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

HISTORIC PRESERVATION DIVISION  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**MINUTES**  
**OAHU ISLAND BURIAL COUNCIL MEETING**

**DATE:** Wednesday, October 10, 2012  
**TIME:** 10:00am  
**PLACE:** Department of Land and Natural Resources  
Kalanimoku Building-Board Room  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

**ATTENDANCE:**

**Members:** Hinaleimoana Wong-Kalu, Chair  
Jonathan Scheuer, Vice-Chair  
Steve Hoag  
Pokii Magallanes  
Danna Holck  
Shad Kane  
Aaron Mahi  
Kali Fermantez

**Staff:** Kawika Farm, Burial Sites Specialist  
Susan Lebo, Archaeologist  
Deona Naboa, Archaeologist

**Absent:** Charles Ehrhorn Excused

**Guest:** Michael Lee  
JR Keonekapu Williams  
Joshua Rnera  
Steve Kieras  
Fransico Gutierrez  
Dawn Chang  
Niro Schultz  
Les Goya  
Dawn Hegger  
Z Aki  
Pono Kealoha  
Kekaimalino Kaopio  
Kao Kapu  
Tiffany Hill  
Chris Monahan  
David Shideler  
Coroell Lietz  
Terry Fitzgerald  
Umi Sexton  
Kawika Mckeague  
Kaleo Paik  
Kanaloa Koko

Onaona Maly  
Haaheo Guarez  
Matt McDermott  
Monu Mook  
Lance Parker  
Watson Yoshimine  
Mark Muramoto  
Hal Hammatt  
Dan Grabauskas  
Faith Miyamoto

Kepa Maly  
Paula Akana  
Richard Davis  
Nalani Wilson-Ku  
Natalie Kiehm  
Alan Hinahara  
Michael Kawaharada  
Kamuela Kalai  
Kaleo Patterson

## **I. CALL TO ORDER**

The Oahu Island Burial Council (OIBC) chair, Hinaleimoana Wong-Kalu called the meeting to order at 10:06am.

## **II. ROLL CALL/PULE**

OIBC members; Elton Magallanes, Shad Kane, Danna Holck, Jonathan Scheuer, Steve Hoag and Kali Fermantez introduced themselves. From the State Historic Preservation Division (SHPD); Kawika Farm, Deona Naboa and Susan Lebo introduced themselves. Wong-Kalu asked Hoag to give the *pule wehe*. Fermantez gave a brief background on himself and was grateful for the opportunity to serve on the OIBC. OIBC members welcomed Fermantez to the council.

## **III. APPROVAL OF MINUTES**

**August 8, 2012**

**September 12, 2012**

Approval of September's minutes was deferred until the next OIBC meeting.

**Scheuer moved and Holck seconded to approve the minutes of August 8, 2012.**

**VOTE: Motion carried.**

## **IV. NEW BUSINESS**

**A. Department's Recommendation to Recognize Moani Umiaimoku Kaleikini, Mahiaimoku Kekaulike Kaleikini, Moehonua Keaweamahi Kaleikini and JR Keoneakapu Williams as Cultural Descendants to Unidentified Native Hawaiian Burials Found at the International Market Place Project, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: 2-6-022:036-039 & 043.**

**Discussion/Determination:** Discussion and determination to recognize above individuals as cultural descendants to unidentified native Hawaiian burials at above project.

**Scheuer moved and Hoag seconded, "the Oahu Island Burial Council recognizes Moani Umiaimoku Kaleikini, Mahiaimoku Kekaulike Kaleikini, Moehonua Keaweamahi Kaleikini and JR Keoneakapu Williams as cultural descendants to unidentified native Hawaiian burials found at the International Market Place Project, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: 2-6-022:036-039 & 043."**

**VOTE: Motion carried.**

**B. Burial Treatment Plan for the Hauula Community Park Wastewater System Reconstruction Project, Hauula Ahupuaa, Koolauloa District, Oahu Island, TMK: 5-4-009:007 por.**

**Discussion/Recommendation/Determination:** Discussion of above plan and council's *determination* on whether or not to preserve in place or relocate human skeletal remains. Discussion of above plan and council's *recommendation* to State Historic Preservation Division on whether or not to approve above plan.

