

MATT McDERMOTT DIRECT TESTIMONY

PRESENTATION HEARING

Land Block 2, Project 4 (Kalae) (KAK 22-024)

Q Please state your name, place of employment, and position.

A Matt McDermott, Principal Investigator, Cultural Surveys Hawai'i, Inc.

Q How long have you held this position?

A I started with Cultural Surveys Hawai'i in 1988. With some interruptions for research and graduate school I worked with Cultural Surveys Hawai'i until I moved to Arizona in 2002. Upon return to Hawai'i in 2004 I rejoined Cultural Surveys Hawai'i. My total time with Cultural Surveys Hawai'i is approximately 25 years, but my career in this area spans over 30 years.

Q Please describe your educational background and experience.

A Please see my resume, which is attached as an exhibit in this proceeding.

Q How have you been involved in this project, Kalae (Block B)?

A In 2012, the Howard Hughes Corporation (HHC) retained Cultural Surveys Hawai'i (CSH) to conduct an archaeological literature review and predictive model and cultural impact assessment for the entire 60-acre Ward Master Plan area.

The current Kalae (Block B) Project has undergone multiple design modifications between 2014 and 2021, affecting its historic preservation review process history. This project area has been the subject of numerous archaeological plans and reports.

Two (2) archaeological inventory survey (AIS) investigations were conducted for Block B – one (1) for Block B East and one (1) for Block B West. SHPD accepted the Block B East AIS report (Pammer et al. 2014) on October 21, 2014, and the Block B West AIS report (Sroat et al. 2017) on August 15, 2017.

Subsequently, HHC retained CSH to conduct mitigation measures for the two parts of the Block B project area. These comprised the preparation of burial treatment plans (BTPs) for human burials encountered during AIS fieldwork in both blocks, a data recovery plan (DRP) and data recovery report (DRR) for Block B East in conjunction with the adjacent Block C West, and archaeological monitoring plans (AMPs) for both blocks.

In 2022, CSH prepared a letter to SHPD that detailed the completion of Steps 1-5 of the historic review process for the Block B project. SHPD concurred with this letter on January 21, 2022.

Table 1, included below, details the types of studies conducted for the Kalae (Block B) project since 2014.

Q Please describe the archeological inventory survey (AIS) fieldwork, methods, and results.

A The Kalae (Block B) project was originally considered two separate projects, named Block B East and Block B West, and as such, was subject to two separate AIS studies. Their respective fieldwork, methods, and results are provided below.

BLOCK B EAST: AIS fieldwork, methods, and results

The Block B East project was the subject of an SHPD-accepted archaeological inventory survey plan (AISP) (Sroat, O'Hare, and McDermott 2014a). The fieldwork component of this AIS was conducted between 21 April 2014 and 16 June 2014, under the general supervision of Ena Sroat, B.A. (project director) and Matt McDermott, M.A. (principal investigator).

Fieldwork consisted of an initial 100% coverage pedestrian survey followed by a subsurface testing program. The pedestrian survey concluded that the entire surface of the project area had been modified as a result of development of the Ward Warehouse commercial complex, including significant elevation of the ground surface above the surrounding environment. As there were no surface historic properties, the archaeological inventory survey focused on the program of subsurface testing to locate any buried cultural deposits and to facilitate a thorough examination of stratigraphy within the project area. A total of 38 backhoe-assisted test excavations were completed, including both exterior (parking lot/courtyard) and interior (Ward Warehouse commercial space) locations.

In general, the stratigraphic sequence within Block B East from the present land surface to the coral shelf included the modern developed land surface and variable layers of imported fill, overlying buried historic surfaces (SIHP # 50-80-14-7658) and associated grading fill, overlying crushed coral and hydraulic (dredged) reclamation fill, overlying historic salt pan remnants (SIHP # -7655) and/or natural wetland and marine sediments.

Significant findings of the AIS included identification of five historic properties:

- 1) State Inventory of Historic Properties (SIHP) # 50-80-14-7655 consists of subsurface historic salt pan remnants, documented as laminated organic material and associated man-made berms. The historic property reflects land-use activities related to historic salt production.
- 2) SIHP # -7656 consists of a previously identified, isolated human cranial fragment located within disturbed and reworked sand.
- 3) SIHP # -7658 consists of buried historic surfaces, including asphalt, concrete, coral and tar pavement, oil-rolled surfaces, and fence-lines associated with the historic development of the project area.

- 4) SIHP # -7659 consists of the concretized Ward Estate 'auwai (ditch).
- 5) SIHP # -7660 is a historic trash fill deposit, utilized to fill in an abandoned drain line box.

