

MATT MCDERMOTT DIRECT TESTIMONY

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 my return to Hawai'i in 2004, I rejoined Cultural Surveys Hawai'i as a Project Manager and Principle Investigator. My total time with Cultural Surveys Hawai'i is approximately 24 years, but my career in this area spans nearly 30 years.

Q. Please describe your educational background and experience.

A. Please see my resume, attached as **Exhibit L-1**.

Q. How have you been involved in this Project?

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. CSH was engaged to prepare an archaeological inventory survey report and related studies and plans specific to the original Block I project area, which includes the current Ko'ula Project. This work has been underway since 2013.

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

A. Originally, HHC's Block I was a 5.1-acre (2.06-hectare) project area located within the Ward Industrial Center, bounded by Auahi Street to the southwest, Ward Theaters to the southeast, and Ward Gateway Center to the northwest. Block I sat adjacent to HHC's Block N East immediately *mauka* (inland) and Block M to the east.

An archaeological inventory survey (AIS) was carried out, with fieldwork, methods, and results reflecting the original Block I project area.

Subsequently, HHC redesigned the project area: the original Block I became location of multiple proposed projects, including the Ko'ula Project (the subject of this testimony) within the southern portion of Block I, the Central Plaza within the northwest portion, and the Block N East residential tower project which now partially extends into the northeast (*mauka*) portion of Block I.

EXHIBIT L

AIS fieldwork and methods for original Block I project area

Fieldwork was accomplished between 17 March 2014 and 2 August 2014. All fieldwork was conducted under the direction of the principal investigator, Matt McDermott, M.A. by project director Ena Sroat, B.A. and was carried out following the State Historic Preservation Division's (SHPD) acceptance of the archaeological inventory survey plan for the original Block I.

A 100% coverage pedestrian inspection was conducted within the study area in order to locate any surface historic properties. The pedestrian survey identified one surface historic property, consisting of the concretized Ward Estate *'auwai* (water channel) (State Inventory of Historic Places [SIHP] # 50-80-14-7659). The concretized water channel was observed along the length of the northwestern boundary of Block I. The remaining portions of Block I appeared to have been mechanically modified as a result of modern development.

Eighty-eight backhoe-assisted AIS test excavations were completed, including both exterior (parking lot and alleyway) and interior (commercial/warehouse space) locations. During the course of AIS fieldwork, one test excavation (T-10) was subsumed by the adjacent Block M project and was documented within the associated AIS report for that project. On average, each test excavation measured 6.1 m (20 ft) long by 0.7 m (2.3 ft) wide and terminated at the coral shelf or below the water table, unless obstructed by subsurface infrastructure--generally 1.5 to 1.8 m (5 to 6 ft) below the current land surface.

Initial excavation methods consisted of saw cutting of the asphalt parking lot surface (exterior excavations) or concrete commercial flooring (interior excavations). Removal of the underlying fill deposits was undertaken via backhoe. If non-sand natural deposits were found beneath the fill layers, mechanized excavation changed to slowly remove thin "shovel-scraped" layers of sediment in order to enhance the potential of identifying and documenting any in situ cultural remains. Cultural deposits, artifacts, and pit features found in situ were mapped in plan view and were excavated by hand. If natural sand deposits were encountered beneath overlying fill layers, excavation was conducted by hand. This hand excavation in sand deposits was specifically undertaken to identify potential burials or human skeletal remains. The sand was carefully scraped off in thin layers in order to minimize any possible burial disturbance. Only once the hand excavation through the sand deposit was completed was the backhoe's bladed bucket used to continue excavation. Within the sandy clay deposits underlying natural sand deposits, the backhoe was used to slowly scrape the deposit, with one archaeologist observing the test excavation floor and backhoe bucket and another closely observing the back dirt in order to monitor for any burials below the sand deposits. In cases where excavation was permitted in the vicinity of identified, in situ burial finds, the underlying sandy clay was excavated by hand.

The stratigraphy in each trench was drawn and photographed. The sediments were described for each of the trenches using USDA soil description observations and terminology. Sediment descriptions include Munsell color, texture, consistence, structure, plasticity, origin of sediments, descriptions of any inclusions such as cultural material and/or roots and rootlets, lower boundary distinctiveness and topography, and other general observations. Feature documentation included plan views and/or profiles, collected samples, stratigraphic descriptions, and photographs.

Photographs were taken of the general study area and in-progress work, recording on-the-job procedures, personnel, work conditions, and the area's natural and/or built environment. Additionally, all subsurface features, cultural layers, and profiles were photographed. A photographic scale and north arrow, as appropriate, were included in each photograph. Human skeletal remains were not photographed.

