

**MATT McDERMOTT DIRECT TESTIMONY**

**PRESENTATION HEARING**

**Land Block 5, Project 3 (The Launiu) (KAK 23-001)**

**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 30 years, but my career in this area spans 35 years.

**Q Please describe your educational background and experience.**

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

**Q How have you been involved in this project, The Launiu (Block A)?**

A In 2012, the Howard Hughes Corporation (HHC) retained Cultural Surveys Hawai'i (CSH) to conduct an archaeological literature review and predictive model (O'Hare et al. 2012) and cultural impact assessment (Cruz et al. 2012) for the entire 60-acre Ward Master Plan area, which included The Launiu (Block A) project area. Separately, The Launiu (Block A) project area has been the subject of several archaeological plans and reports.

An archaeological inventory survey plan (AISP; Burke et al. 2015) for Block A was accepted by the State Historic Preservation Division (SHPD) in a letter dated 29 May 2015. Archaeological inventory survey (AIS) fieldwork was conducted between 20 July and 20 August 2015 and results were included in an AIS report for the Block A project (Sroat et al. 2017) accepted by SHPD in a letter dated 18 September 2017.

Subsequently, HHC retained CSH to conduct mitigation measures for Block A. These included the preparation of a burial treatment plan (BTP) for human skeletal remains encountered during AIS field work (Welser et al. 2017) and an archaeological monitoring plan (Sroat et al. 2018).

CSH was retained by HHC to conduct archaeological monitoring for the demolition of the commercial superstructure within Block A and minor refurbishment associated with installing an interim parking lot. Archaeological monitoring of these limited ground

disturbance activities was conducted intermittently between 29 May 2018 and 2 October 2018, under the terms of the SHPD-accepted AMP (Sroat et al. 2018). An archaeological monitoring report (AMR; Sroat et al. 2022) addressing this limited ground disturbance was accepted by SHPD on 10 November 2022.

CSH also coordinated the delivery of a letter from the Hawaii Community Development Authority (HCDA) to SHPD that detailed the completion of Steps 1-5 of the historic review process for the Block A project. SHPD provided its concurrence in a letter dated 10 November 2022, the same day as the acceptance of the AMR.

Table 1, included below, details the studies and correspondence relevant to The Launiu (Block A) project since 2015.

Table 1. SHPD-submitted archaeological documents related to The Launiu (Block A) project.

<b><u>Type of Report</u></b>	<b><u>Citation</u></b>	<b><u>Log No. of SHPD acceptance</u></b>	<b><u>Date of SHPD acceptance</u></b>
AISP	Burke et al. 2015	Log No. 2015.01592 Doc. No. 1505GC04	29 May 2015
AIS	Burke et al. 2017	Log No. 2017.02003 Doc. No. 1709JA06	18 September 2017
BTP/BSC	Welser et al. 2017	Log No. 2017.02323 Doc No. 1802RKH25	24 May 2018
AMP	Sroat et al. 2018	Log No. 2017.02322 Doc. No. 1801KM17	25 January 2018
AMR	Sroat et al. 2022	Project No. 2017PR25661 Doc. No. 2210GG01	10 November 2022
6E letter exchange	n/a	Project No. 2017PR25661 Doc. No. 2211GG01	10 November 2022

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

**A** The Block A project was the subject of an AISP (Burke et al. 2015). AIS fieldwork was conducted between 20 July and 20 August 2015 under my general supervision and by Ena Sroat, B.A. (project director) and Megan Hawkins, M.A. (project supervisor).

Fieldwork consisted of an initial 100% coverage pedestrian survey followed by a subsurface testing program. The pedestrian survey confirmed there were no surface archaeological historic properties within the Block A project area and the entire surface of the project area has been modified as a result of modern development. As there were no surface archaeological historic properties, the AIS focused on a 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 39 backhoe-assisted test excavations were completed, including both exterior (parking lot/road) and interior (parking structure) locations. The test excavations were distributed across the project area in order to provide comprehensive testing coverage. On average, each test excavation measured approximately 2 ft by 20 ft (0.6 m by 6.1 m), and terminated at the upper boundary of the coral shelf.