BLOCK B WEST: AIS fieldwork, methods, and results

The Block B West project was the subject of an SHPD-accepted archaeological inventory survey plan (AISP) (Sroat, O'Hare, and McDermott 2014b). The fieldwork component of this AIS was conducted between 21 May 2014 and 19 March 2015, under the general supervision of Ena Sroat, B.A. (project director) and Matt McDermott, M.A. (principal investigator).

Fieldwork consisted of an initial 100% coverage pedestrian survey followed by a subsurface testing program. The pedestrian survey confirmed that no surface historic properties were present within the Block B West project area. The pedestrian survey concluded that the entire surface of the project area had been previously modified as a result of development of the Ward Warehouse commercial complex. Thus, the archaeological inventory survey focused on a program of subsurface testing to locate any buried archaeological deposits and to facilitate a thorough examination of stratigraphy within the project area.

A total of 28 backhoe-assisted test excavations were completed, including both exterior (landscaped perimeter and food court area) and interior (Ward Warehouse commercial space) locations. In general, each test excavation measured approximately 6.0 m (20 ft) long by 0.7 m (2.3 ft) wide and terminated at either the water table or coral shelf, unless obstructed by subsurface infrastructure. Due to utilities and structural obstructions the dimensions of 13 of the 28 trenches had to be adjusted: the seven test excavations within the food court area were shortened slightly to 5 m in length due to structural obstacles; five test excavations along the margins of Ala Moana Boulevard were shortened to between 3–5.5 m due to structural obstacles and utility lines; and the dimensions of the interior test excavation T-22 were adjusted to 3.0 m by 0.9 m (3 ft by 10 ft) due to spatial limitations.

The stratigraphic sequence within Block B West, from present land surface to the coral shelf, typically included the modern developed land surface and variable layers of imported fill, overlying Kaka'ako reclamation fill deposits consisting of crushed coral and hydraulic (dredged) sand and clay, overlying either post-Contact salt pan remnants (SIHP # -7655) or natural and/or redeposited sand deposits, over marine sandy clay. The post-Contact salt pan remnants were documented within the eastern/*mauka* half of the project area, while the sand deposits were documented within the western/*makai* half.

Significant findings of the AIS included identification of five historic properties:

- 1) SIHP # -7655 consists of subsurface post-Contact salt pan remnants, documented as man-made berms constructed around laminated salt pan beds, 'auwai, leveled surfaces (possible causeways), and associated cultural activity within the upper

portion of the salt pan berms, including fire features, an aquaculture feature, and human interment. Within Block B West, the post-Contact salt pan remnants were observed in the eastern/*mauka* portion of the project area.

- 2) SIHP # -7658 consists of subsurface post-Contact infrastructure remnants, including buried surfaces, building foundations, and milled wood posts.
- 3) SIHP # -7770 consists of subsurface pre- to post-Contact cultural deposits with associated features and a human burial site.
- 4) SIHP # -7771 consists of a subsurface post-Contact trash deposit.
- 5) SIHP # -7772 consists of previously disturbed, disarticulated and scattered human skeletal remains found within a fill deposit.

Q Please describe archaeological historic properties documented in the Project area.

A The following descriptions are taken from the SHPD-accepted AIS reports.

BLOCK B EAST: Historic properties

- 1) SIHP # -7655 consists of subsurface historic salt pan remnants, documented as laminated organic material and associated man-made berms. SIHP # -7655 is assessed as significant under Hawai‘i state historic property significance criterion “c” (embodies the distinctive characteristics of a type, period, or method of construction, represents the work of a master, or possesses high artistic value) and criterion “d” (has yielded, or may be likely to yield information important in prehistory or history) pursuant to HAR § 13-284-6. The historic property reflects land-use activities related to historic salt pan operations, and has the potential to offer insight into these practice.
- 2) SIHP # -7656 consists of a previously identified, isolated human cranial fragment. With direction from the SHPD History and Culture Branch and the Hawai‘i State Attorney General and in accordance with HAR § 13-300-2, any prehistoric or historic human skeletal remain which is interred, including an isolated find, is considered a burial site. SIHP # -7656 is assessed as significant under Hawai‘i state historic property significance criterion “d” (has yielded, or may be likely to yield information important in prehistory or history) and criterion “e” (historic property has cultural significance to an ethnic group, including, but not limited to, religious structures, burials, and traditional cultural properties) pursuant to HAR § 13-284-6. This assessment was based exclusively on the information it has provided and its cultural significance.
- 3) SIHP # -7658 consists of buried historic surfaces, including asphalt, concrete, coral and tar pavement, oil-rolled surfaces, and fence-lines. SIHP # -7658 is assessed as significant under Hawai‘i state historic property significance criterion “d” (has yielded, or may be likely to yield information important in prehistory or history) pursuant to HAR § 13-284-6. SIHP #-7658 has provided, and can potentially provide, additional information on twentieth century commercial infrastructure within Kaka‘ako.
- 4) SIHP # -7659 consists of the concretized Ward Estate ‘auwai. SIHP # -7659 is assessed as significant under Hawai‘i state historic property significance criterion

“d” (has yielded, or may be likely to yield information important in prehistory or history) pursuant to HAR § 13-284-6. This assessment was based on the historic property’s potential to provide information on land modification associated with the Kewalo reclamation project and subsequent urban development.

