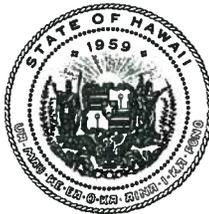


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

HISTORIC PRESERVATION DIVISION
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

OAHU ISLAND BURIAL COUNCIL MEETING

MINUTES

DATE: Wednesday, June 13, 2012
TIME: 10:00 am
PLACE: **DLNR Board Room, 1151 Punchbowl Street, Honolulu Hi 96813**

I. Call to Order/Roll Call/Opening Pule

The Meeting was called to order at 10:25 am. Chair Kalu said the Pule

II. Introduction of OIBC council members, SHPD staff

The Council Members introduced themselves by way of a roll-call. The following were present:

- Chuck Ehrhorn, Large Landowner
- Jonathan Scheuer, Vice Chair, Kona District
- Hinaleimoana Kalu, Chair, Kona District
- Shad Kane, Ewa District
- Pokii Magallanes, Waianae District
- Dana Holck, Large Landowner
- Steve Hoag, Large Landowner

The following SHPD staff were present:

- Pua Aiu, Administrator
- Deona Naboa, Oahu Assistant Archaeologist.

III. Opening remarks by OIBC chairperson

The Chair welcomed everyone back after their long absence, went over the kuleana of the council and the purpose of the meeting and introduced herself.

IV. Approval of OIBC Meeting Minutes

Approval of the January 11, 2012 minutes was unanimous. **Kane/Ehrhorn**

V. New Business

a. Report by Pokii Magallanes re: activity near Kamaileunu Heiau, Kamaile Ahupua'a, Waianae TMK (1) 8-5-002:022

Discussion/Recommendations

Pokii Magallanes, Waianae District representative reported that he had been called by concerned community members regarding grubbing and grading near Kamaileunu Heiau. He visited with Nona to review the history of the area and did a site visit. There was also a report of iwi fragments, but the SHPD archaeologist who went to the site was unable to locate any iwi. Magallanes had also received a recent update from Landon Ornellas that the City and County had ordered a cease and desist because they were operating without proper permits and no further heavy operations have occurred since then.

The landowner is the Boken family trust and some other land owners. Magallanes said things were okay for now and no further follow up was needed. Hina requested AG provide some guidance on how much jurisdiction the OIBC has in a case such as this.

b. Kalia-Fort DeRussy Sewer Improvements, TMK (1) 2-6-005:001 (por). Kalia Road, Paoa Place.

Information/Discussion/Recommendations

Presentation by Hilton Hawaiian Village, US Army Garrison Hawaii, the City and County of Honolulu, Dept. of Design and Construction, Group 70 and Cultural Surveys Hawaii.

Scheuer recused himself because his wife works for Group 70.

Lani Maa opened the presentation and introduced the rest of the team: Steve Jacobsen (Hilton Worldwide), Jeff Overton (Group 70), Kawika McKeague (Group 70), Richard Davis (Army), Michael Eliot, Matt McDermott (Cultural Surveys Hawaii), Lisa Kimura (City).

S. Jacobsen reiterated Hilton's commitment to Kalia, to the Hawaiian culture, and to working with the recognized descendents. He noted that Hilton accepts its responsibility for the land and he looks forward to working with everyone on this project.

Jeff Overton presented the project, which a sewer improvement project on Kalia Road and Ala Moana Blvd that will upgrade sewer pipes in the area. The project is a condition of the Planned Development Resort permit approval for improvements to the Hilton property. This is a significant improvement because of the high density in the area. Both a State and a Federal EA will be required. The borings that they will do to locate utilities will require a 106 consultation. Other parts of the project will also require a 106 consultation, but they will come in separately for those items.

Overton noted that these are long linear alignments so there is not much flexibility to move the project around cultural resources. He also noted that the corridor is heavily disturbed but there is still a high potential for finding iwi.

Matt McDermott gave an overview of the geography and historic use of the area. He noted that this area was heavily used by native Hawaiians and a variety of archaeological

types, including fishponds, habitation sites, and burials have been found in this area. Also, because the area has been in continuous use historic remnants, such as pottery shards and glass are also found. He noted that both 6E and 106 compliance will be required. Also, in the event that iwi are found, NAGPRA will be triggered.

McDermott noted that because NAGPRA will be triggered if burials are found on Federal lands, they would like to create a "Plan of Action" under NAGPRA. They would like an agreement with the burial council that would allow the Plan of Action to apply to City lands.

