supply SHPD with some support staff to help with SHPD’s non-HHCTCP workload. Various options were discussed.

May 16, 2013—HART provided SHPD with an update on the May 15, 2013 recognized cultural descendant-only meeting. The status of the ongoing review of the City Center AIS was discussed. SHPD provided an overview of the types of corrections and changes that it would be requesting. The schedule for completing SHPD’s review of the revised City Center and Airport AIS reports was discussed.

May 30, 2013—The status of the ongoing City Center AIS revisions was discussed. SHPD requested that the City Center and Airport AIS revised draft reports be copy edited prior to their re-submittal to SHPD for review. The process for receiving, processing, and responding to public

comments on the draft AIS reports was discussed. HART indicated they would provide SHPD with a matrix that synthesized all the comments that were received, and provided potential responses. The ethnicity of the seven instances where human skeletal remains were documented during the City Center AIS was discussed. It was agreed that all remains were most likely Native Hawaiian, and that CSH would provide SHPD with a brief summary email to support SHPD's ethnicity determination. It was agreed that CSH, the Kako‘o, and SHPD, would meet two or three times the coming week (the week of June 3, 20123) to discuss in detail the significance, project effect, and mitigation measures for each of the archaeological cultural resources documented in the City Center AIS investigation.

June 3 and June 6, 2013—These meetings focused primarily on how SHPD would like to see the City Center draft AIS report's archaeological cultural resource descriptions re-formatted and expanded. Also discussed were the individual significance assessments, project effect, and mitigation measures for the City Center AIS' archaeological cultural resources.

June 13, 2013—The status of the AIS revisions for City Center were discussed, along with the process for responding to the public comments received related to the draft AIS reports that were posted on the HART website. Based on the discussion at the June 3 and 6, 2013 meetings, it was agreed that there were eight archaeological cultural resources that would be recommended for archaeological data recovery in the revised City Center AIS. The methods, limitations, and research questions for data recovery were discussed. The need for a revised APE map in the data recovery plan was discussed. This map should reflect the changes in the APE based on the AIS results—showing where the project footprint has been shifted or contracted to avoid more archaeologically sensitive areas based on AIS results.

4.2.4 Office of Hawaiian Affairs (OHA)

As part of the consultation effort, CSH organized a meeting with OHA in order to discuss the cultural resources documented during the AIS and their proposed significance and treatment recommendations, any *iwi kūpuna* finds and interim protection measures, and the ongoing consultation efforts. The February 20, 2013 meeting was attended by CSH (Matt McDermott and Ena Sroat), HART (Faith Miyamoto), Aukahi (Lani Ma‘a Lapilio) and OHA staff (Jerry Norris, Kai Markell, and Lauren Morawski).

The AIS summary presentation was given by Matt McDermott and an accompanying handout titled, "Draft Historic Property List for City Center AIS Report." The presentation covered the following:

- Summary of project background, PA, meaning of archaeological APE (area of potential effect).
- Summary of Airport Section 3 AIS results including two historic properties: 1) buried portions of WWII foundations and crushed coral paved areas, significant under criterion D, with monitoring recommended; 2) buried asphalt pavement, likely part of an earlier alignment of Kamehameha Highway, significant under criterion D, monitoring recommended.
- Summarized OHA's previous concerns and responses.

- Summary of City Center AIS findings: Summary of all cultural resources and CSH’s recommendations for their Hawai‘i/National Register eligibility and mitigation—referred to Handout for the 19 cultural resources and Power Point slide presentation to guide the discussion.
- Discussion of *iwi kūpuna* finds, interim protection measures currently in place, and potential for preservation in place (including discussion of project engineers’ redesign to avoid the *iwi*, and potential problems with preserving in place, such as active utility lines and future development.)
- Summary of project consultation efforts, including meetings with cultural descendants/interested parties, SHPD, and OIBC.
- Description of the Cultural Monitoring Program.
- Summary of what will be included in the AIS report and potential date for draft report.

Discussion following the presentation included questions and comments from OHA staff regarding the AIS findings and procedures, including:

- Question regarding the location of the project’s curation facility. The only curation facility (to federal standards) in Hawai‘i currently is owned by the Army, therefore this issue will need to be addressed in the future.
- Whether GPR was a useful tool during the AIS. CSH noted that the usefulness of GPR was limited in heavy fill areas as the depth of GPR penetration averaged approximately one meter.
- Question as to when archaeological data recovery would begin. CSH responded that the Data Recovery Plan would be completed once SHPD reviewed and approved the AIS report. Data recovery will likely concentrate on a few cultural resources and will be limited due to the constraints imposed by subsurface utility lines.
- Question as to how many burials had been identified. While SHPD had not yet made a determination, CSH believed between 3–4 sites may be classified as “burial sites.” It was noted that the project is still flexible in its design to avoid sensitive areas.
- Concern regarding the safety of the *iwi kūpuna* fragment within the Test Excavation 170 sidewall and whether any additional *iwi* may be in the immediate vicinity. Following the identification of the *iwi* fragment, the entire column footprint which was being tested was excavated. While no additional *iwi* were found, OHA expressed concern that additional remains could be found near the exposed *iwi*; however, it was acknowledged that excavating the sidewall would fall outside of the project’s APE and could expose additional remains that would not otherwise be disturbed by the project.
- OHA noted that some OHA members had expressed concern about coastal settlements near the Halawa Stadium area (HHCTCP Sections 2 and 3) and the potential for burials.

- OHA stated that since the OIBC has been so involved in the project's City Center section and the *iwi kūpuna* finds, that they are reassured that the OIBC is speaking on behalf of the *iwi* and native Hawaiians.
- Additional discussion included the use and types of temporary protection measures for *iwi*, in particular the use of concrete blocks/markers denoting the location of *iwi*. It was generally concluded that each situation is different, but in urban areas there is a need for some sort for protection, while in the country it was best to leave the *iwi* location unmarked (so as not to draw attention to the location.)