Matt McDermott of Cultural Surveys Hawaii (CSH) said the burial treatment plan (BTP) has been before the council numerous times and was currently up for determination. McDermott gave the council two handouts which he explained and a brief background of the project area. McDermott said four burials were identified during the archaeological inventory survey (AIS), one pre-historic flex burial and three historic coffin burials. McDermott said the BTP proposed relocation of the burials and CSH was before the council seeking their approval.

Fermantez wanted to know if any descendants were identified and part of the consultation process. McDermott said CSH posted a public notice and spoke with community associations from the area and no one came forward seeking recognition as a descendant. Fermantez wanted to know if the area proposed for relocation had burials. McDermott said there was no way to know for sure if more burials would be encountered, but based on the archaeological work CSH did and observed through monitoring, McDermott thought the potential to encounter more burials were minimal.

Wong-Kalu wanted to know what kind of budget the City and County of Honolulu had allocated for construction of the preservation area. McDermott did not want to speak for the city but thought things could be worked out. Wong-Kalu asked CSH to continue consultation with both of OIBC's Koolau representatives.

Kaleo Paik a member of the community wanted the OIBC to strongly consider preserving the burials in place and ask the city to look for alternatives. Paik said families from Hauula have been recognized as descendants in the past and wanted to know if those families have been consulted with.

Kamuella Kalai also wanted to know if families from the area have been consulted with. Kalai also wanted the burials preserved in place.

McDermott said part of the process for preparation of the BTP involves a search for descendants. CSH posted a legal notice in the paper, had a meeting with the Hauula Community Association and placed a flyer in the Hauula Elementary School news letter. McDermott said CSH consulted with Cy Bridges and the parties he recommended. To date, no one has come forward seeking recognition as a cultural descendant. McDermott said the burials were also proposed for relocation because they are in an area that will have sewage improvements. McDermott said Bridges favored relocation given the nature of the construction project that would be near the burials if preservation in place.

Kanaloa Koko claimed to have genealogical ties to the area and wanted to be consulted as a cultural descendant.

The council discussed deferring the agenda item until the next OIBC meeting in order to get a better understanding from the city regarding what alternatives if any exist and what type of budget has been allocated for preservation of the burials covered in the BTP.

Farm advised the council the matter was up for determination which started the 45 day clock the OIBC had to make a determination. Farm said that if the OIBC did not render a determination by their November meeting, then the proposed treatment for the burials in the BTP will be granted.

Scheuer also wanted representatives from the city to attend the next OIBC meeting to address concerns. Scheuer suggested the matter be deferred until the next OIBC meeting. Holck agreed with Scheuer.

Farm cautioned the council that if quorum is not met at their next meeting, the proposed treatment of the BTP by default will be granted.

Hoag suggested CSH make another attempt to consult potential descendants from the area.

**Scheuer moved and Mahi seconded, “to defer this item to our next November meeting.”**

**VOTE: All in favor.**

**Motion carried.**

**C. Draft Burial Treatment Plan for SIHP 50-80-14-7308 at the International Market Place Re-Development Project, Waikiki Ahupuaa, Honolulu (Kona) District, Island of Oahu, TMK: 2-6-022:038.**

**Information/Discussion/Recommendation:** Introduction, discussion and recommendations on the above plan.

Lani Maa Lapilio the cultural consultant of Aukahi introduced Steve Gierse the developer, Les Goya the landowner and David Shideler the lead archaeologist for the project. Gierse was committed to doing the right thing and consulting with all the appropriate parties.

Kane thank Shideler for the historical content within the BTP and thought the information was one of the best plans he has read as a member of the OIBC.