There was a discussion between Mr. Kane and Mr. Davis as to why Fort DeRussy is being referred to a part of "Garrison" Hawaii. Davis noted that the reference is to Fort DeRussy being part of Army Garrison Hawaii, and not necessarily a garrison in its own right.

Holck asked if the 2002 alignment study is available to be shared. McDermott responded that it is available at the SHPD office.

Chair asked that the military history of the site be agendized at the next meeting.

The Chair noted that Kawika McKeague, former OIBC chair was in the audience and is working on this project as a part of the Group 70 team. She noted that it is his kuleana to use his position to speak up for the iwi, and she thanked Group 70 for having people like Kawika on staff.

Public Comment:

Kaonohi Kaleikini asked if the 16 inch sewer pipe (which currently crosses Fort DeRussy, and will be abandoned after the upgrades) will be removed or capped. Overton responded that it will be capped and left in place. The 12 inch pipe along Kalia will also be capped. However, the existing laterals will have to be reconnected.

Dana Hall asked if the soil borings are considered an inventory level survey. She also asked how the borings will be conducted. Overton responded that they will do pre-probes that have no auger and are less likely to disturb burials. Borings will go down 11-12 feet. The Inadvertent discovery plan McDermott raised is applicable to the borings, but there will be another 106 for the sewer line.

Hall asked "Why adopt an inadvertent discovery plan if the project is not on Federal Lands?" Since 6E-8, for state lands, 6E-42, for private lands and 106 are all triggered, any plan will need written concurrence from the DLNR.

It was also asked if they are doing the soil borings in order to determine alternatives to open trenching. Jacobsen said that Hilton had explored different technologies (such as pipe forcing and micotunneling), but because of the age of the system, those alternatives were dropped. While micro-tunneling along Kalia is a possibility, it requires large entry and disposal pits that ultimately require more ground disturbance than the sewer lines themselves. Thus, micro-tunneling is seen as a less attractive alternative, especially since the staging area is particularly sensitive. In addition, micro-tunneling would require a series of "poke and route" probes that would disturb the first 4 feet of soil. Hall agreed that all of the different options would need to be weighed.

As there were no other comments the chair noted that the council looks forward to supporting the project as long as the descendents are supportive. She noted that so far they have supported the project.

**c. Possible burial at Kunia. Report to Council from *Sheila Valdez*, community member. Kunia, Ewa, Oahu, TMK (1) 9-2-004:005 and 9-2-004:013
Information/Discussion**

Sheila Valdez introduced herself and reported that 5 acre farm lots are being created in Kunia and that grading and grubbing is going on without a preservation plan. She alleged that sites are being destroyed and produced pictures for the Burial Council. She noted the following:

1. There is an AIS from 2010, and an AIS from October 2012. Apparently SHPD has not reviewed either. SHPD acknowledged that it has not received the 2012 AIS.
2. She had consulted with Cultural Surveys Hawaii (CSH) during its Archaeological Reconnaissance Survey, but has not consulted with them after the survey.
3. She found an additional burial site that the owners said they would preserve but she has not seen a preservation plan.
4. She noted that the flatlands had already been disturbed by former agricultural activities, but now they are leveling the valleys and covering resources as they try to create more flatlands.
5. She also believes that they are mining pohaku.
6. There is a site with a number -6459, but they are working around it with no preservation plan and she is afraid it will be destroyed.
7. She noted that there is another pohaku that she believes is sacred and they are planning to build a reservoir close to that pohaku. She has recently visited the area and the pohaku has been moved.
8. She also noticed that the machine operator who moved the pohaku was injured when his machine turned over. He was in the hospital for 10 days.
9. Another site that they believe is a religious shrine needs to be protected.
10. Information about the sites is not shared with her.

SHPD noted that they have been working on the allegations provided by Ms. Valdez, but as there are multiple landowners, and they have not received the AIS, they are running into difficulties untangling the different threads of these projects. Also noted that City and County had said they were grading and grubbing without a permit.

Scheuer asked what Ms. Valdez was requesting of the council?

Chair Kalu noted that the council could provide guidance so that she would have more leverage to protect these sites. She suggested the following:

- Keep the council members informed and work with Mr. Kane, who is the area representative.
- Follow up with SHPD and complete any paperwork that they need.

She also requested AG assistance with this project.

Kane noted that the bigger challenge is that this area is slated for the Waianae by-pass road. Ehrhorn noted that there are multiple violations on this property. Kalu asked Ehrhorn and Kane to follow up via e-mail with Ms. Valdez.