4.3 Descendant Identification and Consultation

From November 2012 through the present, HART has coordinated community and cultural and/or lineal descendant consultation regarding the AIS City Center *iwi kūpuna* finds and their treatment. A summary of the location and context of each *iwi kūpuna* find was presented and an effort to identify native Hawaiian descendants was initiated. Early meetings provided an opportunity to consult on the temporary and longer term treatment of the remains. Meeting attendees included representatives from HART, PB, and CSH, cultural and/or lineal descendants, and community members

4.3.1 Early Consultation

November 1, 2012

On November 1, 2012 HART began the process of identifying descendants related to the initial *iwi kūpuna* finds for the project. An invitation to the first meeting to hear about the finds was sent via eBlast on November 1, 2012 to the claimant/descendant list, PA consulting parties and signatories, cultural monitors, individuals, and NHOs. An invitation also ran in the Honolulu Star Advertiser on 10/31/12, 11/4/12, and 11/6/12 and was published in the November 2012 issue of Ka Wai Ola.

November 8, 2012

On November 8, 2012, the first meeting was held at the Hawai‘i Community Development Authority (HCDA) offices in Kaka‘ako. Matt McDermott and the project team presented *iwi kūpuna* finds encountered to date during the City Center AIS in order to identify possible claimants. Lani Lapilio provided a brief presentation of the general process for consultation and the SHPD process for filing claim as a lineal and/or cultural descendant. Kawika Farm, SHPD's Burial Sites Specialist added further clarification on the claimant process and SHPD descendant claim forms were made available at the meeting.

Concerns and questions raised at the November 8th meeting included:

- There was a general concern among attendees that a 2 x 20 ft trench to test an 8 ft diameter column was inadequate [Note: the AISP sampling strategy specified 3 x 10 ft test excavations for column foundations]. Project staff informed attendees that the entire project ground disturbance could not be excavated and the AISP strategy was to sample areas based on background research.
- Regarding the ethnicity of *iwi kūpuna* finds: It was questioned whether some finds might be non-Hawaiian. Matt McDermott responded that "given the length of time

Hawaiian's utilized the area where the *iwi* was found versus the relatively recent historic times, a higher percentage of *iwi kūpuna* is expected to be Hawaiian but could definitely be of another ethnicity; SHPD determines ethnicity."

- Regarding the use of cultural monitors: It was questioned whether cultural monitors were present at the test excavations during the excavation. HART's CEO, Dan Grabauskas, responded that the project is pursuing full transparency and a cultural monitoring program was in place. Dan Grabauskas also invited meeting participants to come forward as cultural monitors. Kalani Asam requested that cultural monitors have access to the temporary curation facility as there were concerns that excavated soil was not being examined by archaeologists. Project staff responded that they would look into this request for access but also informed meeting participants that archaeological procedures include at least one archaeologist, per team, watching as the sediments are placed in the bin. Those sediments deemed most sensitive are slowly and carefully shaken into the bin so as to be able to fully see the contents.
- Regarding research of land claims: Deldrene Herron suggested the importance of Royal Patents, as there were land claims made before LCA claims.
- Regarding the descendancy claim recognition process: Mike Lee expressed concern with the descendancy claim recognition process and how long it takes for one to be recognized. Kawika responded that he, as SHPD's Burial Sites Specialist, has 30-days to review and respond. Another individual asked whether SHPD would use western science (i.e. DNA testing) to trace descendants and Kanaloa Koko asked what if a potential lineal descendant asked for DNA evidence. The response from project staff was that the science is possible but highly unlikely that SHPD will pursue this method; state burial law prohibits damaging *iwi*. Mike Lee claimed that a new, non-destructive technology came out of Germany.

November 27, 2012

On November 27, 2012, Matt McDermott and the project team presented an update on *iwi kūpuna* finds, including additional finds since the previous meeting, in order to gather *mana‘o* from recognized descendants and to identify new claimants. Lani Lapilio also gave a brief presentation on the SHPD process for filing claim as a lineal and/or cultural descendant. SHPD descendant claim forms were made available at the meeting. Hinaleimoana Wong-Kalu (OIBC Chair) and Kawika Farm (SHPD's Burial Sites Specialist) were also available to assist in the descendant claim process.

In order to accommodate preservation in place for some finds, a summary of design modifications was presented along Haleikauwila Street. The previous straddle bent design of the rail columns in the area of Test Excavations 141 (with bone fragments from three separate individuals) and 142 (full burial context) was altered to a center column design that eliminated columns along the mauka side of Halekauwila Street in order to avoid the sensitive area between Keawe and Coral Streets.

Concerns and questions raised at the November 27th meeting included:

- Ka‘anohi Kaleikini expressed continued concern that a 3 x 10 ft trench to test a 7 ft diameter column was insufficient coverage; she felt that the AIS was not thorough enough. It was noted in response that the project is following SHPD requests and is in compliance with state law. Additionally, Gerald Andrade, PB’s Lead Engineer, explained that the columns in this area are over an existing drainline that will be abandoned, so the AIS test excavations were placed adjacent to the drainline in the “undisturbed” area to test. The area of the existing drainline and the area of the AIS test excavation were equivalent to the column diameter. P. Kaleikini asked if the project has the ability to move columns if *iwi* are found. Project staff stated that the project will design around *iwi* finds and will abide by the determination of the OIBC.
- Ka‘anohi Kaleikini also inquired how deep columns will go and whether they will sit on the coral shelf. It was explained that the columns will penetrate the coral shelf and will not be sitting on pile caps. As the AIS precedes the geotech soil analysis, the exact depth of the columns has not yet been determined.
- Mike Lee expressed concern that columns may drill into the Diamond Head fault. Mike also asked whether a process was in place for dealing with the ‘Ewa karst system should the karst be impacted. The response was that the geotech analysis will investigate the soils and determine potential issues.
- Mike Lee reiterated concerns with the descendant claim process that he expressed at the November 8th meeting. He also felt that the claimant process was confusing to the inexperienced, with no guidance provided on how to find the necessary information and terms like “TMK” on the claimant form left undefined. He stated that in order for the state to show good faith effort, the forms needed to be clarified.
- There was a general concern with the need for additional AIS investigation. One individual expressed concern that the column design might change after the AIS is complete.
- Regarding the location and depth of *iwi kūpuna* finds: It was questioned whether *iwi kūpuna* finds occur at the same depth and within the same sediment type. Matt McDermott explained that within the Kaka‘ako area, *iwi* are found at similar depth and sediment type. Another individual asked whether the typography of the area has changed. Matt McDermott explained that beneath the fill deposits (2-3 ft deep) the original sand swales and lowlands (marsh, salt pans, taro *lo‘i*) still exist.
- Deldrene Herron questioned the determination that the bone fragment discovered in Test Excavation 167 was faunal; she felt it looked like a patella (human knee bone). Matt McDermott responded that the remains were found within a thick trash deposit and an osteologist (bone specialist) made the determination.
- Palani Vaughn gave a historic background of Halekauwila Street and, given the sensitivity of the area, he questioned why the project did not follow Ala Moana Boulevard instead. Palani asked where he could go to testify on changing the route. He was informed that the route would be extremely difficult to change as it was determined by the City Council and HART Board of Directors.

- OIBC Chair Hinaleimoana Wong-Kalu thanked Matt McDermott for teaching her during site visits to ongoing excavations the archaeological process and how to interpret what is coming out of the ground. She also thanked Royal Contracting for their thorough and caring work during the trench excavations.
- Regarding the submission of descendant claims: It was asked if there is a deadline for submitting a descendant claim. Meeting attendees were advised that there is no deadline but that the burial treatment plan consultations will begin shortly after the City Center AIS is complete and legal advertisements are published, which starts the official 30 day process.
- Umi Sexton asked how Independents (those who do not recognize the U.S. government’s claim to Hawai‘i) can have their voices heard. Lani Lapilio responded that the project is following a state process and consultation works within the constraints of the state process. OIBC Chair Hinaleimoana Wong-Kalu also commented that she is for Independence but that the U.S. government controls the process, therefore working through the government system is how one’s voice is heard. Hina encouraged those with claims and *kuleana* (responsibility) to come forward to the SHPD and OIBC with their *palapala* (document) and stated that it is not a compromise of Hawaiian values.
- Lastly, Kaleo Paik, whose geneaology is of the Big Island Keawe line, and in response to some claims that the naming of Keawe St. in Kaka‘ako signified an *ali‘i* (chiefly/royal) area and *ali‘i iwi kūpuna*, shared her preference of having all Keawe *iwi* returned to Hawai‘i Island.

December 17, 2012

On December 17, 2012, Matt McDermott and the project team presented an update on *iwi kūpuna* finds, including additional finds since the previous meeting. Lani Lapilio also gave a brief presentation on the SHPD process for filing claim as a lineal and/or cultural descendant. SHPD descendant claim forms were made available at the meeting. General engineering plans were also presented by In-Tae Lee, HART’s Deputy Director of Engineering.

To date, Paulette Ka‘anohi Kaleikini and ‘Ohana, and Mike Lee were recognized by the OIBC as cultural descendants.

Concerns and questions raised at the December 17th meeting included:

- Regarding Test Excavation 170 and the final design stage: Paulette Ka‘anohi Kaleikini asked why additional excavation was conducted away from the *iwi* fragment instead of around the fragment. It was explained that additional excavation was conducted in order to determine if a clear area (without *iwi*) could be identified so that the column location could be shifted and the exposed *iwi* potentially be preserved in place. P. Kaleikini also asked for confirmation that all *iwi* found to date can be preserved in place. This was confirmed. She also asked when stations will be designed. Lastly, she expressed concern with what will happen if, in the final design stage, it is determined that more test excavations are needed, and if the AIS can be finalized when there is still the need for more excavation. Joanna Morsicato responded that the AIS can and

will be finalized before the final design, and if more test excavations are necessary, an addendum or supplemental AIS could be conducted.

- Regarding the design of the columns (which will entail a 50-100 ft drill shaft (7 ft diameter) beneath the approximately 6 ft diameter column): OIBC Vice Chair Jonathan Scheuer asked whether the transistion between the shaft and the column will be at the ground surface. In-Tae responded that the transition will be approximately 2 ft below the surface. Another individual asked if the test excavations were based on the diameter of the shaft or the column. It was explained that AIS test excavations were based on the diameter of the shaft. An additional question was raised as to whether the area of the columns and shafts was larger than the the AIS test excavation, which was answered in the affirmative. Other questions included how deep columns will be, what will the straddle-bent formation be and how wide will it extend, and how many straddle-bent columns will there be; these questions were answered by Project staff.
- Hinaleimoana Wong-Kalu asked whether each station was being constructed by a different contractor and how much information will be shared from one contractor to another. Project staff responded that contractors will interface with one another, and there is an “interface manager” who will coordinate the flow of information.
- Mike Lee expressed concern with columns extending deeper than AIS test excavations. He stated that voids (caverns) could be impacted by drilling, especially those with water, which could present the possibility of environmental pollution spreading beyond column sites during construction activity. It was explained that construction techniques identify any potential voids in places where columns will be constructed and that HART is taking water samples. To date, in tests out in ‘Ewa, no water was encountered. Matt McDermott also informed meeting participants that the test excavations stopped at the point where archaeological finds would be expected, therefore excavations did not go below the water/coral line; sediment layers below this pre-date human habitation.
- M. Lee also asked what mitigation plans are in place for natural disasters. He claimed to have scientific information documenting frequent seismic activity along the Diamond Head fault zone; he committed to sharing the information with HART. Project staff responded that all designs are in compliance with current seismic codes, which are based on known faults and history of seismic activities. John Bond asked if drill sample reports are available to the public and Paulette Ka‘anohi Kaleikini asked that these be posted to the project website. Project staff responded that, typically, this type of information is not posted to the website but that HART may make the information available to individuals upon request.