- 5) SIHP # -7660 is a historic trash fill deposit, utilized to fill in an abandoned drain line box. SIHP # -7660 is assessed as significant under Hawai‘i state historic property significance criterion “d” (has yielded, or may be likely to yield information important in prehistory or history) pursuant to HAR § 13-284-6. This assessment was based on the historic property’s potential to provide information on the urban expansion of Honolulu into Kaka‘ako.

BLOCK B WEST: Historic properties

- 1) SIHP # -7655 consists of subsurface post-Contact salt pan remnants, documented as man-made berms constructed around laminated salt pan beds, ‘auwai, leveled surfaces (possible causeways), and associated cultural activity within the upper portion of the salt pan berms, including fire features, an aquaculture feature, and human interment. SIHP # -7655 salt pan remnants were previously documented within the Block B East, Block C West, and Block I study areas. Within Block B West, the post-Contact salt pan remnants were observed in the eastern/*mauka* portion of the project area. SIHP # -7655 is assessed as significant under Hawai‘i state historic property significance criterion “c” and criterion “d” pursuant to HAR § 13-284-6.
- 2) SIHP # -7658 consists of subsurface post-Contact infrastructure remnants, including buried surfaces, building foundations, and milled wood posts. SIHP # -7658 was previously documented within Block B East and Block C West. Within Block B West, SIHP # -7658 was observed primarily along or near the perimeters of the project area.
- 3) SIHP # -7770 consists of subsurface pre- to post-Contact cultural deposits with associated features and a human burial site. SIHP # -7770 is a newly identified historic property and was documented within the western/*makai* portion of the project area.
- 4) SIHP # -7771 consists of a subsurface post-Contact trash deposit. SIHP # -7771 is a newly identified historic property, documented within a single test excavation (T-11) along the northwest boundary of the project area.
- 5) SIHP # -7772 consists of previously disturbed, disarticulated and scattered human skeletal remains found within a fill deposit. SIHP # -7772 is a newly identified historic property, documented within a single test excavation (T-20) in the southeastern portion of the project area.

Q In your professional opinion, what impacts will the Project have on archaeological historic properties?

A Ground disturbance associated with the Kalae (Block B) project construction will include demolition and removal of existing buildings and structures of Ward Warehouse

(including the at-grade parking lot in Block B West), borings related to foundation pile installation, and excavation related to the project area's development, including structural footings, utility installation, roadway and parking area installation, and landscaping.

The proposed Kalae (Block B) project has the potential to affect all historic properties identified within both Blocks B East and West. CSH's recommendation for each block is "effect, with agreed upon mitigation commitments."

Q What mitigation measures have been developed for those historic properties?

A Mitigation measures were developed separately for Block B East and Block B West. The following descriptions are taken from the respective SHPD-accepted AIS reports.

BLOCK B EAST: Mitigation measures

For the five historic properties encountered within the Block B East project area (SIHP #s -7655, -7656, -7658, -7659, and -7660), the AIS report recommended the mitigation measures of burial treatment, a data recovery program, and an archaeological monitoring program.

Burial Treatment: Per the requirement of Hawai'i state burial law, the treatment of the previously identified burial site within the project area (SIHP # -7656) was addressed in a project-specific burial treatment plan (BTP) prepared for the consideration of the O'ahu Island Burial Council (OIBC) (HAR §13-300-33). The burial treatment plan incorporated appropriate input from SHPD, the recognized cultural descendants, and the OIBC.

Data Recovery Program: In consultation with the SHPD, it was determined that an archaeological data recovery program was an appropriate mitigation measure for obtaining additional information regarding the historic salt pan remnants (SIHP # -7655) and the concretized Ward Estate 'auwai (SIHP # -7659). This archaeological data recovery program began with an archaeological data recovery plan (DRP) for the review and approval of the SHPD. A data recovery (DR) end of fieldwork letter report was later written and accepted by the SHPD.

Archaeological Monitoring Program: An archaeological monitoring program, guided by an archaeological monitoring plan (AMP), was designed to facilitate the identification and proper treatment of all historic properties (non-burial and burial) disturbed by project construction, and to enable collection of additional samples and information related to the five identified historic properties. The archaeological monitoring program included additional documentation, sampling, and analysis of SIHP #s -7655, -7656, -7658, -7659, and -7660. Jaucas sand deposits present in the *makai* portion of the project area will be fully recorded and closely examined for potential historic properties.