Public Comments:

Hall said that she will talk to Ms. Valdez later. She asked if the burial was found during archaeological monitoring. Ms. Valdez said, "yes." Her group had found the burial and reported it to the monitors.

Kane asked if there was any information about the trail in Pohakea. Valdez said there wasn't, but that they are bulldozing roads parallel to Pohakea Pass. She noted that a lot of sites are being destroyed by 20-40 foot roads.

The council requested that SHPD contact DPP and ask for a cease and desist. Kalu suggested that Valdez contact KITV. Hall noted that SHPD has the power to ask for a cease and desist because of the burial.

Robert Olivera Jr., who is a UH Student said that he had called in the burial. He has several concerns about the reconnaissance survey and noted that there are many possible burial sites in the report. Cultural advisors and practitioners have noted other burials and are requesting further study. He also noted that a TCP had been done for the area, and he would like the council to consider doing additional studies. Kalu suggested that the burial council do a site visit.

Paik noted that SHPD could go up and verify the SIHP site, since it has not yet been verified because SHPD does not have a report.

Council requested further follow up from SHPD on this item.

d. Informational update and consultation on the Ward Village Shops Phase 2 Project. Ahupua'a of Waikiki, Kona District, Oahu, TMK (1) 2-3-005:013 through 017. Information/Discussion

Presentation by The Howard Hughes Corporation and Cultural Surveys Hawaii

Nick Vanderboom (Howard Hughes Corporation) thanked all the people who have worked on this project, and for their help in getting the Howard Hughes Corporation to understand the project. Mr. Vanderboom had a PowerPoint with graphics that were projected on the large screen for everyone to see.

Matt McDermott gave a brief history of the development of this site. He noted the preservation plan for the burials has been implemented. The original project was designed to take up the whole block. After the burials were found, the project was redesigned into a Phase I and Phase II development. Phase I is complete. Phase II is consistent with the old design but somewhat different. Exhibit 3 showed the underlying soil and McDermott gave a brief summary of the archaeology of the site. The redesign, which takes the archaeology into account, has shallower pile caps that have less disruption. Overall there is a 93% reduction in impact (graphic shown).

This presentation had been provided to the descendants who had requested additional testing (around March 7). On March 27 the Archaeological Inventory Survey Plan was submitted to SHPD and was approved. Archaeological testing is now complete. No burials were found. However, an old cultural surface with historic artifacts was found. The AIS will be submitted to SHPD soon, and they hope to begin construction in 2 months.

The council had no comments.

Public Comments:

Hall found the presentation refreshing and congratulated HHC on its focus on solutions and consultation with the descendants. She asked if the data recovery area will be preserved or are they still reserving the right to data recover and then build on that area? Vanderboom noted that the descendants have said they do not want that area disturbed and so the conveyance documents will note that the area is not to be disturbed in perpetuity.

Kalu requested that Councilmember Scheuer be added to the list of consultants. She noted that she agreed that the data recovery area should not be disturbed and she is confident that HHC has made a good faith effort to follow the descendants request.

Paik noted that in 2006 she was one of only 3 council members who voted to leave the iwi in place and now they have all been put back in place anyway. She wanted to thank HHC publicly for their good work.

e. Informational update and consultation on data recovery component for a burial site at Mauna Lahilahi Cultural Garden Park. Makaha, Waianae, Oahu TMK (1) 8-4-001:008, 009 Information/Discussion

Presentation by Steve Clark of Pacific Legacy

Mr. Clark was traveling and had asked to be put on the agenda next month.

Kalu asked if Magallanes, as the council member from that district had a report. He noted that he has been keeping tabs on the project. They are working with PCSI to reinter iwi to the sand dune. The challenge is to figure out a way to preserve the sand dune, which is being eroded. He will provide an update at the next meeting.

f. Burial Treatment Plan for the Hau'ula Community Park Wastewater System Reconstruction Project, Hau'ula Ahupua'a, Ko'olauloa District, O'ahu Island (TMK: [1] 5-4-009:007 por.) Information/Discussion

Presentation by Cultural Surveys Hawaii

Matt McDermott provided an overview of the project history. There was a need to update the wastewater system using the existing infrastructure because of the lack of space. This is to upgrade the comfort station at Hauula community park which is a very popular park. The Current system will need to be upgraded with leach fields.

