



Vision Statement:

Kawaiaha'o Church

*Honor God,
love one another and
make disciples.*

*E Ho'omaika'i i Ke Akua,
E Aloha Kekahi i Kekahi ame
E Ho'ohaumana.*

June 19, 2009

Ms. Laura H. Thielen, Chairperson
Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, HI 96813

Subject: Historic Preservation Divisions Review
Kawaiaha'o Church Multi Purpose Center
Honolulu Ahupua'a, Kona District, Island of O'ahu
[TMK: (1) 2-1-032:017]

Dear Chair Thielen:

On behalf of Kawaiaha'o Church, we would like to express our sincere appreciation for the courtesies and cooperation extended by your staff to assist us in proceeding in a sensitive and legally compliant manner to respectfully disinter human burial remains within Kawaiaha'o Cemetery. This process will permit us to resume construction on the very important and much-needed Multi Purpose Center (MPC). We will be working directly with Department of Health (DOH) to obtain the disinterment permit.

On Tuesday, June 16th, representatives of Kawaiaha'o Church met with Pua Aiu, Administrator for the State Historic Preservation Division (SHPD), Nancy McMahon, Branch Chief of Archaeology, and Randy Ishikawa, Deputy Attorney General, to discuss the specific SHPD permit conditions set forth in your June 11, 2009 letter. This letter seeks to confirm our mutual understanding of the implementation of the permit conditions in the five phases.

Phase I – Consultation

- 1) Kawaiaha'o is in the process of scheduling separate meetings with the Na Iwi Committee (NIC) and congregation and convening an eighth Kahea (or call) to the families who have burial plots in the proposed areas of construction. Kawaiaha'o will include this documentation in the final report.
- 2) Kawaiaha'o shared a draft of the public notice with the SHPD staff, who had no objection to the draft notice. The draft follows the form of Nawiliwili public notice and the previous Kawaiaha'o public notices. We will be publishing the notice in a newspaper of general circulation and in the Office of Hawaiian Affairs (OHA) publication *Ka Wai Ola*. Kawaiaha'o will include in the final report the public notice and affidavits from the newspapers confirming the publication. Attachment A is a copy of the public notice.
- 3) Kawaiaha'o has begun gathering historical documentary research for the project and will include that in the final report.

- 4) Pursuant to discussion with SHPD, although we will be including all requested information in the final report, we will provide SHPD an advanced copy of some of the historical documentation and maps. It was also agreed that information and reports will be directed to Nancy McMahon. We understand that any information provided to SHPD will be considered public records and available for public review.

Phase II – Low Impact

- 5) It is our understanding that the purpose of using the ground penetrating device (GPR) was to detect human burials to ensure they are respectfully disinterred. Kawaiaha‘o has decided to excavate the entire proposed construction site to a depth of four feet to ensure that all human burials are removed from the construction site and to ensure that the site is clear of all burial remains. Pursuant to this determination, SHPD and Kawaiaha‘o agreed that there was no need for additional GPR on the site. Since there will be no additional GPR conducted on the site, there was no need for a publication of the GPR survey results. However, SHPD feels very strongly that there should be full public disclosure of all burial remains disinterred from the cemetery and believes that regular updates at the publicly held O‘ahu Island Burial Council (OIBC) meetings should provide public disclosure, as well as an opportunity for the public, including family members, to ask questions.

Phase III – Sub-surface

- 6) Since Kawaiaha‘o will be excavating the entire site, permit condition #6, related to hand excavation, was slightly amended. SHPD agreed on the following process, subject to further modification, if necessary:
- Cultural Surveys Hawaii (CSH) proposes to methodically excavate one row at a time to keep the soil on site. The approximate dimension of each row will be 4 to 6 meters wide and 8 to 12 meters long; however, the dimension may be adjusted depending on field conditions, safety concerns, and other constraints at the project area. It is estimated this process will take between one to three months to complete;
 - CSH may initially use light equipment to scrape off the overburdened soil (provided the blade is either a flat blade or the blade teeth are covered) either to four feet or until they find evidence of a burial pit or bone fragments which may be at a shallower depth;
 - CSH may use a backhoe to remove sediment that has already been sorted or screened for bone fragments;
 - Once the archaeologist perceives evidence of a burial, he will use hand excavation and carefully remove all human remains;
 - In the event bone fragments are discovered, the archaeological monitor shall define the extent of the bone scatter and screen the soil to gather all bone fragments;
 - CSH shall initially mark some of the GPR anomalies once the overburdened soil has been removed to confirm the accuracy of the GPR and the findings shall be included in the weekly archaeological monitoring report submitted to SHPD. There may be a 2 to 4 working day lag time to submit the weekly reports for the previous week to get all the required field documentation assembled;
 - SHPD requested that test screening of the soil be done periodically to develop a pattern;
 - Kawaiaha‘o may request modification of any of the conditions should information on the field indicate a preferred alternative method of excavation;
 - CSH will have a qualified osteologist on site who will record, to the extent possible, age, sex, ethnicity and stature of any burial remains discovered, and this information shall be included in the weekly archaeological monitoring reports;
 - Kawaiaha‘o requested that the condition related to the storing of all human remains in cardboard boxes be amended to permit Kawaiaha‘o to follow the NIC burial protocols. While SHPD’s