4.3.2 On-going Treatment Consultation

With the completion of the City Center AIS fieldwork, HART began consultation for the Burial Treatment Plan on February 7, 2013. This meeting was advertised via e-blast on January 24, 2013 and was posted to MaoliWorld.com. A notice of burial treatment was published in the

Star Advertiser on February 24 and 27 and March 3, 2013 and was published in the March issue of Ka Wai Ola.

February 7, 2013

A community meeting on the project was held on Thursday, February 7, 2013 at the HCDA. The meeting was attended by HART representatives (Dan Grabauskas, Faith Miyamoto, Joanna Morsicato, In-Tae Lee, Kaleo Patterson, Claude Phillips), PB representatives (Barbara Gilliland, Jason Bright, Matt Derby, Josh Silva, Gary Omori, Pat Lee), Aukahi (Lani Ma‘a Lapilio), Facilitator Joseph Lapilio, CSH (Matt McDermott, Ena Sroat), OIBC Kona representatives (Hinaleimoana Wong-Kalu, Jonathan Scheuer), SHPD (Kawika Farm), and many community members and cultural descendants.

The purpose of the meeting was to:

1) discuss *nā iwi kūpuna* and seek recommendations;

2) review the process going forward; and

3) respond to any questions and concerns.

Mana‘o (ideas/beliefs) was welcome from everyone and it was noted that testimony from recognized cultural descendants concerning treatment of *iwi kūpuna* will be weighted by the OIBC. Recognized descendants were asked to identify themselves as introductions were made around the room. An archaeological overview of *iwi kūpuna* finds during AIS investigations, interim protection measures, and engineering constraints was presented by Matt McDermott.

Discussion and concerns raised at the February 7th meeting included:

- Discussion of Test Excavation 150 focused on the safety of the *iwi kūpuna* in relation to a sanitary sewer line located within 4 ft. Potential solutions suggested included reinforcing the sewer line, encapsulating the *iwi kūpuna* within a concrete structure, relocating the sewer line, or relocating the *iwi*. Regarding moving the sewer line, it was noted that relocation would mean excavating another location with the possibility of finding additional *iwi kūpuna*. In response to requests for AIS testing of all future utility lines for the project, it was explained that the AIS could not consist of 100% testing, and that one of the purposes of the AIS was to come up with mitigation recommendations, which in this case would consist of a program of archaeological monitoring. It was added, however, that in the event of significant changes to the project design, a supplemental AIS could be conducted. In reponse to a question as to what constitutes a “normal” buffer for iwi kūpuna, it was explained that it depends on construction factors and what the descendants and OIBC determine. The OIBC Chair advocated for a supplemental AIS, in this way the project could retain its integrity and allow for descendants to have the strongest voice (i.e. any *iwi kūpuna* remains would be “previously identified” and therefore fall under OIBC jurisdiction). It was noted that finds during archaeological data recovery investigations would also be considered “previously identified” and under OIBC jurisdiction.
- The OIBC Vice Chair raised the issue of what is a “known” burial. He contended that because the Kaka‘ako area is known to have burials (from previous AIS results or

claims of cultural descendants), all *iwi kūpuna* finds should therefore be considered "known" and "previously identified."

- Discussion of the treatment of *iwi kūpuna* finds within Test Excavations 96, 141, 142, 170, 226C, and 227A focused on interim protection measures and the majority consensus to preserve in place. In the case of Test Excavations 226C and 227A, the potential for future utility line disturbance in this area was raised. It was also suggested that a clause be inserted in the Burial Treatment Plan that allowed for future descendants to make decisions regarding the treatment of the *iwi kūpuna* (i.e. that the *iwi* could be moved in the future).
- CSH discussed the completion of the City Center AIS report, with the goal for completion of the Draft AIS report to SHPD on May 1st or sooner. CSH's mitigation recommendations for the City Center section would be reported at the OIBC upcoming monthly meeting. CSH reiterated that the Draft AIS report will be available for public review when it is posted by SHPD and open for public comment for 30 days. It will also be available for review on the HART website.
- Regarding the development of engineering plans over time: A community member expressed concern over the change of engineering plans over time, i.e. preliminary engineering plans versus final engineering plans. HART CEO Dan Grabauskas, expressed a commitment that HART will listen and respond to the Hawaiian community. Because the entire project area cannot be excavated during the AIS, a construction cultural monitoring program will be established.

March 11, 2013

A community meeting was held on Monday, March 11, 2013 at the HCDA. Attendees included HART representatives (Dan Grabauskas, Faith Miyamoto, In-Tae Lee, Lorenzo Garrido, and Kaleo Patterson), PB representatives (Barbara Gilliland, Josh Silva, and Gary Omori), Aukahi (Lani Ma‘a Lapilio), facilitator Joseph Lapilio, CSH (Matt McDermott), OIBC Kona representatives (Hinaleimoana Wong-Kalu and Jonathan Scheuer), community members, and cultural descendants.

The purpose of meeting was as follows:

1) Review the AIS and discuss the current disposition of *iwi kūpuna* in each restored trench;
2) Complete interim protection recommendations;
3) Begin final treatment discussions; and
4) Discuss surface treatment options.