Four coffin burials and one flexed burial were found during the course of an Archaeological Inventory Survey. They are difficult to preserve in place because this is

the only area where there is adequate soil percolation for the leach fields. Going further mauka would require a much larger footprint and therefore more excavation. So the Burial Treatment Plan proposes relocation to a place more mauka, away from the main activities of the park. The plan proposes a subsurface crypt (sides, no bottom), but the crypt could be above ground in a mound, if the burial council prefers. Although a subsurface crypt would cause more disturbance, that route was chosen so as to have a burial site that would not draw attention to itself. They have consulted with the Hauula Community, lineal descendants of the area, and Cy Bridges. No one has come forward as either cultural or lineal descendants to these burials.

Hoag asked is there a home next to the proposed burial treatment area? He noted it seems like a good area as it is somewhat isolated. He noted that Uncle Cy had expressed that this is a community park and that had weighed in the decision to move forward.

Kalu noted that because this is a wastewater/sewer facility, consideration was given to moving the burials. Other options, which may have allowed the burials to remain in place, would have significantly more ground disturbance. Removal was the most reasonable option because of sewage needs and community needs.

Ehrhorn asked if the coffins can be removed. He also agreed that this is an important project but would like the relocation area to be closer to the original site. Scheuer wanted some assurance that there would be no further disturbance.

McDermott noted that the coffins had disintegrated and nothing was left but the stain on the soil. If the iwi are kept close to their current location, there may be some risk of disturbing additional burials. Moving the iwi further mauka, out of the jauca sand should help. He also noted that they could make a mound, but the decision to put the burial below ground was to draw the least amount of attention to it, since it is in a park. Their main concern was to put the burials in a place where it is unlikely that they will be disturbed, both with regard to the public who use the park and with regard to future projects.

Kalu noted that this project is about wastewater management and keeping the iwi close to their original location would not be good. All options have been vetting in the meetings that CSH has had. She noted that she is in support of moving the burials to the proposed relocation site.

Hoag noted that a mound is not a good idea. He said if he was ten year old with a bike at a community park, the mound would make a very good place to jump his bike off if he didn't know what it was.

Kalu asked people to send their comments to Matt McDermott.

There were no public comments.

The Chair asked if the Rapid Transit Item (Old Business, Item c) could be moved up because they needed to leave. Everyone Agreed.

Old Business

c. Update from Hawaii Authority for Rapid Transit (HART) regarding the Honolulu Rapid Transit Corridor Project for the areas of Honouliuli, Ho‘ae‘ae, Waikele, Waipi‘o, Waiawa, Manana, Waimano, Waiiau, Waimalu, Kalauao, ‘Aiea, Hālawā, Moanalua, Kahuiki, Kapālama, Nu‘uanu, Pauoa, Makiki, and Waikiki Ahupua‘a.

Discussion

Faith Miyamoto, Dawn Hegger, and Paul Cleghorn represented the project.

Matt McDermott provided an update on the AIS activities:

1. AIS for Phases I and II have been approved.
2. Monitoring for Phase II has been approved.
3. Construction will start in about two months.
4. Next week they will start on the Airport trenches (Phase III).
5. In Phase IV they have completed 60/240 trenches. So far they have found an imu deep in alluvial deposits in front of the prison (OCCC). They also found a coral shelf along Dillingham Blvd, which was unexpected. It's a shallow shelf, 2-3 feet, so that accounts for the lack of finds in this area.
6. The city posts weekly updates to the cultural descendents and other stakeholders.

Kalu noted that the council maintained a task force to keep up with the meeting. So far, only she has been attending and she asks that other members please volunteer and participate. She believes that more people can better address the council concerns at these meeting. Scheuer volunteered. Miyamoto noted that he is already on the mailing list.

Cleghorn introduced himself as the kako`o. His job is to ensure that the consulting parties have every opportunity to consult, and to ensure that information is provided to consulting parties.

Public comments:

Kaleikini asked if the test sites are in significant areas. McDermott noted that they took all the background research and did a predictive model. They are also sticking to the project footprint, so they are testing in the touchdowns, the station footprints and in the proposed utility trenches. There are 232 test locations and more are possible.

There were no other comments from the public or the burial council.

The council then went back to the Items as listed in the Agenda.