Scheuer was concerned the amount of trenching for the project may not be adequate, but felt the amount of consultation with descendants helped to mitigate the situation. Wong-Kalu also appreciated the amount of consultation representatives of the project had with descendants. Wong-Kalu supported the BTP.

Williams thanked the project representatives for their consultation efforts.

Koko said he is an heir to Queen Emma, the property and a cultural descendant.

**D. Ala Moan Center Ewa Expansion Project, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: 2-3-038:011.**

**Information/Discussion/Recommendation:** Discussion of above project and possible council recommendations.

Dawn Chang the cultural consultant for the project introduced Francisco Guterrez a representative for the developer and Chris Monahan the project's archaeologist. Guterrez said there are plans to renovate Ala Moana and expand the Sears side of the mall.

Monahan of CSH said a lot of archival research was done for the project. Monahan said CSH research indicated the vast majority of the area was used as saltpans. Monahan went over some other historic uses of the area and went over maps obtained through CSH's research of the area. Monahan said CSH did five test trenches and did not find any jaucus sand. Monahan thought majority of the area contained fill.

Kane said it was important to identify where the fill material came from. Guterrez thought most of the fill originated from early dredging work in the area. Chang said there was information which led the project to believe a lot of the fill material came from construction of the Alawai Canal and Ala Moana Beach Park.

Chang said the project has sent out letters to recognized descendants of the area inviting consultation and have also consulted with some recognized descendants. Chang said no burials have been identified to date. Chang said archaeological testing strategy has been developed in consultation with SHPD and descendants.

Scheuer wanted to be sure adequate testing occurs at the project area and feels most projects in general do not excavate enough test trenches. Chang said CSH has developed a strategic testing method based on consultation and research as opposed to randomly placing trenches.

Williams suggested the project continue with consultation efforts and the proposed AIS.

Koko claimed to be a cultural descendant to the area and wanted to be kept abreast on matters pertaining to the project.

Wong-Kalu thanked project representatives for their consultation efforts and asked they continue the good work they have been doing.

Chang thanked the council for their time.

**E. Discovery of Single Human Bone Fragment in Phase IV City Center of the Honolulu Rapid Transit Corridor, Waikiki Ahupuaa, Kona District, Island of Oahu.**

**Information/Discussion/Recommendation:** Discussion of above find in test trench 150.

Kaleo Patterson introduced Dan Grabauskas the chief executive officer (CEO) of Honolulu Authority for Rapid Transit (HART) and McDermott the archaeologist for the project.

McDermott said a single isolated human bone fragment was found in test trench 150 located near the corner of Halekuawila and Cooke Street. The find was encountered during the AIS for HART's project. Test trench 150 is part of the alignment for proposed utilities. McDermott said there is a burial preservation area across the street at the corner of Mother Waldron Park. McDermott went over historic maps of the area in relation to what is present today. McDermott showed pictures of test trench 150 including profiles and plan views of the trench. All material removed from trench 150 was screened and negative for additional human skeletal remains.

The bone fragment measured approximately nine centimeters in length by two centimeters width and half a centimeter thick. CSH thought the bone fragment was a portion of the proximal posterior portion of a human tibia. The bone fragment is broken on all side with one side appearing filed or cut. CSH speculated the bone fragment may have been worked for potential use as a fishhook. The bone fragment is currently within test trench 150. CSH also speculated the bone fragment most likely belonged to an individual of native Hawaiian ethnicity based on the absence of any modern artifacts.

McDermott said CSH anticipated encountering isolated finds of human skeletal remains not situated in a burial site context. McDermott said CSH is requesting the find be classified as not a burial site and exempt from normal burial treatment laws. McDermott said the find is an archaeological feature and proposed removing the find to temporarily curate at the project's Iwilei facility. McDermott said CSH was awaiting a decision from SHPD on whether or not the bone fragment is a burial site.