Matt McDermott reviewed the City Center AIS findings and the Burial Consultation Protocol. A summary of total test excavations completed in relation to the number of test excavations proposed by the AIS Plan was presented: 260 test excavations completed versus 232 proposed. The presentation included descriptions of each *iwi kūpuna* find, the interim protection measures in place, and a description of any engineering constraints.

Concerns and questions raised at the March 11th meeting included:

- Whether the entire route was excavated during the AIS: CSH described the AISP sampling strategy, which was based on extensive background research and a predictive model.
- A cultural monitor present responded affirmatively to a question on whether prayer or protocol is conducted upon discovery of *iwi kūpuna*. Protocol is implemented when *iwi kūpuna* are found and also for interim treatment.
- A community member stated the need to make the assumption that there are *iwi kūpuna* everywhere, and there is no reason to move *iwi*. HART CEO Dan Grabauskas indicated he understood and reiterated HART's commitment to a cultural monitoring program. He also reiterated that HART has explored modifying the project design, should a decision be made to leave all remains in place. Concerns were expressed regarding the fact that there may be *iwi* in the immediate surrounding areas. It was noted by some members that the *iwi* [left in place] is in no greater harm than it was previously.
- Regarding the total amount of ground disturbance planned by the project: It was asked how large an area would be disturbed by the project, In response, it was explained that a total of 14 acres would be affected (includes column, station footprints, and utility relocations).
- Regarding the respectful treatment of *iwi*: A community member asked that HART commit to respect *iwi* regardless of whether they were "inadvertent finds" or "previously identified". HART responded that it will follow the law; however, they are committed to working with descendants and SHPD in treatment decisions and any possible design modifications that may be necessary. A cultural descendant stated that there should be a mechanism [in writing] for HART to work with HECO and BWS, etc. so that utility workers will know where *iwi kūpuna* are located beneath the surface and therefore do not disturb.
- Regarding the preservation in place if the *iwi kūpuna* are located within a roadway: A cultural descendant expressed concern about preservation in place when the location of the *iwi kūpuna* is in the middle of the road and requested the project move the road. In response, another descendant stated that people have been driving over the road all this time and it should be left in place. Another community member stated that the greatest desecration is exposing *iwi* to the elements.
- A discussion on the depth of the excavation for the columns was led by CSH. It was explained that the AIS did not excavate to the average column depth of 150 feet. Archaeological practice is to excavate to the water table and/or coral shelf (i.e. the stratigraphic layers in which cultural resources or human burials may be located). A cultural descendant expressed concerns about lava tubes and underground caves that carry water that feeds the *limu* (seaweed).

April 11, 2013

A community meeting was held on Wednesday, April 11, 2013 at the HCDA. Attendees included HART representatives (Faith Miyamoto, In-Tae Lee), PB representatives (Barbara

Gilliland, Josh Silva, David Derby), CSH (Matt McDermott, Ena Sroat), Aukahi (Lani Lapilio), facilitator (Joseph Lapilio), community members, and cultural descendants.

The purpose of the meeting was to:

1) Review the format and status of the AIS Report

2) Consult on long-term treatment of *iwi kūpuna*

Matt McDermott provided a summary of the contents of the Draft AIS Report which had been submitted to SHPD on April 1, 2013. The format and contents of the six volumes of the report (Volumes I through VI) were outlined. Access to the report was being made available through the HART website as well as CDs of the report made available at the meeting. Matt McDermott also provided a summary of all cultural resources (State Inventory of Historic Properties) documented by the AIS along with the mitigation recommendations proposed within the AIS Report.

Questions regarding the AIS Report included:

- Whether the Traditional Cultural Properties (TCP) study was included within the report. CSH explained that although the TCP study was still in draft form, and therefore not able to be included within the AIS Report, CSH had had the opportunity to study the draft and to incorporate its findings into the AIS report.
- Whether the use of GPR in the AIS fieldwork had been a test of the usefulness of the technology. CSH confirmed that the use of GPR had been a test of its efficacy within thick fill deposits and that the GPR report was included in the AIS Report.
- Cultural descendants sought confirmation that the community and cultural descendants would be consulted on SHPD’s City Center AIS Report review comments. Facilitator Joseph Lapilio confirmed that conversations concerning SHPD comments could be scheduled during ongoing community meetings.
- Clarification was sought regarding the location of the areas of proposed data recovery work. CSH reported that data recovery would focus on four areas: SIHP#s 50-80-14-7428, -2963, -5820, and -2918.
- Questions were posed regarding the types of traditional Hawaiian artifacts found in the Downtown Waterfront area of the AIS, how they were being treated, and if they would be made available for reinterment. CSH described the boar tusk pendant and fishing net repair tool found within the Chinatown Station footprint. The treatment of the artifacts shall be determined by the City.
- Question whether the sewer line in the vicinity of the *iwi kūpuna* within T-150 would be sealed in order to prevent potential harm of the *iwi*. In-tae Lee responded that the sewer line would be encased in order to protect the *iwi*.

Discussion of the long-term treatment of *iwi kūpuna* at the April 11th meeting was cancelled due to the objections of cultural descendants who argued that the details of burial treatment should be a private discussion among recognized descendants. HART representative, Faith

Miyamoto, concurred and the discussion of the long-term treatment of *iwi kūpuna* was deferred to future cultural descendants burial treatment meetings.

Additional Meetings with Individuals

In addition to community meetings, HART has continued to meet individually with interested Native Hawaiians to explain the descendant recognition process and to help support genealogy and other research necessary for SHPD and ultimately OIBC recognition. To date, Dr. Kaleo Patterson (HART) has met on various occasions with the following individuals:

Kaleihau Kamanu	Kanaloa Koko
Ali‘i Kamealoha	Kalani Asam
Pauli K. Jennings	Damon Boiser
Dixie Kalamau	Bruce Keaulani
Lopaka Asam	Darin Makaiwi
Donna Makaiwi	Joshua Makaiwi
Rachel Makaiwi	Josiah Patterson
Jordan Patterson	Kelsy Iaukea
Lily Felton	Sydny Iaukea
Manu Mook	

4.3.3 Cultural Descendant Burial Treatment Plan Meetings

Regular consultation meetings have been held with recognized cultural descendants, beginning in April 2013, regarding the burial treatment plan for all *iwi kūpuna* encountered within the City Center AIS.