initial reaction was to defer to the NIC's burial protocol, they would like to review it first and if they have any objections will so notify Kawaiaha'o. Attachment B is a copy of the NIC burial protocols.

- 7) Once all of the excavation and disinterments have been completed in Phase III, Kawaiaha'o shall submit to SHPD and DOH a memo or report, documenting that Phase III has been completed. The memo will summarize the archaeological monitoring work completed to date.
- 8) With respect to a permanent reinterment site within the Kawaiaha'o cemetery, Kawaiaha'o explained that it is the role of the NIC to make an appropriate recommendation on a permanent reinterment site to the Kawaiaha'o Board of Trustees for its approval. The development of the reinterment site will involve consultation with possible descendants and the church congregation, as well as the NIC. SHPD was satisfied with this internal process. Once a reinterment site has been identified and an appropriate plaque and wording determined, this information will be forwarded to SHPD.

Phase IV – Construction

- 9) While Kawaiaha'o anticipates all human burials should have been effectively removed from the cemetery site prior to construction, an archaeological monitor shall be on site during construction in the event human burials or bone fragments are discovered. Any human burials discovered during construction will be removed under HRS § 6E-41. Upon receipt of the disinterment permit from DOH, SHPD will consider permitting portions of the construction project, specifically installation of the waterline from King Street to Kawaiaha'o Sanctuary and the installation of the HECO utility along Mission Lane. SHPD has asked the Attorney General's Office to research whether these permit conditions would apply outside of Kawaiaha'o cemetery or if any burials discovered outside of the Kawaiaha'o cemetery would fall under HRS § 6E-43.6 as inadvertently discovered human burial remains. Kawaiaha'o also requested the use of the "Queen Street Lot" for temporary storage of material from the Likeke Hall construction site. Before materials are placed on the surface the contractor will place steel plates to protect the ground. SHPD had no objection to the temporary storage site.
- 10) A separate archaeological monitoring report shall be submitted for the archaeological work completed under HRS §6E-41, disinterments from a cemetery.
- 11) A separate archaeological monitoring report shall be submitted to SHPD for the inadvertent burials discovered to date in the utility trench and the portions under the Likeke Hall foundation. This report may be referenced in the final report. The final report should note there are two monitoring reports for this site, one prepared under HRS §6E-41 for the cemetery disinterments under DOH and another under HRS §6E-43.6 for the inadvertent human burial remains under SHPD. The statutory reference of HRS §6E-42 should have been HRS §6E-43.6. Although SHPD gave permission to disinter all the inadvertently discovered burials, Kawaiaha'o clarified that Burial # 13F will remain in place as the contractor was able to preserve the burial in the side wall with a steel plate to protect it. A metal detector can be used to locate the burial if required in the future since a metal plate is adjacent to the burial. Burial #23 is still in place as Lani Ma'a Lapilio is consulting with the family who has a burial plot in this location; however it is SHPD's preference that all burials be removed from the foundation of Likeke Hall.

Phase V – Burial Treatment

- 12) The final report will include all the requested information, including all documentations for Phases I – IV. SHPD suggested we review the report prepared for the Nawiliwili cemetery as guidance for the

final report. SHPD requested the report be submitted within 180 days after all construction work has been completed. It was agreed that once all construction has been completed, Kawaiaha'o will prepare a new metes and bounds survey map, carving out the removed portion of the cemetery and comply with the law to remove the cemetery designation for the portion the cemetery where the MPC building and utilities have been installed.

This has been an extremely difficult situation for Kawaiaha'o Church, the congregation, and the families. We have greatly appreciated the sensitive nature and manner that the State has demonstrated in trying to find the *pono* solution for this very challenging situation. Should you or your staff have any questions, please do not hesitate to contact us.