Mahi wanted to know if there was an approximate date the *iwi* may be from. McDermott thought the *iwi* predated 1810 but was not certain.

Z Aki testified that he did not want any burials relocated and burials should be left where they are found because he believed those burials are most likely where they want to be.

Mike Lee a cultural descendant also wanted burials preserved in place and requested to be present during any burial ceremony.

Koko said there are recorded instances of Hawaiian bones being relocated in the past.

Paik also wanted burials preserved in place.

McDermott reiterated CSH's request that the bone fragment in trench 150 not be treated as a burial site. McDermott said preserving the bone fragment in place would require more excavation increasing the potential to find and disturbed other burials.

Williams said he and his family wants burials preserved in place.

Kalai said *iwi* that is found should be left alone. Kalai asked Grabauskas to consider if the human skeletal remains found were his family and how he would want the remains treated. Kalai wanted to know who the cultural monitors for the project were and what role do the monitors have. Kalai wanted to know if families of the area are notified when human skeletal remains are found. Kalai wants burials found preserved in place.

Paik said she asked to be part of the cultural monitoring program and was not given an answer regarding her request. Paik was concerned with the lack of cultural practitioners involved with the cultural monitoring program. Paik said only a cultural practitioner could determine who another cultural practitioner is and the criteria for what a cultural practitioner is cannot be defined by the city, state or project.

Lee said the correct protocols needed to be used and followed or strange things may happen.

McDermott thought the cultural program was still being worked out especially since the project now encountered *iwi*.

Kalai asked Grabauskas to keep burials in place as much as the project is able to and to always consult with families and descendants from the area.

Umi Sexton is concerned no cultural monitors have been retained by HART since the start of the project.

David Frankle an attorney with Native Hawaiian Legal Corporation said he represents Paulette Kaanohi Kaleikini. Frankle thought the interpretation by CSH of what a non burial site context is was incorrect.

Paik said cultural monitors should be compensated and compensated equally to what other monitors are paid.

Koko also requested to be a cultural monitor for the project.

Patterson said the details of a cultural monitoring program were still being worked out. Patterson said a draft plan has been created and is being reviewed.

Grabauskas thanked everyone for their testimony. Grabauskas said the project will have a cultural monitoring program and participants will be compensated. Grabauskas was not sure exactly how cultural practitioner would fit into the cultural monitoring program. Grabauskas was committed to treating *iwi* with respect and asked the council and public to help him understand what that means. Grabauskas was committed to redesigning in order to preserve burials in place.

Scheuer wanted to know when HART anticipated having cultural monitors. Grabauskas thought the project could have cultural monitors within the next several days.

Wong-Kalu said the OIBC always opposed having a phased AIS. Wong-Kalu appreciated the accountability and commitment expressed by Grabauskas. Wong-Kalu appreciated hearing that cultural monitors would be compensated for their time and work. Wong-Kalu asked representatives of HART to have cultural monitors in place by the next OIBC meeting.

Grabauskas asked members of the audience to contact Patterson if they wanted to be part of the cultural monitoring program.

Paik was not comfortable with addressing her concern with Patterson because she has been ignored in the past. Lee echoed Paik's concern and said he was also shut out from the process.

Pono Kealoha wanted all *iwi* found during HART's project treated with the same respect as burials within other well known cemeteries.

Patterson thought descendants may play a role in selecting cultural monitors for each ahupuaa associated with the project. Patterson thought more discussion needed to occur to figure out the role a cultural practitioner would have with the project.

Paik said cultural monitors need to have experience working with burials. Paik said not all people belong working with burials.

Patterson said families would determine the treatment of burials not the project.