BLOCK B WEST: Mitigation measures

For the five historic properties encountered within the Block B West project area (SIHP #s -7655, -7658, -7770, -7771, and -7772), the AIS report recommended the mitigation measures of burial treatment and an archaeological monitoring program which included targeted data collection.

Burial Treatment: Per the requirement of Hawai‘i state burial law, the treatment of the previously identified burial site within the project area (SIHP # -7772) was addressed in a project-specific burial treatment plan (BTP) prepared for the consideration of the OIBC (HAR §13-300-33). The burial treatment plan incorporated appropriate input from SHPD, the recognized cultural descendants, and the OIBC.

Archaeological Monitoring Program: An archaeological monitoring program, guided by an archaeological monitoring plan (AMP), was designed to facilitate the identification and proper treatment of all historic properties (non-burial and burial) disturbed by project construction. This program consisted of on-site monitoring with targeted data collection, focusing on establishing the boundaries of the disturbed human skeletal remains (SIHP # -7772). Data collection consisted of exposure of the associated stratum following demolition of the commercial structures and establishment of the boundaries of this historic property (i.e. the extent of the scattered human remains). Treatment of these scattered remains proceeded under the project’s BTP.

Q: Please describe the current status of the SHPD process in this case.

A. The following documents related to the Block B project area were submitted to SHPD:

BLOCK B EAST: SHPD process

- The AISP for Block B East (Sroat, O’Hare, and McDermott 2014a) was accepted by SHPD on January 24, 2014 (Log No. 2014.00645, Doc No. 1405SL02).
- The AIS report (Pammer et al. 2014) was accepted by SHPD on October 21, 2014 (Log No. 2014.04569, Doc. No. 1410SL25).
- The BTP (Sroat and McDermott 2014) was reviewed for compliance and accepted by the SHPD on October 22, 2014 (Log No. 2014.04392, Doc. No. 1410.HR01). It was approved by the OIBC on November 12, 2014. The record of this approval and acceptance was provided by SHPD on November 18, 2014 (Log No. 2014.04396, Doc. No. 1411RH01).
- The DRP (Sroat and McDermott 2014) was accepted by SHPD on November 19, 2014 (Log No. 2014.05179, Doc. No. 1411SL21).
- The DR end of fieldwork letter (Sroat 2017) was accepted by SHPD on August 8, 2017 (Log. No. 2017.01583, Doc. No. 1708JA03)
- The AMP (Sroat, Leger, and McDermott 2014) was accepted by SHPD on November 18, 2014 (Log No: Log No. 2014.05179, Doc. No. 1411SL21).

BLOCK B WEST: SHPD process

- The AISP for Block B West (Sroat, O'Hare, and McDermott 2014b) was accepted by SHPD on May 2, 2014 (Log No. 2014.00645, Doc No. 1405SL02).
- The AIS report (Sroat, Turran, and McDermott 2017) was accepted by SHPD on August 15, 2017 (Log No. 2015.01784, Doc. No. 1708JA07).
- The BTP (Reveal et al. 2017) was reviewed for compliance and accepted by the SHPD on September 12, 2017 (Log No. 2017.01894, Doc No. 1709RKH07). It was approved by the OIBC on October 25, 2017. The record of this approval and acceptance was provided by SHPD on May 24, 2018 (Log No. 2017.01894, Doc. No. 1802RKH23).
- The AMP (Farley and McDermott 2017) was accepted by SHPD on September 2, 2017 (Log No. 2017.01895, Doc. No. 1709SH01).
- The AMR with targeted data collection (Yucha et al. 2018) was submitted to SHPD on November 14, 2018. As of this date, this report is still under review.

BLOCK B: SHPD process

- A letter summarizing the progress of the Block B project (including Block B East and Block B West) through the review process as set forth in Hawai'i Administrative Rules (HAR) Chapter (§) 13-284, required pursuant to Section 6E-42 of the Hawai'i Revised Statutes (HRS), was provided to SHPD for review. SHPD determined that the project proponent had completed Steps 1 through Five pursuant to HAR §13-284-3(b)(1-5); and SHPD concurred that the project could proceed under the 2-step verification process detailed in HAR §13-284-9(d) and with the procedures and schedule VWL has proposed to complete Step 6 (verification of completion) per HAR §13-284-3(b).

Q Please describe the cultural consultation that has occurred to date.