New Business

**g. Courtesy Consultation for the Waimānalo Bay Beach Park Wastewater Reconstruction Waimānalo Ahupua‘a, Ko‘olaupoko District, Island of O‘ahu
TMK: [1] 4-1-015:015 por.**

Discussion/Recommendations

Presentation by Cultural Surveys Hawaii, Kennedy/Jenks Consultants, City and County of Honolulu

Don Hiramoto gave an overview of the project. It is located at Sherwood Forest and is under the responsibility of the City's Department of Parks and Recreation. Right now there is a badly deteriorated sewage system that is dysfunctional. The City currently hires a contractor to pump the 3 comfort stations on a regular basis. Plan is to convey sewage to an existing gravity line on Kalaniana'ole Hwy.

John Honda, of Kennedy Jencks Design (Project Contractor) noted that the project is still in the preliminary design phase. They are planning new pump stations at each of the 3 existing comfort stations. He went over the details of the plan using a map that council members could see.

David Shideler (Cultural Surveys Hawaii) noted that the area was a part of Bellows Field and was fairly well developed. There were also substantial alterations during the transfer from the Federal Government to the State, and then from the State to the County. They have done 6 excavations and 4 additional test pits. They found evidence of massive disturbance. Two isolated iwi in a disturbed context were found. Shideler noted that it is likely that this is the type of find they will see for this project because of the massive disturbance. He noted that although the two isolated finds are technically within the jurisdiction of SHPD, despite being found during an AIS (they do not meet the definition of a burials site), SHPD had asked CSH to consult on the finds. He noted that in the past, only Kealoha Kuhea and Eddie Ayau have come forward to claim a relation to burials found in this area. There is a potential for the iwi to stay where they are. He also noted that there is a 1980 Bellows reinternment at this park.

There were no comments from the Council.

Public Comments

Hall disagreed that SHPD has jurisdiction.

Kalu asked that the AG come to the next meeting.

There were no further comments.

VI. Old Business

a. Informational Update on Archaeological Inventory Survey for the International Market Place Re-development Project, Waikiki, Kona, Oahu, TMK (1) 2-6-022:036, 037, 038, 039 & 043 Information/Discussion

Presentation by Aukahi, LLC and Cultural Surveys Hawaii

Lani Maa Lapilio and others represented the project.

David Shideler outlined the project and the project area. He noted that there were a total of 67 test excavations. Three SIHP sites were found. The AIS is currently under review. The three sites are: 1) a cultural layer in the Miramar lot, 2) hotel infrastructure, 3) Minimum number of three individuals. There are intact kupuna plus fragments. The iwi remain in the ground. They also found evidence that this is an area of fishhook manufacture. A large glass flake and flake tools were found, as well a fishhook made of human bone, and bone fragments that appear to have been in stages of preparation for

making fishhooks. They have had discussions with descendents and have published notice of human burials found. It is likely that they will propose to leave all the burials in place.

There were no comments from the Council or the Public.

b.Kawaiaha'o Church Multi-Purpose Building Renovation Project Update, Honolulu Ahupua'a, Kona District, Island of O'ahu. TMK (1) 2-1-032:017 Discussion

There was no official representation.

Michael Lee requested that the letter from OHA regarding Mr. Lee's request to do borings to test whether or not there are underground caverns at the Kawaiaha'o site be acted on. Mr. Lee argued that once the site is decertified as a cemetery, then the council has jurisdiction. Mr. Lee is telling them that there are burials located in underground caverns and therefore they are required to act to protect his interests. Mr. Lee suggested that the Council ask OHA to fund the borings. He said that if caverns were found, then they could proceed accordingly, and if caverns were not found, then nothing was lost.

Scheuer took the chair at the request of Kalu. There was much discussion in which the council supported the idea that if there is a chance there are burials under its jurisdiction there was concern, but also concern that it may not be their jurisdiction to request or require boring, they asked SHPD to research the possibility of caverns under Kawaiahao. Aiu stated that while this is a reasonable request, she doesn't have enough staff to get back to the council by the next meeting.

Public Comments:

Kaleikini asked if there was a timeline for decertification. As no one was representing the church, there was no response.

Hall noted that Kawaiaha'o is supposed to be holding open consultation and that they do not provide information. However, SHPD gets the information and should be providing it to the OIBC. She noted that almost 500 burials have been disinterred.

Kane left at 2:50. Quorum maintained.

Hall read section of the law regarding preservation in place. One thing that could help the council is asking SHPD for consultation on the utilities. Fire, water, electricity and phone lines still have to be installed. She also opined that the discussion on the karst system is off-base. They should gather available information first.

Hoag left at 2:50. Quorum was lost. The next meeting is on July 11.

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