

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD STE 555  
KAPOLEI HI 96707

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

MINUTES  
OAHU ISLAND BURIAL COUNCIL MEETING

**DATE:** Wednesday, June 12, 2013  
**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  
Chuck Ehrhorn  
Shad Kane  
Pokii Magallanes  
Aaron Mahi

**Absent:** Kali Fermantez  
Danna Holck

**Staff:** Kawika Farm, SHPD Burial Site Specialist  
Susan Lebo, SHPD Archaeologist  
Linda Chow, Deputy Attorney General  
Pua Aiu, Administrator

**Guest:** Duane Medeiros  
Harry Kapu  
Hiilei Kawelo  
JR Keoneakapu  
Hal Hammatt  
Mapuana de Silva  
Pauline Lukela  
JW Williams  
Lopaka Asam  
Lani Maa Lapilio  
Kihei de Silva  
Kalei Kini

David Lato  
Kaanohi Kaleikini  
Bruce Keaulani  
Umi Sexton  
Chivas Naone  
Dawn Chang  
Kalani Asam  
Alani Apio

Mana Ceceres  
Iokepa Ioko  
Matt McDermott  
Gary Omori  
Faith Miyamoto  
Kehaulani Lum  
Jerome Yasuhara

## **I. CALL TO ORDER**

The Oahu Island Burial Council (OIBC) chair, Hinalaimoana Wong-Kalu called the meeting to order at 10:12am.

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

OIBC members; Wong-Kalu, Jonathan Scheuer, Steve Hoag, Chuck Ehrhorn, Aaron Mahi, Pokii Magallanes and Shad Kane introduced themselves. From the State Historic Preservation Division (SHPD); Kawika Farm, Susan Lebo and Pua Aiu introduced themselves. Linda Chow of the attorney general's (AG) office introduced herself.

Wong-Kalu thanked Mahi for his years of service and dedication on the OIBC as this was his last meeting. Mahi gave the *pule wehe* and thanked everyone for the opportunity to serve on the OIBC and protect *na iwi kupuna*.

Department of Land and Natural Resources (DLNR) chairperson William Aila informed the council that officers from DLNR's Division of Conservation and Resource Enforcement (DOCARE) were present at the meeting to ensure the OIBC meeting was held in a productive and orderly manner.

Lopaka Asam wanted to know who owned the land. Wong-Kalu said only discussion regarding *iwi kupuna* would be heard and the OIBC's meeting was not the venue for personal or sovereignty issues.

## **III. MINUTES**

**May 8, 2013**

**Mahi moved and Magallanes seconded to approve the minutes of May 8, 2013.**

**VOTE: ALL IN FAVOR. Motion carried unanimously.**

## **IV. BUSINESS**

Wong-Kalu informed the audience that any individual wishing to have their recognition discussed in executive session had that right and must inform the council when their recognition on the agenda is taken up. Wong-Kalu read the disclosure onto record and said it pertained to agenda items A through L. Wong-Kalu informed the audience that one council member had to leave at 12pm and another at 12:45pm at which time the OIBC would lose quorum.

**A. Department's Recommendation to Recognize Mapuana de Silva and Ohana (List of Names Provided to Council via Review Letter) as Cultural Descendants to Unidentified Human Skeletal Remains Encountered at Target Store Project, Kailua Ahupuaa, Koolaupoko District, Island of Oahu, TMK: 4-2-001:044.**

**Discussion/Determination:** Discussion and determination to recognize above individuals as cultural descendants to unidentified human skeletal remains at above project.

Wong-Kalu read SHPD's recommendation onto record.

Mapuana de Silva said she is a descendant of Kualii a former chief of Kailua. Kihei de Silva also said he is a descendant of a 17<sup>th</sup> century *alii*. Both de Silva's said they were present for themselves and on behalf of their daughters.

**Scheuer moved and Mahi seconded, "the council accept the department's recommendation to recognize Mapuana de Silva, Kihei de Silva, Kahikina de Silva and Kapalaiula de Silva [as cultural descendants] to unidentified human skeletal remains encountered at Target Store Project, Kailua Ahupuaa, Koolaupoko District, Island of Oahu, TMK: 4-2-001:044.**

**VOTE: ALL IN FAVOR. Motion carried unanimously.**

**B. Department's Recommendation to Recognize Kalei S. Kini as a Cultural Descendant to Unidentified Human Skeletal Remains Encountered at Target Store Project, Kailua Ahupuaa, Koolaupoko District, Island of Oahu, TMK: 4-2-001:044.**

**Discussion/Determination:** Discussion and determination to recognize above individual as a cultural descendant to unidentified human skeletal remains at above project.

Wong-Kalu read SHPD's recommendation onto record.

Kalei Kini said he served on the OIBC for two terms and remains interested and active with Native Hawaiian burial issues in general, but particularly in Kailua.

Ehrhorn recalled serving on the council when Kini was a member.

**Ehrhorn moved and Mahi seconded to accept the department's recommendation and recognize Kalei Kini as a cultural descendant to the burials at the above project.**

**VOTE: ALL IN FAVOR. Motion carried unanimously.**

**C. Department's Recommendation to Recognize Manuel Makahiapo Kuloloio as a Cultural Descendant to Unidentified Human Skeletal Remains Encountered with State Department of Transportation's Nimitz Highway and Ala Moana Boulevard Resurfacing and Highway Lighting Replacement Project (Aloha Tower Market Place/Hawaiian Electric Company), Honolulu Ahupuaa, Kona District, Island of Oahu, TMK: 2-1-014:006.**

**Discussion/Determination:** Discussion and determination to recognize above individual as a cultural descendant to unidentified human skeletal remains at above project.