A Consultation has been ongoing since 2012 as part of the Ward Neighborhood Master Plan consultation effort. Consultation has involved meetings and/or correspondence with recognized Kaka'ako cultural descendants, the OIBC, the Office of Hawaiian Affairs (OHA), Hui Mālama I Nā Kūpuna O Hawai'i Nei, Ku'iwalu, the SHPD, and project proponents. Cultural consultation occurred in the following timeline:

10 July 2012: As part of the Ward Neighborhood Master Plan consultation effort, HHC coordinated an informational meeting with recognized cultural descendants for the Ward Village Shops project in order to introduce the Ward Neighborhood Master Plan, as well as present results of the recent supplemental AIS for the Ward Village Shops Phase II project (Sroat and McDermott 2012). Attendees included Kaka'ako cultural descendants (Ka'anohi Kaleikini, Keala Norman, Kepo'o Keli'ipa'akaua, and Kahili Norman), O'ahu Island Burial Council (OIBC) representative Hinaleimoana Wong-Kalu, HHC representatives (John Simon, David Striph, and Nick Vanderboom), CSH principal investigator Matt McDermott, and Ku'iwalu cultural consultant Dawn Chang. Prior to this meeting, all cultural descendants were mailed a hard copy of the archaeological literature review and predictive model study (O'Hare et al. 2012) completed for the Ward Neighborhood Master Plan as part of its historic preservation review process and as a

cultural and historical resource document. Cultural descendants were also mailed a copy of CSH's cultural impact assessment for the subject project (Cruz et al. 2012). A summary of the Ward Neighborhood Master Plan was provided by HHC Vice President of Development, Nick Vanderboom, focusing on the upcoming initial portions of the project and development of AISP for Blocks C, K, and O. Mr. Vanderboom also communicated HHC's desire to coordinate with the Office of Hawaiian Affairs (OHA) and Kamehameha Schools (KS), given their ownership of large tracts of land within Kaka'ako, and to develop cultural guidelines for the project. The cultural descendants were very supportive of the idea of incorporating *mo'olelo* (stories) of the area into the Hawaiian architecture and the use of native plants within the landscaping designs. They further suggested resource gardens where Native Hawaiians could gather native plants could be established. In terms of the project's archaeological investigations, the cultural descendants were assured that AISP and AIS investigations would be prepared and conducted for each phase of the development and that the descendants would be kept informed of Master Plan developments and archaeological investigations.

Also invited to the 10 July 2012 meeting was Mr. Manny Kuloloio, a cultural descendant of the Honolulu and Kaka'ako area. Mr. Kuloloio called Ms. Chang the following day to express his regret at being unable to attend the meeting. As a follow-up, Mr. McDermott of CSH called Mr. Kuloloio to discuss any input he might have regarding development of the Ward Neighborhood Master Plan and component AIS plans. Mr. Kuloloio acknowledged receipt of the archaeological literature review and predictive model document, but did not have any specific comments at that time.

2013: Following extensive consultation with SHPD in 2012, Matt McDermott contacted Edward Halealoha Ayau and Kihei Nahalea of Hui Mālama I Nā Kūpuna O Hawai'i Nei in order to provide notification of the upcoming projects and a scheduled consultation meeting as well as to inquire whether a representative of Hui Mālama would be interested in participating in upcoming consultation meetings. On 5 November 2013, Mr. Ayau responded that attendance at the consultation meetings would not be necessary and that alternative forms of communication would be sufficient (e.g., email, telephone, mail, Skype). On 15 November 2013, Mr. Nahalea confirmed that Mr. Ayau should continue to be the point of contact for Hui Mālama. Consultation letters concerning the AISPs and proposed testing strategies continued to be sent to Hui Mālama up until 2015 when the organization was understood to have dissolved, in accordance with the completion of its mission.

2013 to 2016: Consultation for 14 project areas of the Ward Neighborhood Master Plan was held with the SHPD, recognized cultural descendants, the OIBC, OHA, and Hui Mālama I Nā Kūpuna O Hawai'i Nei. The project areas consisted of Blocks A, B East (Ward Village Gateway project), B West, C (Anahā residential tower project), C West (Ward Village Gateway project), F, G, H, I, K (Waiea residential tower), M ('Aeo residential tower), N East, N West, and O (Kilohana residential tower). Consultation included AISP-proposed testing strategies (consultation meetings and consultation letters), updates on AIS fieldwork and/or construction monitoring, notice of and consultation for any human burial finds (Blocks A, B West, I, K, and N East), proposed

mitigation measures for historic properties identified, and the status of AIS reports submitted to the SHPD.

BLOCK B EAST: Cultural consultation

AIS fieldwork for the Block B East project area commenced on 21 April 2014. Following completion of the exterior test excavations, Matt McDermott met with Dr. Susan Lebo of the SHPD in order to provide a brief outline of preliminary results and to discuss the shifting or relocation of several interior test excavations. The proposed relocations and rationale were also discussed with recognized cultural descendant and project area cultural monitor, Ka'anohi Kaleikini, who agreed to the relocations/shifts.

On 14 May 2014, Matt McDermott also presented an overview of the Ward Neighborhood Master Plan Project's ongoing AIS fieldwork to the OIBC, including the Blocks B East, C West, and I project areas. The discussion focused on a summary of the *iwi kūpuna* (human skeletal remains) finds documented within Block I and Block B East.