*Chair called a brief recess at 1:03pm and reconvened the meeting at 1:15pm.*

## **V. OLD BUSINESS**

### **A. Update on Hawaii Authority for Rapid Transit Regarding the Honolulu Rapid Transit Corridor Project and Proposed 20 Mile Rail Route, Multiple Ahupuaa, Multiple Districts, Island of Oahu, Multiple TMKs.**

**Information/Discussion:** Discussion of above project and update by Attorney General's office regarding recent Supreme Court decision.

**Mahi moved and Magallanes seconded to go into executive session at 1:20pm.**

**VOTE: Motion carried.**

**Mahi moved and Holck seconded to come out of executive session at 2:11pm.**

**VOTE: Motion carried.**

Holck said she would not be attending the next OIBC meeting.

### **B. Kalia-Fort DeRussy Wastewater System Improvements, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: 2-6-005:001**

**Information/Discussion/Recommendations:** Discussion and possible recommendation on update of above project.

Kawika McKeaue of Group 70 a consultant for the project introduced Richard Davis of the Army, McDermott and Shideler of CSH and Lapilio of Aukahi. McKeaue gave a brief background of the project which basically involved the improvement of a wastewater system. McKeaue said the project involved federal guidelines and well as state guidelines. Mckauge said burials found on federal lands would be subject to NAGPRA (Native American Graves Protection and Repatriation Act) and a plan of action.

Wong-Kalu suggested project representatives utilize the Office of Hawaiian Affairs (OHA) as another source to reach potential claimants and/or interested parties.

Koko said he is an heir to the land of the subject property being discussed.

### **C. Kawaiahao Church Multi-Purpose Building Renovation Project, Honolulu Ahupuaa, Kona District, Island of Oahu, TMK: 2-1-032:017.**

**Information/Discussion:** Discussion of above project and current status.

Wong-Kalu announced the OIBC would lose quorum in approximately five minutes as a member would be leaving.

Lee wanted to know if there was any update from SHPD regarding his request of coring results for Kawaiahao. Farm suggested Lee direct his inquiry to the archaeological firm directly since the firm was presently in the audience. Lee wanted an update on whether or not a karst system is present at Kawaiahao. Kalai supported Farm's suggestions. Lee said historic burials may be present in the karst system beneath the Christian burials. Wong-Kalu asked representatives of CSH if they wanted to respond to Lee's inquiry to which CSH declined.

Kalai was outraged and distraught over the amount of *iwi kupua* dug up and removed from the grounds of Kawaiahao church. Kalai said an official request from the CEO of OHA was made to the William Aila the chairperson of the Department of Land and Natural Resources regarding the status of the burials disinterred at Kawaiahao. Kalai wants to know what is happening to the *iwi*. Kalai wanted to know where and how the *iwi* was being stored and when the *iwi* would be put back into the ground. Kalai said Kawaiahao had a history of cremating burials and wanted assurances that no burials disinterred will or have been cremated.

Wong-Kalu asked SHPD to contact Kawaiahao and invite the representatives from the church to attend the next OIBC meeting. Wong-Kalu asked SHPD to also contact and invite the department of health (DOH) to attend the next OIBC meeting. Farm suggested the OIBC make a motion authorizing the chair or vice-chair to draft a letter to Kawaiahao church and DOH inviting them to the next OIBC meeting. Farm thought a letter from the council would be more effective. Lee agreed with Farm's suggestion.

Frankle thought the OIBC should have representation by the attorney general's office.

*Scheuer exits the meeting at 2:43pm leaving the council without quorum and no decision making authority. Wong-Kalu said the OIBC would continue to hear testimony from the public on other agenda items.*

Wong-Kalu said the council will still hear testimony from the public but that not decision will be made.

Kalai wanted to make sure the *iwi* disinterred at Kawaiahao are afforded the proper respect and treatment and reburied. Kalai does not want to find out Kawaiahao created any of the burials disinterred.

Wong-Kalu said the OIBC would draft a letter to Kawaiahao and DOH inviting them to the next OIBC meeting to address concerns raised by members of the community at today's OIBC meeting. Farm said the OIBC did not have quorum to make a motion reiterating the chair's commitment. Farm volunteered to contact Kawaiahao and the DOH and invite them to the next OIBC meeting.