Significant findings of the AIS included the identification of three archaeological historic properties:

1. State Inventory of Historic Places (SIHP) # 50-80-14-7579, twentieth century buried infrastructure remnants.
2. SIHP # 50-80-14-7580, subsurface cultural deposits, including associated features and human burial sites.
3. SIHP # 50-80-14-7655, subsurface post-Contact salt pan remnants.

The stratigraphic sequence within Block A consists of modern commercial surfaces (asphalt parking lot surfaces) or imported landscaping topsoil, overlying various layers of post-Contact fill (largely related to the construction of the current Ward Plaza), Kaka'ako land reclamation fill (which has been significantly disturbed by the construction of Ward Plaza), and a thin layer of locally procured sediment (sandy clay or sandy loam) overlying two distinct natural stratigraphic zones. Within most of the project area (*makai* [seaward] and central portions), a buried sand dune was documented. This sand dune contains SIHP # -7580, subsurface cultural deposits with associated features and human burials. Along the *mauka* (inland) edge of the project area, low-lying marine sandy clay deposits were documented; this low-lying area had modifications associated with salt production (SIHP # -7655).

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

**A** The three historic properties identified during the AIS in the Block A project area are as follows:

1. SIHP # 50-80-14-7579 consists of twentieth century buried infrastructure remnants. SIHP # -7579 had been previously identified within an adjacent project area and previously assessed as significant under Hawai'i State historic property significance Criterion d (have yielded, or is likely to yield, information important for research on prehistory or history), pursuant to Hawai'i Administrative Rules (HAR) §13-284-6. The Block A AIS findings support this assessment. SIHP # -7579 has provided, and can potentially provide, additional information on twentieth century commercial development of Kaka'ako.
2. SIHP # 50-80-14-7580 consists of subsurface cultural deposits, including associated features and human burial sites. SIHP # -7580 had been previously identified within an adjacent project area and previously assessed as significant under Hawai'i State historic property significance Criterion d and Criterion e (have an important value to the native Hawaiian people or to another ethnic group of the state due to associations with cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events or oral accounts—these associations being important to the group's history and cultural identity), pursuant to HAR §13-284-6. Block A AIS findings support this assessment. SIHP # -7580 has provided, and can potentially provide, additional information on pre- to early post-Contact habitation, post-Contact land use, and pre- and post-Contact burial practices and burial distribution within Kaka'ako. The human skeletal remains documented within the project area as part of SIHP # -7580 consisted of a previously disturbed, adult human maxilla fragment found in Jaucas sand (a secondary context, not the site of purposeful interment) within Test Excavation 39 in the project' areas makai/Diamond Head corner.
3. SIHP # 50-80-14-7655 consists of subsurface post-Contact salt pan remnants. SIHP # -7655 was previously identified within nearby and adjacent project areas. It was previously assessed as significant under Hawai'i State historic property significance Criterion c (embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master, or possess high artistic value), Criterion d, and Criterion e, pursuant to HAR §13-284-6. Block A AIS findings support this assessment. SIHP # -7655 reflects land use activities related to post-Contact salt pan operations and has the potential to offer additional insights into these practices, as well as cultural use of the salt pan components, including human burials.

Over the course of limited archaeological monitoring of the demolition of the commercial superstructure within Block A and minor refurbishment associated with

installing an interim parking lot, no cultural material or features related to SIHP #s -7579, -7580, and -7655 were noted within the A horizon or the underlying sand.

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

A The Block A project will consist of the construction of a high-rise residential tower with commercial space located on the ground floor. The project site is vacant, except for remnant portions of the former Ward Plaza, and a surface parking lot. Ground disturbance associated with project construction will include demolition and removal of the remnant structures and surface parking lot, 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 Block A project has the potential to affect all archaeological historic properties identified within the project area. The project's SHPD-accepted AIS report supports the project's effect determination of "effect, with agreed upon mitigation commitments."

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

A Based on the AIS findings and in consultation with the SHPD, the AIS report recommended the following mitigation measures: an archaeological monitoring program for SIHP #s -7579, -7580, and -7655, and a burial treatment program for SIHP # -7580.