Me Ke Aloha,



Don Caindec
Kawaiaha'o Church
MPC Project Manager



Frank Pestana
Chairperson
Board of Trustees

Attachments

C: Alvin Onaka, Department of Health
Lisa Ginoza, First Deputy Attorney General
Pua Aiu, Administrator, SHPD
Nancy McMahan, SHPD
Randall Ishikawa, Deputy Attorney General
Dawn N.S. Chang, Ku'iwalu

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that an application has been made with the State of Hawai'i Department of Health for the disinterment of unidentified human graves without claims of lineal descent interred at the Kawaiaha'o Church and Cemetery located at 957 Punchbowl Street, Honolulu, Hawai'i, TMK: 2-10-32-017:0000 in Honolulu Ahupua'a, Kawaiaha'o, Kona District, O'ahu. All interested person are hereby requested to contact Lani Ma'a Lapilio at (808) 596-8166 no later than 30 days from the date of this notice.

Kawaiaha'o Church, through its Board of Trustees, is planning to erect a Multi-Purpose Center (MPC) on the present site of the administrative office building and the social hall, known as Likeke Hall and install necessary underground utilities. In 1940 during the construction of Likeke Hall, an effort was made to relocate burials discovered in this area, also known as Section B of the Cemetery. There are 20 burial lots (Lots 15 – 34) in Section B and the lot numbers are registered in the names of: Mary Adams, Kinipeki, Mrs. Holstein, David Kanuha, Heu, J. Moanauli, Kekuahanai, Waiwaiole, G. Wessel, Mauiawa, Kamaka, Kuhiaopio, Wm. Buckle, Pilali, J. Kapena, Kapi'olani Estate and Widow of S. Metcalf.

The following list of names are individuals whose relocation from Section B of the Kawaiaha'o Church Cemetery was already accomplished in 1940 as necessitated by the construction of the administrative offices and Likeke Hall: Alexander Auld Jr., Alexander Auld Sr., Edith Auld, James Auld, Samuel Auld, Mr. Caesar, Mrs. Kaanaana Caesar, Abigail K. Drew, Elizabeth Duarte, Baby (Wise) Glosstein, Ella Lois Hayselden, Bernice Kanani Holstein, Herman Holstein, Mrs. Rebecca Holstein, Mrs. Annie Kakananui, Kawelo Kakananui, Alfred Kanuha, Mary Kamaka Kapahu, Noah Kauhane, Priscilla Kauhane, S. Kinipeti, Awa Koulukou, Nancy Lahapa, Baby Lowell, Hannah Maughn, Mrs. E.R. Mauiawa, E.K. Moanauli, J. Moanauli, J.W. Moanauli, K. Moanauli, S.M. Moanauli, Elizabeth Moss, Naope, George Norton, Angeline Palea, Louisa Pohano, Julia Punohu, Kalua (Baby) Purdy, Kalua Purdy, William (Baby) Purdy, George Shaw, Kaluahinui Purdy Shaw, Lahela Shaw, Toma, Anna Wessel, Nancy Wirt, John Wise Jr., John Wise Sr., and Lois Wise. In addition to these known individuals, there were other unidentified individuals that were removed from Kawaiaha'o and some were relocated to other cemeteries.

Frank Pestana
Chairperson, Board of Trustees, Kawaiaha'o Church



Kawaiaha'o Church Multi-Purpose Community Center
Na Iwi Committee
Procedures for Discovery and Handling of Iwi

MĀLAMA ALOHA NĀ IWI A ME 'UHANE NĀ KŪPUNA O KAWAIAHA'O
Care with Aloha the iwi and spirit of the Kawaiaha'o Kūpuna

POLICY

It is the policy of Kawaiaha'o Church to exercise and maintain the highest level of integrity and respect to mālama aloha the iwi and 'uhane of all kūpuna at Kawaiaha'o Cemetery. Dedicated in 1842 the first priority of Kawaiaha'o Church is to Christian protocol. Kawaiaha'o Church respects the rights and wishes of the 'Ohana and claimants of the iwi to exercise reinterment options, Hawaiian or otherwise, with Christian Protocol. This policy is intended to reflect the recommendations of the landowner of this property, being Kawaiaha'o Church, with respect to the proper treatment of all human burial remains that may be encountered on the Kawaiaha'o property (including off site property that may be developed) during the design and construction of any activity, such as the Multi Purpose Center Project.

PURPOSE

The Nā Iwi Committee (NIC) is a standing committee established by the Kawaiaha'o Church Board of Trustees. It shall be the role of the NIC to develop appropriate burial protocols and policies to ensure proper procedures for the handling and care of 'iwi discovered during any Kawaiaha'o Church related activity. These burial protocols and policies shall be established with the utmost cultural sensitivity and particular attention to the Native Hawaiian host culture and mutual respect of Christian practices. All procedures shall be in accordance with Hawaii Revised Statutes (HRS) Chapter 6E (State Historic Preservation Burial Laws), Chapter 321 (Department of Health) and Chapter 441 (Department of Commerce and Consumer Affairs) or as otherwise agreed upon with these respective agencies, in consultation with legally recognized lineal and cultural descendants.