On 16 June 2014, a follow-up meeting was held with families who had been previously recognized for the Ward Village Shops project. Attendees included CSH principal investigator Matt McDermott, Kaka'ako Ward Village cultural descendants (Keala Norman, Mana Caceres, Ka'anohi Kaleikini and 'ohana members), OIBC representatives Hinaileimoana Wong-Kalu and Jonathan Scheuer, and HHC representatives (David Striph, Race Randle, Nick Vanderboom, and John Simons). Matt McDermott provided a summary of the recently completed test excavation results from both Block B East and Block C West, as well as of the ongoing AIS excavations within Block I. The discussion and cultural descendants' concerns focused on the burial finds within Block I.

Following completion of the Block B East AIS fieldwork on 9 June 2014, a consultation letter was mailed to the Office of Hawaiian Affairs (OHA) on 20 June 2014. The major findings of both the Block B East and adjacent Block C West AIS investigations were provided and any comments and/or concerns requested from OHA. The consultation letter specifically noted the presence of a disturbed, isolated cranial fragment within the makai portion of Block B East. To date, no response has been received from OHA.

On 4 August 2014, a consultation meeting to discuss proposed disposition of the human skeletal remain, burial treatment, and interim protective measures was held with the project proponent (HHC) and recognized cultural descendants in order to discuss long-term burial treatment measures for SIHP # -7656. The meeting was attended by Mana and Brandy Caceres and 'ohana, Ka'anohi Kaleikini and 'ohana (cultural descendants); Nick Vanderboom, Race Randle, and David Striph (HHC); Dawn Chang (Ku'iwalu Consulting); and Matt McDermott and Ena Sroat (CSH). Recognized cultural descendant Michael Lee was invited to the meeting but was not present.

Following a short PowerPoint presentation by Matt McDermott, summarizing the Block B East AIS findings and specifically the identification of *iwi kūpuna* and the associated short-term protection measures implemented by CSH archaeological field crew and 'Ōiwi

cultural monitors, discussion centered upon whether to preserve in place or relocate the remains and what long-term protective measures to implement. While preservation in place was agreed upon as the preferred option, some concern was expressed regarding the vulnerability of the *iwi kūpuna* due to their shallow location (less than 2.5 ft below surface) and the effects of sidewalk widening and potential utility trenching. HHC clarified that utility trenching is not anticipated along the makai boundary of the project area since most utility connections are anticipated to extend mauka to Auahi Street. The main ground disturbance anticipated along the makai boundary is the diversion of the current Ward Estate concretized water channel to an open-air waterway; however, this ground disturbance will be located significantly further south than SIHP # -7656. On the other hand, the expansion of the current Ala Moana Boulevard sidewalk approximately 2 ft mauka, while it may border or potentially cover the location of SIHP # -7656, shall require only shallow ground disturbance. Concern was also expressed regarding the placement of the construction perimeter fencing posts, as the *iwi kūpuna* are located very close to the project area perimeter. Matt McDermott suggested that the posts should straddle the location of SIHP # -7656, or otherwise be deliberately placed so as to avoid the immediate area of SIHP # -7656.

Based on the above concerns, it was decided that preservation in place would be the agreed upon burial treatment for SIHP # -7655, with the proviso that the recognized cultural descendants reserve the right to reconsider the burial treatment measures for SIHP # -7656 at any time during project construction, including potential relocation. It was also agreed that the current “short-term” protection measures implemented for SIHP # -7655 be continued as part of the long-term protective measures. It was also agreed that the burial preserve area would include a very limited buffer radius and be recorded by a land surveyor and recorded with the Bureau of Conveyances.

A draft BTP was provided to Hinano Rodrigues, History & Culture Branch Chief and acting O‘ahu Island Burial Site Specialist, SHPD, for his review. In a 22 October 2014 letter Mr. Rodrigues confirmed that the document was in compliance with BTP requirements [HAR § 13-300-33(b)] and it was therefore acceptable for presentation to the OIBC for a treatment determination (either preservation in place or relocation).

On 11 November 2014, recognized cultural descendants for the project convened for a consultation meeting. In attendance were members of the Kaleikini ‘*ohana*, Mana Caceres, and Michael Kumukauoha Lee (cultural descendants); John Simon, David Striph, Nick Vanderboom, and Race Randle (HHC); and Matt McDermott (CSH). Mr. McDermott gave a PowerPoint presentation and the attendees discussed the discovery, interim treatment, and proposed permanent treatment of SIHP # -7656. All cultural descendants present at this meeting agreed with the proposed treatment of preservation in place.