April 17, 2013

A recognized cultural descendants meeting was held on Wednesday, April 17, 2013 at Ali‘i Place. The meeting was attended by the recognized cultural descendants, HART representatives (Faith Miyamoto, Henry Miranda, Lorenzo Garrido, Claude Phillips, Shawn Raney), PB representatives (Barbara Gilliland, Josh Silva), CSH (Matt McDermott), Aukahi (Lani Lapilio), facilitator (Joseph Lapilio), SHPD Burial Site Specialist (Kawika Farm), and OIBC Kona represenative (HinaleimoanaWong-Kalu).

At this initial meeting of recognized cultural descendants the format and protocol for burial treatment meetings was discussed and formalized. Discussion regarding the long-term treatment of *iwi kūpuna* led to general agreement on their treatment, including:

1) All *iwi kūpuna* will be preserved in place;

2) Each burial site will be treated in the same manner; and

3) The specifics of the burial treatment will be shared with the public at the time of the draft burial treatment plan submittal; only general information regarding burial treatment may be shared prior to this time.

May 15, 2013

A follow-up meeting for recognized cultural descendants was held on Wednesday, May 15, 2013 at Ali‘i Place. The meeting was attended by the recognized cultural descendants, HART reporesentatives (Dan Grabauskas, Faith Miyamoto, In-tae Lee, Henry Miranda, Shawn Raney, Kaleo Patterson), PB representatives (Barbara Gilliland, Josh Silva), CSH (Matt McDermott, Ena Sroat), Aukahi (Lani Lapilio), facilitator (Joseph Lapilio), SHPD Burial Site Specialist (Kawika Farm), and OIBC Kona represenatives (Hinaleimoana Wong-Kalu, Jonathan Scheuer).

Specific discussions regarding the context of each of the *iwi kūpuna* finds was accompanied by reaffirmation of the burial treatment provisions agreed to at the April 17, 2013 meeting. Regarding protection of the *iwi* within T-150, HART confirmed that the nearby sewer line will be completely encased for the 20 ft in the vicinity of the *iwi*. Similar protection measures will be implemented for the *iwi* within T-227A, with the nearby water line completely encased for 20 feet. HART also confirmed that protection of the *iwi* within T-170 during construction activity will include the encasement of the adjacent guideway column within a steel shaft so as to prevent any disturbance to the *iwi* during colum construction.

June 5, 2013

A subsequent recognized cultural descendants meeting was held on Wednesday, June 5, 2013 at Ali‘i Place. Attendees included the recognized cultural descendants, HART representatives (Dan Grabauskas, Faith Miyamoto, In-tae Lee, Henry Miranda, Shawn Raney), PB representatives (Barbara Gilliland, Josh Silva, Matt Derby), CSH (Matt McDermott), Aukahi (Lani Lapilio), facilitator (Joseph Lapilio), SHPD Burial Site Specialist (Kawika Farm), and OIBC Kona represenative (Hinaleimoana Wong-Kalu).

Discussion again confirmed the general agreements for treatment of the *iwi kūpuna* decided at previous meetings. HART representatives also informed the group that pot-holing and geotechnical boring would be necessary in order to inform the project design (utility line relocations and all guideway columns). The cultural descendants expressed concern that *iwi kūpuna* be protected during this process and that it be conducted as part of the AIS so that any human remains would be considered “previously identified.” CSH explained that this testing is not related to the AIS as the geotechnical boring needs to be done in order to design the columns. Concern was also expressed that shark and *mo‘o* (lizard or water spirit) caves may be present in the project corridor, so that the presence of water should also be tested during the geotechnical boring.

4.4 AIS Cultural Monitoring

Daniel Grabauskas, HART CEO and Executive Director, committed to the O‘ahu Island Burial Council (OIBC) on October 10, 2012, that HART would implement a cultural monitoring program immediately. This commitment resulted in HART voluntarily implementing the City Center AIS Cultural Monitoring Program on October 16, 2012. Cultural monitoring is not mandated by the project PA nor any state requirements at this time.

Once the program was implemented on October 16, 2012, cultural monitors worked in conjunction with project archaeologists on site during each test excavation. A total of 22 individuals were safety trained in order to conduct cultural monitoring. Additional individuals have expressed interest in participating in the program as the result of a notice sent to claimants/descendants, consulting parties, NHO’s and cultural groups on October 31, 2012. A project-wide cultural monitoring program is being developed by HART as a result of input received during the City Center AIS Cultural Monitoring Program. This will offer an opportunity for further participation.

A total of 1870 hours were reported by cultural monitors. Each cultural monitor filled out a daily report form. A summary table and copies of all reports are maintained by the HART. The following people were present at four of the seven *iwi kūpuna* finds:

- T-96 on 11/1/12, 11/2/12, and 11/5/12: Harry Keawe Kapu, Keali‘i Gilman, Linda Kaleo Paik, Norman “Mana” Caceres, and Paulette Ka‘anohi Kaleikini
- T-170 on 11/11/12: Deldrene Nahealani Herron, Kaeo Kapu Williams (JR), Linda Kaleo Paik, and Norman “Mana” Caceres
- T-227A on 1/13/13: Keali‘i Gilman, Linda Kaleo Paik, Norman “Mana” Caceres, and Paulette Ka‘anohi Kaleikini
- T-226C on 1/26/13: Keali‘i Gilman and Paulette Ka‘anohi Kaleikini

The cultural monitoring program was not yet in place at the time of the *iwi kūpuna* finds within T-150, T-141, and T-142 (September 12 and October 5, 2012). However, OIBC Chair Hinaleimoana Wong-Kalu made site visits to each *iwi kūpuna* find. OIBC Vice Chair Jonathan Scheuer made a visit to Test Excavation 150; and Kaleo Patterson (HART), along with soon-to-be cultural monitors, made site visits to Test Excavations 141 and 142.