Human skeletal remains (*iwi kūpuna*) encountered during subsurface testing were handled in compliance with Hawai'i Revised Statutes §6E-43 and Hawai'i Administrative Rules (HAR) §13-300 in consultation with the O'ahu Island Burial Council (OIBC) and SHPD. All potential human skeletal remains were examined and identified by CSH osteologist Malina Reveal, M.Sc., and the SHPD was notified immediately of all *iwi kūpuna* finds. In cases where the physical condition of the skeletal remains made identification very difficult, an outside osteological expert, Dr. Michael Pietrusewsky of the University of Hawai'i at Mānoa's Anthropology Department, was consulted. An email summary of the find was provided to the SHPD and OIBC within 24 hours of the initial identification and documentation. Additional investigation within the vicinity of the *iwi kūpuna* was conducted only following the concurrence of the SHPD. Cultural monitors from 'Ōiwi Cultural Resources assisted in the treatment of all *iwi kūpuna* and provided cultural protocol.

The location of each of the exterior trenches and significant features was recorded using a Trimble Pro XH mapping grade GPS unit with real-time differential correction. This unit provided sub-meter horizontal accuracy in the field. GPS field data was post-processed, yielding horizontal accuracy between 0.5 and 0.3 m. GPS location information was converted into GIS shape files using Trimble's Pathfinder Office software, version 2.80, and graphically displayed using ESRI's ArcGIS 9.1. Interior trench locations were recorded using tape and compass and added to GIS data layers using geo-referenced study area maps and/or building footprint plans.

The AIS focused on archaeological historic properties and burial sites per the guidelines of HAR §13-276. The identification, documentation, and evaluation of in-use potential architectural historic properties such as historic buildings and structures was outside the scope of the AIS.

AIS results for original Block I project area

Findings for the original Block I AIS included the identification and further documentation of three historic properties: SIHP #s 50-80-14-7655, -7429, and -7659.

1. SIHP # -7655, previously identified subsurface historic salt pan remnants and associated cultural activity within the upper portion of the salt pan berms, including fire features and human interment.
2. SIHP # -7429, previously identified pre- and post-Contact cultural deposits with associated features, including human burials.
3. SIHP # -7659, the previously identified concretized Ward Estate *'auwai* (irrigation ditch).

Subsequently, HHC redesigned the Block I project area. The overall area became the location of multiple proposed projects, including a residential tower project (the Ko'ula Project, the subject of this testimony) in the southern portion. Of the three historic properties identified in the original Block I AIS, only one (SIHP # -7655) falls within the Ko'ula Project area.

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

A. One historic property, documented in the AIS study for the original Block I, falls within the Ko'ula Project area:

- SIHP # -7655 consists of subsurface historic salt pan remnants, documented as man-made berms constructed around laminated salt pan beds, and associated cultural activity within the upper portion of the salt pan berms, including fire features and human interment. SIHP # -7655 salt pan remnants were previously documented within the Block B East and Block C West project areas, located just *makai* (seaward) of Block I. Within the current study area, the boundary of the historic salt pan remnants was extended approximately 160 m *mauka*, and evidence of cultural use of the constructed salt pan berms was documented, in the form of pit features and a human burial site.

Two historic properties, documented in the AIS study for the original Block I, fall outside of the Ko'ula Project area:

- SIHP # -7429 consists of pre- and post-Contact cultural deposits with associated features, including human burials. SIHP # -7429 was previously documented to the north and south of the current study area, as consisting of a culturally enriched historic fill layer with associated features, including post molds and water channel features, overlying a natural loamy sand A horizon cultural deposit with associated traditional type pit features and an isolated human

skeletal element. The Block I AIS documented the central portion of this historic property and similarly identified both pre- and post-Contact cultural deposits with associated features. Features included traditional type pit features, fire features, post molds, isolated human skeletal elements within disturbed local sediments, and in situ human burials.

- SIHP # -7659 consists of the concretized Ward Estate *'auwai*. SIHP # -7659 was previously identified with the Block B East project area, located *makai* of Block I. During a pedestrian survey of the Block I study area, this concretized channel was observed to extend along the length of the northwestern boundary of the study area and to continue *mauka* in the direction of the Neal Blaisdell Center.

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

- A. Project-related construction activity will commence with the demolition and removal of existing buildings and structures in the overall Block I study area.

Within the footprint of the Ko'ula Project, the existing concrete building foundations and asphalt pavement will be removed following demolition of the existing superstructures. Additional ground disturbance within the project area will include 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.

Based on the results of the original Block I AIS study, the development will potentially affect the archaeological historic property (SIHP # -7655) documented in the Ko'ula Project area.

Development planned for the rest of the Block I project area will potentially affect the three archaeological historic properties identified during the AIS (SIHP #s -7655, -7429, and -7659).

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

- A. In consultation with SHPD, it was determined that an archaeological monitoring program would be appropriate mitigation for the entire Block I study area. The monitoring program would include the Ko'ula Project; the monitoring program would include the remaining portions of Block I as development proceeds into these areas.