**Burial Treatment:** Per the requirement of Hawai'i state burial law, the treatment of the previously identified burial site within the project area (SIHP # -7580) 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.

**Archaeological Monitoring:** 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, specifically SIHP #s -7579, -7580, and -7655. The monitoring program consists of on-site monitoring for all ground disturbance below the current ground surface (*i.e.*, the current asphalt parking lot areas and parking structure foundation). The AMP has already been used to guide limited archaeological monitoring for the demolition of the commercial superstructure within Block A and minor refurbishment associated with installing an interim parking lot. The terms of the AMP will apply to

future ground disturbance related to the construction of the Block A high-rise residential tower.

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

A The following documents relevant to Block A were submitted to and accepted by SHPD:

- The AISP (Burke et al. 2015) was accepted by SHPD on 29 May 2015 (Log No. 2015.01592, Doc. No. 1505GC04).
- The AIS report (Burke et al. 2017) was accepted by SHPD on 18 September 2017 (Log No. 2017.02003, Doc. No. 1709JA06).
- The BTP was approved by the OIBC on 20 December 2017. The record of this approval and acceptance was provided by SHPD on 24 May 2018 (Log No. 2017.02323, Doc No. 1802RKH25).
- The AMP (Sroat et al. 2018) was accepted by SHPD on 25 January 2018 (Log No. 2017.02322, Doc. No. 1801KM17).
- The AMR for project-related ground disturbance associated with the demolition of the Ward Plaza commercial superstructure and the establishment of an interim parking lot facility (Sroat et al. 2022) was accepted by SHPD on 10 November 2022 (Project No. 2017PR25661, Doc. No. 2210GG01).
- A letter prepared by HCDA summarizing the progress of the Block A through the review process as set forth in HAR Chapter (§) 13-284, required pursuant to Section 6E-42 of the Hawai'i Revised Statutes (HRS), was provided to SHPD for review. SHPD replied, in a letter dated 10 November 2022 (Project No. 2017PR25661, Doc. No. 2211GG01), that it had determined that the project proponent had completed Steps 1 through 5 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:

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 on 10 July 2012 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), OIBC representative Hinalaimoana Wong-Kalu, HHC representatives (John Simon, David Striph, and Nick Vanderboom), myself, as the CSH principal investigator, 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 then 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, I 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.

Following extensive consultation with SHPD in 2012, I 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 AISP 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.

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 between 2013 and 2016. The project areas consisted of Blocks A (Launiu), 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 (Ae'o 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.

#### **Consultation specific to the Block A Project prior to AIS fieldwork**

On 2 March 2015, an informational update of ongoing and upcoming projects was provided to recognized cultural descendants of the VWL/HHC Ward project areas. Attendees at this meeting included CSH (myself), cultural descendants (Mana Caceres, Brandi Caceres, Ka'anohi Kaleikini, and Michael Lee), OIBC Kona representative (Hinaleimoana Wong-Kalu), and HHC representatives (David Striph, Race Randle, and Nick Vanderboom). I provided a PowerPoint presentation summarizing all current and upcoming archaeological investigations for the Ward Neighborhood Master Plan area, including the Block A project area. The archaeological testing strategy for Block A was summarized with accompanying figures. No disagreement with the testing strategy was voiced.

On 27 March 2015, Ena Sroat of CSH and I met with the SHPD to review the AIS testing strategy for Block A. The testing strategy for Block A was deemed appropriate.

Consultation letters concerning the Block A AISP and proposed testing strategy were mailed to OHA, the OIBC, and the SHPD (History and Culture Branch) on 31 March 2015. No consultation letter was mailed to Hui Mālama I Nā Kūpuna O Hawai'i Nei as this organization was recently dissolved, in accordance with the completion of its mission.

Another informational update of ongoing and upcoming projects was provided to the VWL/HHC Ward projects' recognized cultural descendants on 6 April 2015. Attendees at this meeting included CSH (myself), 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). The update included a summary of the AISP for



Block A. The cultural descendants were notified that the draft AISP would be submitted to the SHPD soon.