## **VI. INADVERTENT DISCOVERIES**

**A. Inadvertent Discovery of Human Skeletal Remains at Koolani Phase II Project, Kakaako, Waikiki Ahupuaa, Honolulu (Kona) District, Island of Oahu, TMK: 2-3-006:017. Information/Recommendation:** Discussion on the above discovery and proposed treatment.

*Magallanes exits the meeting at 2:52pm.*

Lance Parker of Alexander and Baldwin informed the council the proposed project has an approved AIS, BTP and monitoring plan. Parker said six inadvertent finds were relocated into the existing preserve where 27 burials were identified during the AIS. Parker said the project encountered 19 additional finds since the six burials were relocated. Parker said representatives for the project have been consulting with descendants, SHPD and the chair and vice-chair of the OIBC. Consultation lead project representatives to ask their structural engineer about potential redesigns that would allow for the preservation in place of a portion of the inadvertent finds.

Wong-Kalu wanted to know the total number of burial finds encountered at the project to date to which Parker said was 52.

Nalani Wilson-Ku a recognized cultural descendant for the project spoke on behalf of the Ku *ohana* and was concerned about the future safety of the inadvertent finds if preserved in place beneath the proposed building. Wilson-Ku and her family did not want any burials preserved beneath a building. Wilson-Ku was concerned burial laws may change in the future increasing the difficulty of protecting and preserving the burials if left in place beneath the proposed building.

Williams read testimony onto record on behalf of his immediate and extended family. The collective consensus from their family supported preserving all burials found in place.

Koko wanted all the burials relocated into one area which was the existing preservation area that preserved in place the 27 burials found during the AIS. Koko thought there was an agreement amongst descendants that all inadvertent finds would be relocated and consolidated into one area.

Williams felt uneasy about descendants that favored relocating burials because they were also the same descendants that did not show up to help wrap and relocate previous burials for the project. Williams said his family always fights to preserve burials in place.

*Mahi exits the meeting at 3:11pm.*

Wilson-Ku thanked Williams and his family for the burial ceremony they conducted.

Wong-Kalu was grateful to have participated with the reinterment ceremony. Wong-Kalu acknowledged the challenges involved with preserving burials in place versus relocating burials elsewhere.

Kane felt the most important thing is to treat the burials with respect regardless if their preserved in place or relocated.

Parker felt the project has tried their best to treat all finds with respect. Parker said the project has worked through multiple designs which allowed the burials found during the AIS to be left and preserved in place. Parker said the project has been proceeding with construction in a sensitive manner by excavating the footprint by hand to minimize potential impacts. The current plans for the building have been redesigned to at least have the option of preserving most of the burials in place.

Koko reiterated his preference for relocating and consolidating all the burials into one area.

Williams reiterated his preference for preserving all the burials in place.

## **VII. CORRESPONDENCE**

**A. Section 106, Marine Corps Base Hawaii: Replace Cracked Moss Rock Wall at Officers Club Aboard Marine Corps Base Hawaii. District of Koolaupoko, Ahupuaa of Kaneohe, Island of Oahu, TMK: 4-4-008:001**

**Information/Recommendation:** Discussion and possible recommendation regarding above correspondence.

The item was deferred until the next OIBC meeting.

**B. Restoration of Native Coastal Vegetation Project (#1), James Campbell National Wildlife Refuge, Kahuku, Oahu, TMK: 5-6-002:009**

**Information/Recommendation:** Discussion and possible recommendation regarding above correspondence.

The item was deferred until the next OIBC meeting.

**VIII. ANNOUNCEMENTS**

Wong-Kalu announced the next OIBC meeting was scheduled for Wednesday, November 14, 2012.

**IX. ADJOURNMENT**

**The meeting was adjourned at 3:32pm.**