The Block I archaeological monitoring program consists of on-site monitoring with targeted data collection. On-site monitoring will occur for all ground disturbance below the current ground surface (i.e. the current asphalt parking lot areas and concrete building foundation pads). Within the proposed Ko'ula Project area, targeted monitoring

entails gathering additional information on components of SIHP # -7655, historic salt pan remnants, including a leveled area possibly representing a causeway.

Adjacent to the Ko'ula Project area, within the Ward Neighborhood Master Plan's Central Plaza (comprising the original Block I), mitigation measures include targeted data collection, focusing on specific research objectives associated with SIHP # -7429, SHIP # -7655, and SIHP # -7659, and burial treatment measures for SIHP #s -7429 and -7655 as described in a burial treatment plan and burial site component documents.

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

A. The SHPD has reviewed documents related to the original Block I project area:

- The AIS report for the original Block I project area (Sroat, Hawkins, Burke, Pammer, O'Hare, and McDermott 2015) was accepted by SHPD in a letter dated 12 June 2015 (LOG NO.: 2015.02101; DOC NO.: 1505SL25).
- During the AIS efforts, human burials were found within the original Block I project area, but outside the Ko'ula Project area. A burial treatment plan prepared for these burials (Reveal et al. 2015) was determined to be in compliance with HAR §13-300-33, in a letter from SHPD dated 3 December 2015 (LOG NO.: 2015.03320; DOC NO.: 1512.RKH09), and acceptance of this document was indicated in an email dated 28 June 2016. Treatment of these burials was memorialized in two burial site component documents. The first (McDermott and Yucha 2016) was accepted by SHPD in a letter dated 7 September 2016 (LOG NO.: 2016.01900; DOC NO.: 1609RKH01). The second (Welser and McDermott 2017) was accepted by SHPD in a letter dated 24 March 2017 (LOG NO.: 2017.00446; DOC NO.: 1703RKH05).
- An archaeological monitoring plan for the original Block I project area (Sroat, Leger, and McDermott 2015) was accepted by SHPD in a letter dated 18 August 2015 (LOG NO.: 2015.02451; DOC NO.: 1508SL16). This monitoring plan applies to the entire Block I, including the portion now designated as the Ko'ula Project.

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

A. Cultural consultation with state agencies and cultural stakeholders is an important component of the historic preservation review process. The Block I Project's cultural consultation effort has been robust. Consultation with the Office of Hawaiian Affairs (OHA), the SHPD, the OIBC, and Native Hawaiian cultural descendants regarding the original Block I project began in 2013 and continued throughout the Block I AIS investigation in 2014. Consultation regarding treatment for burials found during the AIS took place in 2014 and 2015.

More recently in 2016, consultation with the SHPD, the OIBC, and the Block I recognized Native Hawaiian cultural descendants focused on the reconfiguration of the Block I

project area and the ramifications for mitigation, including archaeological monitoring and burial treatment implementation and documentation.

The following is a chronology of the cultural consultation process for the Block I project area:

- 8 November 2013: Consultation letter concerning the proposed testing strategy for the original Block I project area and other project areas provided to OHA, Hui Mālama I Nā Kūpuna O Hawai'i Nei, the OIBC, and the SHPD.
- 13 November 2013: Presentation to the OIBC of four proposed HHC projects, including the original Block I.
- 18 November 2013: Meeting with cultural descendants.
- 14 May 2014: Presentation to the OIBC.
- 1 June 2014: Meeting with cultural descendants.
- 10 June 2014: The OIBC recognizes Brandy Kalehua Kamohali'i Caceres and 'ohana (family) and Paulette Ka'anohiokalani Kaleikini and 'ohana as cultural descendants to *iwi kūpuna* found during the Block I AIS.
- 9 July 2014: The OIBC recognizes Michael Kumukauoha Lee as a cultural descendant to *iwi kūpuna* found during the Block I AIS.
- 29 September 2014: Meeting with cultural descendants.
- 10, 12, and 14 October, and month of November, 2014: Legal notice concerning the discovery of human skeletal remains found during the Block I AIS published in the *Honolulu Star-Advertiser* and *Ka Wai Ola O OHA*.
- 24 October 2014: Consultation letter to OHA including the results of the AIS.
- 19 January 2015: Meeting with cultural descendants.
- 11 February 2015: Presentation to the OIBC.
- 11 March 2015: Presentation to the OIBC.
- 6 April 2015: Meeting with cultural descendants.
- 8 April 2015: Presentation to the OIBC.
- 8 June 2015: Meeting with cultural descendants.
- 6 July 2015: Meeting with cultural descendants.

- 9 September 2015: Presentation to the OIBC.
- 21 September 2015: Meeting with cultural descendants.
- 9 December 2015: The OIBC votes to accept the proposed burial treatment measures for the burials found during the original Block I AIS.
- 9 February 2016: Meeting with cultural descendants, regarding the reconfiguration of the Block I and Block N East project area.
- 9 May 2016: Meeting with cultural descendants.
- 1 August 2016: Meeting with cultural descendants.
- 8 June 2016: Presentation to the OIBC.

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