DISCOVERY & HANDLING PROCEDURES

- **Legal Requirements for proper treatment of the discovery of human burial remains.**
 1. Unmarked previously identified human burial remains (those found during archaeological inventory survey, i.e. during pre-construction activities) at any site, other than a known, maintained, actively used cemetery pursuant to HRS § 6E-43(a) shall be made by the Oahu Island Burial Council, in consultation with legally recognized lineal and cultural descendants and interested parties, pursuant to HRS §6E-43.5(f);
 2. Unmarked inadvertently discovered human burial remains (those discovered during archaeological monitoring, i.e. during construction activities) at any site, other than a known, maintained, actively used cemetery pursuant to HRS §6E-43(a) shall be made by the State Historic Preservation Division pursuant to HRS §6E-43.6; and
 3. Human burials remains discovered within "cemetery property" as defined in HRS §441-1 shall be made by the Department of Health pursuant to HRS §321-11(7)

- **Cleaning:**

The NIC recommends the following protocols with respect to cleaning of iwi:

 - The iwi should not be washed although there are some native Hawaiian cultural practitioners that permit the washing of iwi;
 - The iwi should be brushed of dirt with a soft but firm brush; and
 - The sprinkling of salt water and the burning of dried 'olena bark for purification is appropriate.

- **Wrapping:**

The NIC recommends the following materials that may be used to wrap the iwi;

 - Hawaiian Kapa, Samoan, Tahitian and Tongan white tapa;
 - White muslin;
 - White silk; and
 - Unbleached muslin.

- **Ties:**

The NIC recommends the use of sennit made from either of these sources;

 - Aha or coconut sennit preferably made by volunteers from the congregation; and
 - Sennit from the South Pacific Islands, such as Samoa, Tahiti and Tonga.

- **Lauhala Baskets and/or mats:**
 - The NIC recommends a lauhala basket or mats as an appropriate container or receptacle for the iwi.
 - The temporary placement of iwi in a plain brown paper bag is acceptable for short periods.

- **Mutual Respect 'ohana and native Hawaiian practitioners:**
 - The NIC recognizes that family members and other native Hawaiian cultural practitioners may have other appropriate protocols for the handling and care of their iwi and will defer to those family protocols with respect to the proper care and treatment of their iwi, provided that such protocols are not disrespectful of Christian traditions.

TEMPORARY CURATION & PROCEDURES

The NIC recommends that a secured area or temporary storage container be located on site for the temporary curation of iwi, in coordination with the contract archaeologist as approved by State Historic Preservation Division (if required).

- **Temporary Storage Container:**
 - The container should be kept in a secured room or container that is not accessible to the public or unauthorized persons;
 - The container shall be of sufficient size for the comfortable placement of any human remains that may be discovered;
 - The container need not be air-conditioned however a stable and cool atmosphere is recommended; and
 - The container should be placed where the contents will not be overly exposed to the elements and kept safe from possible vandalism.

- **Temporary Curation Procedures:**
 - After the iwi is cleaned, wrapped, tied and contained, the iwi should be appropriately identified, however, at no time shall the iwi itself be marked, tagged, written upon, or any other markings be placed upon the iwi;
 - The identification shall be cross-referenced with (1) a written log of the iwi and (2) separate identification tag that shall be secured inside the lauhala basket or on the outside of the basket, but the identification shall be clearly visible to permit easy accessibility; and

- o The lauhala basket shall be respectfully placed within the container with the proper identification attached to it.

RE-INTERMENT OR PERMANENT DISPOSITON

The Kawaiiaha'o Church recognizes the lawful authority of State Historic Preservation Division, Department of Land and Natural Resources, and the Department of Health, in consultation with Kawaiiaha'o Church, 'ohana and legally recognized lineal and cultural descendants of the iwi as having the authority to decide upon the permanent disposition of any iwi discovered during a Kawaiiaha'o activity.