At the 12 November 2014 OIBC meeting, Matt McDermott gave a brief PowerPoint presentation about the Gateway project and in particular the *iwi kūpuna* find, with Race Randle and Dawn Chang providing additional context and background. Recognized cultural descendants Ka‘anohe Kaleikini, Kala W. Keliinoi, and Michael Kumukauoha

Lee gave their support to the decision to preserve the iwi kūpuna in place, and for the OIBC to accept the burial treatment plan. A motion to preserve the burial in place was voted on and carried. In a second motion, which also was voted on and carried, the OIBC recommended that the SHPD approve the proposed preservation in place measures outlined in the BTP. The SHPD concurred with the OIBC's recommendation in a letter dated 18 November 2014.

BLOCK B WEST: Cultural consultation

On 21 May 2014, Matt McDermott of CSH provided email notification of a human burial site find, documented earlier that morning within Block B West, to the SHPD (Dr. Susan Lebo and Hinano Rodrigues), the OIBC Kona representatives (Hinaleimoana Wong-Kalu and Jonathan Scheuer), Ku'iwalu cultural consultant Dawn Chang, and HHC representatives.

In June 2014, an informational update of ongoing and upcoming Ward Neighborhood Master Plan projects, including Block B West, was provided to the HHC Block I recognized cultural descendants (who would subsequently become recognized as HHC Block B West cultural descendants). Matt McDermott of CSH provided a PowerPoint presentation covering the Phase 1 projects (Blocks C, K, and O) and Phase 2 projects (Blocks B East, C West, I, M, N East, and B West). Concerning Block B West, it was noted that three out of 28 test excavations had been completed, with one human burial site documented within test excavation T-25 (SIHP # -7770 Feature 5). A description of the burial find and its context was provided.

Between 23 May 2014 and 17 February 2015, a hiatus of AIS fieldwork for Block B West occurred and no consultation specific to this project was conducted during this time period.

On 15 March 2015, following recommencement of Block B West AIS fieldwork on 17 February 2015, Matt McDermott of CSH provided email notification of an additional human burial site find within the project area (SIHP # -7772), documented earlier that morning during night trenching, to the SHPD (Dr. Susan Lebo and Regina Hilo), OIBC Kona representative Hinaleimoana Wong-Kalu, Ku'iwalu cultural consultant Dawn Chang, and HHC representatives. A description of the burial find and its context was provided.

On 6 April 2015, another informational update of ongoing and upcoming Ward Neighborhood Master Plan projects was provided to the Block I recognized cultural descendants. Attendees at this meeting included CSH (Matt McDermott), cultural descendants (Mana Caceres, Brandi Caceres, Ka'anohi Kaleikini, and Michael Lee), OIBC Kona representative (Hinaleimoana Wong-Kalu), Ku'iwalu consultant (Dawn Chang), and HHC representatives (David Striph, Race Randle, and Nick Vanderboom). CSH provided a PowerPoint presentation covering the status of several HHC projects. Concerning Block B West, a summary of the AIS results to date was provided. The summarized potential historic properties included a post-Contact trash pit, a sand A

horizon with associated features and a human burial site (SIHP # -7770 Feature 5), twentieth century infrastructure remnants, post-Contact salt pan remnants, and disturbed human skeletal remains within a shallow fill deposit (SIHP # -7772) in a single AIS test excavation (T-20). Regarding SIHP # -7772, it was agreed that further investigation of the boundaries of the scattered human remains would be best implemented during project demolition, at which time the overlying slab could be largely or entirely removed to provide unrestricted access to the associated fill layer.

On 9 September 2015, Matt McDermott provided a PowerPoint presentation at the OIBC monthly meeting regarding the two *iwi kūpuna* finds within Block B West, their context, temporary treatment measures, and proposed burial treatment, which includes both preservation in place (for SIHP # -7770 Feature 5) and relocation (for SIHP # -7772), based on informal consultation with Block B West recognized cultural descendants.

On 21 September 2015, a consultation meeting was held for the recognized cultural descendants of Block B West. Attendees at this meeting included CSH (Matt McDermott), recognized cultural descendants (Mana Caceres and ‘ohana, Ka‘ano‘hi Kaleikini and ‘ohana, and Michael Lee), OIBC Kona representative (Hinaleimoana Wong-Kalu) and former OIBC vice-chair (Jonathan Scheuer), Ku‘iwalu consultant (Dawn Chang), and HHC representatives (David Striph, Race Randle, and Nick Vanderboom). Discussion included burial treatment measures for previously identified burial finds within Blocks A, B West, I, and N East. Regarding the Block B West previously identified burials, it was agreed that the most appropriate burial treatment consists of preservation in place for the SIHP # -7770 Feature 5 disturbed burial along Ala Moana Boulevard and relocation for the SIHP # -7772 disturbed human skeletal remains. SIHP # -7772 will be relocated to the SIHP # -7770 Feature 5 burial preserve. Disinterment of SIHP # -7772 will include investigation of the area surrounding the initial find (following building demolition) in order to determine the boundaries of the scattered *iwi* and to collect the *iwi* for reinterment. All *iwi* identified during this investigative process will be considered previously identified.