4.5 Examples of AIS Consultation Among Project engineers, HART, and SHPD to Avoid Archaeological Cultural Resources

The City Center AISP (Hammatt et al. 2011) described how the AIS testing should be confined to the actual project footprint based on preliminary project design, and how the results of the AIS were to inform interim and final design. The AISP also described how, where archaeological cultural resources and/or burials were identified, immediate consultation was to take place among project engineers, SHPD, and HART to identify additional AIS testing areas, if warranted, and to potentially redesign project components to avoid archaeologically sensitive areas (refer to discussion in this volume in Section 3.1.1).

This consultation was carried out during the AIS fieldwork and proved to be effective. The two paragraphs below, with their associated figures, describe two different instances where the consultation led to additional or relocated AIS testing and how project redesign during the AIS allowed for the option of preservation in place of archaeological cultural resources and human skeletal remains.

The first example is on Halekauwila Street between Keawe and Cooke Streets, within previously documented SIHP #50-80-14-5820. The original design intent for the guideway on Halekauwila Street between Keawe Street and Coral Street was to maintain the existing 48-inch

drain line within the center of the road with straddle bent columns located within or behind the sidewalks. However, the original design was modified based on archaeological findings behind the *mauka* sidewalk (the culturally-enriched sand A-horizon and human skeletal remains documented in Test Excavations 141 and 142, part of SIHP #50-80-14-5820). As a result, a center pier design is now proposed for this area to allow the option of preservation in place for the archaeological cultural resources and human skeletal remains documented in this area in the *mauka* portion of Halekauwila Street. With this new design, the proposed pier locations will be within the footprint of the existing 48-inch drain line that runs along the center of Halekauwila Street. Relocated Test Excavations T-143 and T-145 were excavated adjacent to this drain line to explore if the new center pier locations will be viable and not disturb additional human remains. In addition, proposed street light poles along the sidewalks of Halekauwila Street between Keawe Street and Cooke Street will be eliminated; street lighting within this area will be accomplished using lighting mounted to the guideway in conjunction with existing lighting features.

The second example is on Punchbowl Street at its intersection with Ala Moana Boulevard within the City Center *makai* utility relocation corridor. In this area Test Excavation 226C documented human skeletal remains (part of previously documented SIHP #50-80-14-2918). The original design intent for the underground electrical utility on Punchbowl Street between Pohukaina Street and Ala Moana Boulevard was for the duct line to follow the centerline of the median right turn lane of Punchbowl Street onto Ala Moana Boulevard. However, in consultation with SHPD, HART, and project engineers, an additional test excavation (T-226D) was excavated adjacent to trench T-226C to explore if a new duct line alignment would be viable and not disturb additional human skeletal remains. Based on the results of T-226D (no human remains were documented) the original design was modified and a new duct line alignment is now proposed to shift northwest approximately seven ft of T-226C, so that there is the option to preserve T-226C human skeletal remains in place, if that is the treatment decision.