**Consultation during and after AIS fieldwork:**

AIS fieldwork for the Block A project area commenced on 20 July 2015 and was completed on 20 August 2015. Over the course of the AIS investigation, consultation with the SHPD was ongoing, including notification of and consultation for the *iwi kūpuna* (human skeletal remains) find. Additionally, 'Ōiwi Cultural Resources LLC provided on-site cultural monitoring services for the AIS investigation. These cultural monitors were consulted throughout the project, and they assisted in the treatment of the *iwi kūpuna* and provided cultural protocol.

At the 9 September 2015 OIBC meeting, as the CSH principle investigator, I provided an update on Block A. I gave a PowerPoint presentation covering the Block A AIS, noting that fieldwork had been completed. I also described the single burial find from the project and indicated a draft BTP had been started. There was discussion surrounding how many historic properties were documented within the project area and if they were newly identified or should be added to previously identified, nearby historic properties. Dawn Chang from Ku'iwalu indicated there had been no formal recognition of cultural descendants for this project yet.

On 21 September 2015, an HHC cultural descendants' meeting was held to discuss several projects including the Block A AIS. Hinaimoana Wong-Kalu, the OIBC Kona representative, was present for this meeting, as well as Georgette (Hina's mother), Jonathan Scheuer (invited guest, former OIBC Vice Chair, and LUC board member), cultural descendants (Mike Lee, Ka'anohi Kaleikini and her nephew Pono, and Mana Caceres and his oldest son), HHC representatives (Nick Vanderboom, Race Randle, and David Striph), myself, as the CSH principal investigator, and Ku'iwalu cultural consultant Dawn Chang. For the Block A AIS, I explained the results of the AIS investigation. The single burial find (SIHP # -7580 Feature 29) was described, and the cultural descendants were asked about their treatment preferences; they indicated preservation in place.

OHA was notified of the Block A AIS results in a consultation letter dated 24 November 2015 (via email and post). The consultation letter included a brief summary of the Block A project and all historic properties identified within the project area (SIHP #s -7579, -7580, and -7655), including proposed burial treatment for the *iwi kūpuna* find within SIHP # -7580.

A legal notice concerning the discovery of human skeletal remains within the Block A project area was posted within the *Honolulu Star-Advertiser* statewide newspaper on 20, 22, and 25 November 2015. In addition, notification of the *iwi kūpuna* finds was printed within the OHA monthly newsletter, *Ka Wai Ola*, in the December 2015 issue (see Appendix B).

An update for the project was provided at an 11 July 2017 cultural descendants meeting and a 12 July 2017 OIBC meeting, including details on the AIS results and the single burial find. The ideal outcome of preservation in place was mentioned as part of the update.

Burial treatment options were again specifically addressed at a 2 October 2017 cultural descendants meeting at which the Block A recognized cultural descendants were all present: the Kaleikini 'ohana (family) and the Caceres 'ohana. The cultural descendants confirmed preference for preservation in place. It was agreed that the temporary burial treatment measures completed as part of the AIS would remain as permanent treatment measures. Discussion also focused on establishment of a burial preserve area with a 2-3 ft radius and surface treatment. Agreed upon surface treatment consisted of potential landscaping with native and/or Hawaiian plants within the burial preserve area. No surface signage or rock walls/fencing were desired.

On 11 October 2017, members of the OIBC met for an information-sharing session. At this meeting, I again presented the results of the Block A AIS along with details of the SIHP # -7580 Feature 29 burial site find and a summary of the proposed burial treatment agreed to at the recent cultural descendant meeting. On 25 October 2017, the OIBC met. At the meeting, Todd Apo (Howard Hughes Corporation) and I presented the project, the AIS findings, and a summary of the burial encounter and proposed treatment. There were no comments or questions from the OIBC.

On 20 December 2017, I appeared before the OIBC to present the draft BTP for the council's discussion and vote. I presented a PowerPoint that contained a project overview, a brief summary of the AIS results, and a description of the *iwi kūpuna* fragment that was the subject of the draft BTP. I also addressed the proposal to preserve in place this burial and outlined the proposed burial treatment measures. The OIBC members voted as follows:

1. To preserve in place the *iwi kupuna* designated SIHP #50-80-14-7580; and
2. To recommend that SHPD approve the draft BTP.

## **REFERENCES CITED**

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