- **'Ohana and Lineal and Cultural Descendants**
 - o Kawaiiaha'o Church recognizes that the legal, familial members of the descendant of the deceased shall be given preference over cultural descendants. Descendants must be able to prove legal relationships and satisfy the legal recognition process under Chapters 6E and 321 and its respective administrative rules;
 - o Kawaiiaha'o Church will provide assistance to families of descendants who request permission to relocate any iwi discovered during a Kawaiiaha'o activity with processing a relocation permit to the Department of Health or establishing lineal decendency with the State Historic Preservation Division; and
 - o If no family member or cultural descendant to the iwi can be legally established, the NIC of Kawaiiaha'o Church, in coordination and consultation with the appropriate state agency, will recommend appropriate permanent reinterment.
- **Re-interment on Church Grounds**
 - o It is the belief and understanding of Kawaiiaha'o Church that iwi found within the church's cemeteries were intended to be buried there (whether in a marked grave site or unmarked in a family burial plot) and should remain within the boundaries of Kawaiiaha'o Church property or its related cemeteries;
 - o Kawaiiaha'o Church, therefore, desires to make available its Church cemeteries as a permanent reinterment for any iwi discovered during any activity specifically on Church grounds, if space is available, subject to the approval of the Board of Trustees, legally recognized descendants of the deceased, if any, and SHPD and/or DOH, as appropriate;
 - o Kawaiiaha'o Church shall consider all other options, including the establishment of a tomb or columbarium on site; and
 - o Kawaiiaha'o Church shall consider appropriate permanent reinterment site for any iwi discovered off site during construction related activities.
- **Ceremonies or other cultural practices**
 - o Kawaiiaha'o Church is founded on Christian beliefs, however, due respect shall be afforded all other burial cultural ceremonies and practices.

Summary of Kawaiaha'o Church










Nā Iwi Procedures

This is a summary of the disinterment process Kawaiaha'o Church will use when nā iwi are uncovered. This process is designed to be consistent with Federal and State law, Hawaiian cultural practice, and the values of Kawaiaha'o Church. There are opportunities within these procedures for 'ohana to participate.

Archaeologist	An onsite archaeologist will be present during construction. Construction is expected to occur Monday – Saturday.
Contractor	When iwi are found, work will stop in the immediate area and protective fencing will be placed around area.
Archaeologist	Archeologists will notify parties in accordance with on-site burial protocol checklist.
Kawaiaha'o Church Officiate	Blessing will be done over the iwi kūpuna after discovery.
Archaeologist	As iwi are disinterred, they will be separated, placed on a tray, covered, and tagged, then placed in the designated storage area.
'Ohana	At this point, the authorized representative of the 'Ohana may wrap and prepare the iwi for storage.
Kawaiaha'o Church	If 'Ohana is not available to prepare the iwi for storage, a representative of Kawaiaha'o Church will prepare the iwi. An ID tag will be placed inside and on the lauhala basket.
Kawaiaha'o Church	The lauhala basket will be placed within a locked cabinet, in a locked caged area, within a locked room in a temperature controlled location.
Kawaiaha'o Church	Nā iwi kūpuna as well as the project and those involved will be held in prayer by the prayer circle until they are re-interred and the project completed.

Nā Iwi Committee Members

The committee members are all volunteers who give of their time and talents in the conviction of making pono, all that we can for the iwi kupuna of Kawaiaha'o with spiritual, cultural respect and sensitivity.

	<p>Kanoe Cazimero, Past Secretary, Chair Client Associate, Perigon Wealth Management Church member Ka'ahumanu Society Prince Kuhio Hawaiian Civic Club</p>		
	<p>Alan Kaopuiki Past Chair 2005 Business Owner/Partner Lael Totika Interiors Royal Order of Kamehameha</p>		<p>Kaipo Kanahale Church member Mo'olelo Hawai'i Spiritual & Cultural Guidance Pearl Harbor Hawaiian Civic Club</p>
	<p>Kai Markell OHA Policy Advocate Native Hawaiian Rights, Land & Culture Native Practitioner Host: Na Oiwi Olino, People Seeking Wisdom AM940</p>		<p>Watters Martin Entrepreneur – Hawaiian Collectibles Church Member Sons & Daughters of Hawaiian Warriors Kamamakakaua Prince Kuhio Hawaiian Civic Club</p>
	<p>Cultural Anthropologist, Cultural Surveys Hawaii Hawai'i Office Kumu Hula Mo'olelo Hawai'i Protocol Practitioner Spiritual & Cultural Guidance</p>		<p>Nanette Napoleon Cemetery Consultant Author, Writer, Researcher, Recorder</p>
	<p>Jim Steele Entrepreneur Church Member Web Site Consultant</p>		<p>Tin Hu Young Church Member Church Archivist</p>

Not pictures are Claire Steele, Church Member, Film Documentary Coordinator and Puanani Tilton-Matsumoto, Church Member, Ohana to na iwi kupuna.