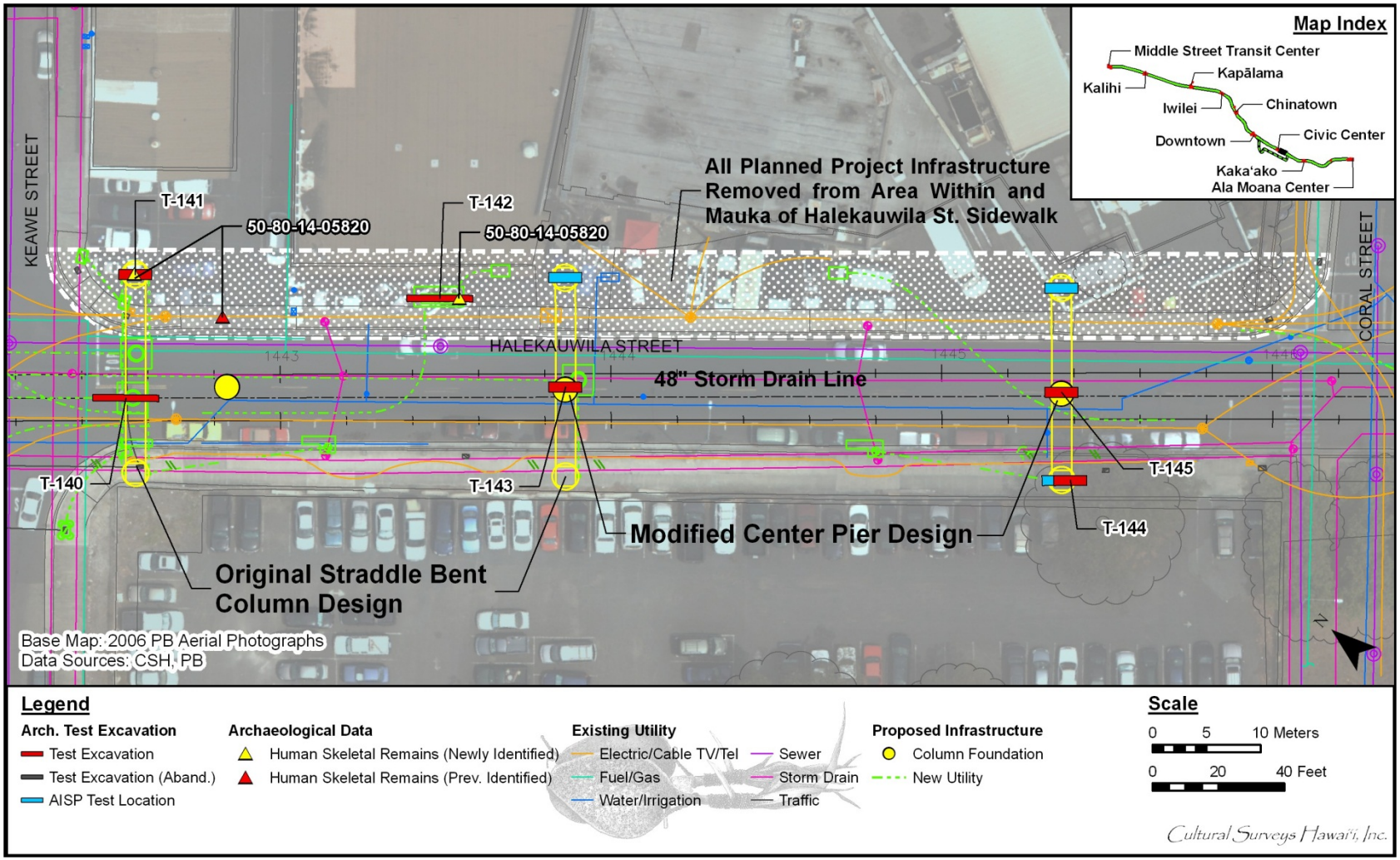

Figure 112. Compilation of original project design and revised project design, showing relocated AIS test excavations T-143 and T-145, and redesigned center columns (changed from straddle bents) in Halekauwila Street to avoid archaeological cultural resources in *mauka* portion of the street.

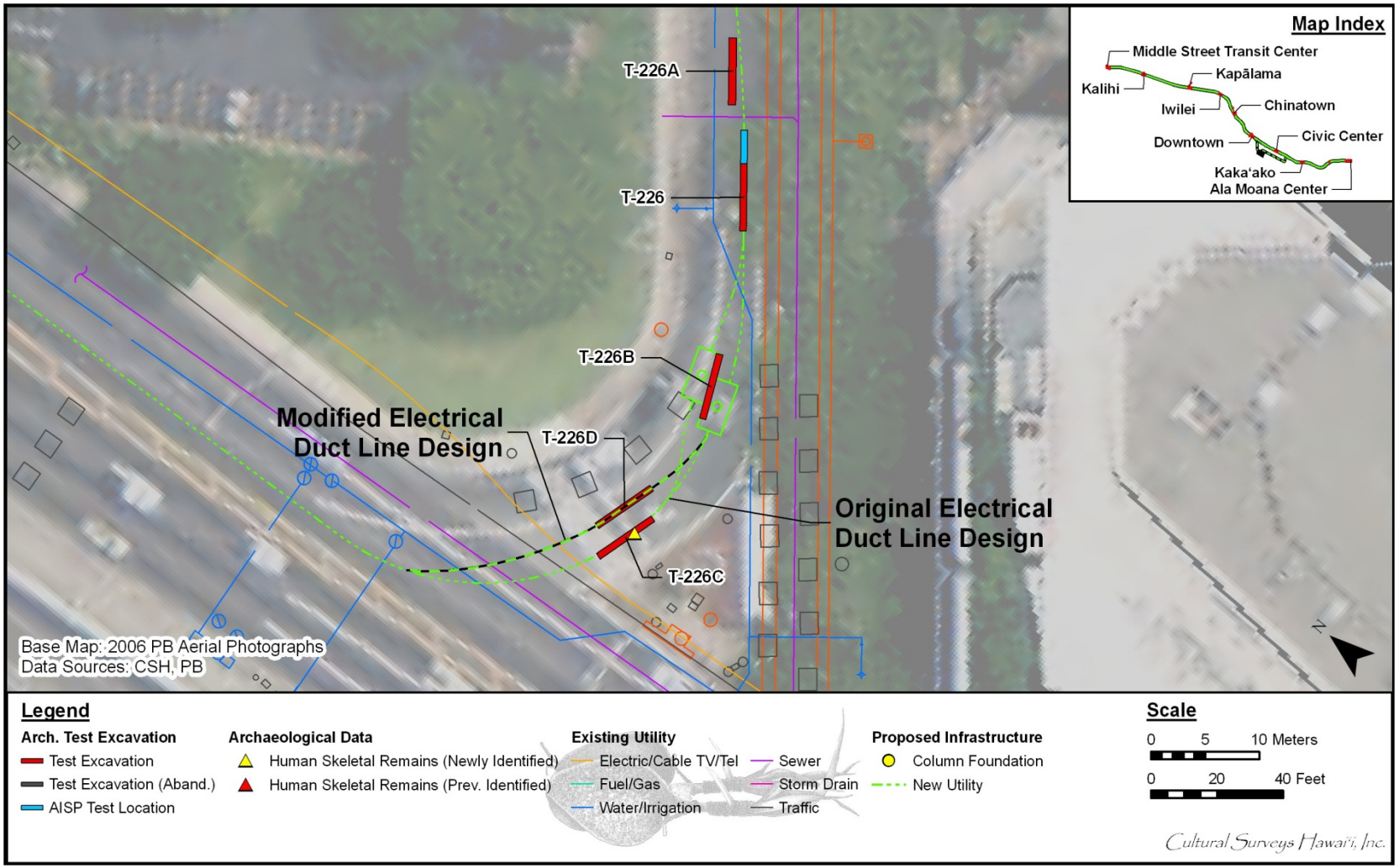

Figure 113. Portion of the City Center *makai* utility relocation corridor, at the intersection of Punchbowl Street and Ala Moana Boulevard, showing additional testing for redesigned utility duct line. The original design passes through T-226C, the redesign passed through T-226D, to allow option of preservation in place of human skeletal remains documented in T-226C