A letter was sent to OHA on 25 September 2015 that summarized the AIS fieldwork efforts, consultation record, and preliminary discussions regarding burial treatment.

On 9 February 2016, a consultation meeting was held for the recognized cultural descendants of multiple HHC projects, including Block B West. The previously identified human burial finds within Block B West and associated consultation to date were reviewed. It was noted that submittal to the SHPD/OIBC of the agreed upon burial treatment plan was contingent upon SHPD acceptance of the Block B West AIS report, currently under SHPD review.

An update of the Block B West project was provided by Ena Sroat of CSH at a Block B West cultural descendants’ meeting on 11 July 2017, including a summary of all *iwi kūpuna* finds and their proposed treatment and plans for upcoming demolition and ground disturbance within the project area. In attendance were Block B West recognized cultural descendants (Ka‘ano‘hi Kaleikini, Brandi and Mana Caceres, and Michael Lee), Ku‘iwalu

consultant (Dawn Chang), OIBC representative (Hinaleimoana Wong-Kalu), and HHC representatives (Nick Vanderboom, Race Randle, Lee Cramner, and Todd Apo). The update was also provided to the OIBC at their monthly meeting on 12 July 2017.

The draft BTP was received by the SHPD and reviewed by the History and Culture Branch Chief, Hinano Rodrigues. In a letter dated 12 September, Mr. Rodrigues stated that the draft was in compliance with HAR §13-300-33 and as such, could be presented before the OIBC for the council's determination of the proposed treatment. The following day, 13 September 2017, members of the OIBC convened for an information-sharing session at which the Block B West burial treatment plan was mentioned. As this was an informational meeting, no action was taken by the OIBC.

On 25 October 2017, Matt McDermott and Todd Apo appeared before the OIBC to discuss the draft burial treatment plan. Mr. McDermott and Mr. Apo gave a PowerPoint presentation that covered the project, the project area's historical and archaeological context, and the results of the AIS. The proposed burial treatment measures and the extensive consultation record were also reviewed. The OIBC members then voted unanimously to preserve in place the *iwi kūpuna* designated SIHP # -7770, to relocate the *iwi kūpuna* designated SIHP # -7772 to the burial preserve established for SIHP # -7770; and to accept and approve the draft burial treatment plan.

Details of the proposed burial preserve, such as the dense vegetation without signage, were acknowledged by the OIBC members at this meeting.

Table 1. SHPD-submitted archaeological documents related to the Kalae (Block B) project.

<u>Project</u>	<u>Type of Report</u>	<u>Citation</u>	<u>Log No. of SHPD acceptance</u>	<u>Date of SHPD acceptance</u>
Block B West	AISP	Sroat, O'Hare, and McDermott 2014b	Log No. 2014.00645, Doc No. 1405SL02	May 2, 2014
	AIS	Sroat, Turran, and McDermott 2017	Log No. 2015.01784, Doc. No. 1708JA07	August 15, 2017
	BTP/ BSCDRPP	Reveal et al. 2017	Log No. 2017.01894, Doc No. 1709RKH07	September 12, 2017 (compliance letter)
			Log No. 2017.01894, Doc. No. 1802RKH23	May 24, 2018 (acceptance letter)
	AMP	Farley and McDermott 2017	Log No. 2017.01895, Doc. No. 1709SH01	September 2, 2017
	AMR	Yucha et al. 2018	n/a	Still under SHPD review
Block B East	AISP	Sroat, O'Hare, and McDermott 2014a	Log No. 2014.00645, Doc No. 1405SL02	January 24, 2014
	AIS	Pammer, Sroat, and McDermott 2014	Log No. 2014.04569, Doc. No. 1410SL25	October 21, 2014
	BTP/ BSCPP	Sroat and McDermott 2014	Log No. 2014.04392, Doc. No. 1410.HR01	October 22, 2014 (compliance letter)
			Log No. 2014.04396, Doc. No. 1411RH01	November 18, 2014 (acceptance letter)
Ward Village Gateway (B East + C West)	DRP	Sroat and McDermott 2014	Log No. 2014.05179, Doc. No. 1411SL21	November 19, 2014
	AMP	Sroat, Leger, and McDermott 2014	Log No. 2014.04818, Doc. No. 1411SL19	November 18, 2014
	DR End of Fieldwork Letter Report	Sroat 2017	Log. No. 2017.01583, Doc. No. 1708JA03	August 8, 2017
Kalae (Block B) (B East + B West)	6E letter exchange	n/a	Project No. 2017PR25234, Doc. No. 2201SL01	January 21, 2022 (concurrence letter)

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