Wong-Kalu read SHPD's recommendation onto record.

Farm said the claimant has been recognized to other burials at other projects within the Honolulu *ahupuaa*. Farm was of the understanding the OIBC has in the past exercised

discretion of affording recognition to such claimants despite not being present at today's OIBC meeting because the claimant is already recognized to the Honolulu *ahupuaa* as a cultural descendant.

Wong-Kalu agreed with Farm's statement and said the subject claimant was not new to the council, consultation and the recognition process. Wong-Kalu read SHPD's recommendation onto record.

**Scheuer moved and Kane seconded to recognize Manuel Makahiapo Kuloloio as a cultural descendant to unidentified human skeletal remains encountered at the above project.**

**VOTE: ALL IN FAVOR. Motion carried unanimously.**

**D. Department's Recommendation to Recognize Paulette Kaanohikalani Kaleikini and Ohana (List of Names Provided to Council via Review Letter) as Cultural Descendants to Unidentified Human Skeletal Remains Encountered with State Department of Transportation's Nimitz Highway and Ala Moana Boulevard Resurfacing and Highway Lighting Replacement Project (Aloha Tower Market Place/Hawaiian Electric Company), Honolulu Ahupuaa, Kona District, Island of Oahu, TMK: 2-1-014:006. Discussion/Determination:** Discussion and determination to recognize above individuals as cultural descendants to unidentified human skeletal remains at above project.

Wong-Kalu read SHPD's recommendation onto record.

Paulette Kaanohi Kaleikini was not sure why some names were removed for recognition as cultural descendants to human skeletal remains at the above project. Kaleikini said JR Keoneakapu Williams was recognized to other burials within the Honolulu *ahupuaa* and wanted his name added to the list of individuals seeking recognition as cultural descendants for the subject agenda item. Kaleikini said Williams has been involved with the consultation process for the *iwi* encountered at the above project.

Ehrhorn wanted to know when the inadvertent discovery was made to which Farm said October 30, 2012. Farm said the OIBC was informed of the discovery at a previous meeting.

Farm did not think Williams name could be added for recognition as a cultural descendant until SHPD formally drafts a written assessment for the OIBC's consideration and determination. Farm said an AG was present should the council want further input. Chow agreed with Farm's statement.

Kaleikini wanted to know if Williams simply needed to fill out an application seeking recognition as a descendant or was Williams being asked to submit genealogical evidence to SHPD for review.

Aiu said Williams has been recognized to burials for the Ward Villages project in the Honolulu *ahupuaa* and simply needed to submit an application for the subject project. Aiu said the matter was simply a procedural issue.

JW Kaeo Kapu Williams (JW Williams) on behalf of his family present requested that his brother not be listed under Kaleikini's *ohana*. JW Williams said his family did not have any genealogical ties to Kaleikini to which JW Williams' mother also concurred.

Scheuer said Williams is not up for recognition as a cultural descendant at the present OIBC meeting and that any objections must be brought up at the future meeting when Williams is placed on the agenda for the subject project.

Kaleikini said that Williams inclusion on her list seeking cultural recognition did not mean Williams had been recognized to her *ohana* or *kupuna*. Kaleikini said Williams has accompanied her many times to *malama iwi kupuna* on Maui and Hawaii island in addition to Oahu. Kaleikini questioned the motives and intentions of why JW Williams and his *ohana* were at the OIBC meeting.

Williams said there are genealogical ties between himself and Kaleikini.

Wong-Kalu suggested the Kapu/Williams *ohana* and Kaleikini find time to reconcile their personal difference outside the OIBC meeting.

Asam wanted to know if Kaleikini decided who is recognized as a cultural descendant to which Wong-Kalu answered no.

Scheuer asked if the process seeking recognition as a descendant could be explained.

Farm said a claimant submit an application seeking recognition as a descendant in addition to any substantiating evidence that help establish a genealogical connection to an individual that once resided is buried or both in the same ahupuaa and from the same time period as the burial the claimant is seeking recognition as a descendant to.

**Scheuer moved and Mahi seconded that the OIBC accepts the department's recommendation to recognize Paulette Kaanohiokalani Kaleikini, Tuahine Kanekapolei Kaleikini, Kala Waahila Kaleikini, Moani Umiaimoku Kaleikini, Kalahikiola Mahikeahi Keliinoi, Kilinahe Ialuaamoku Keliinoi, Aliikaua Keawenuiaumi Kaleikini, Noeau Kamehanaokala Kaleikini, Haloa Namakaokalani Kaleikini, Mahiaimoku Kekaulike Kaleikini, Moehonua Keaweamahi Kaleikini, Shanlyn Maile Keaweamahi Kanohokula, April Leimomi Keaweamahi, Michael Lani Keaweamahi and Jim Medeiros Senior as cultural descendants to the unidentified human skeletal remain encountered at the above project.**

**VOTE: ALL IN FAVOR. Motion carried unanimously.**

**E. Department's Recommendation to Recognize Paulette Kaanohiokalani Kaleikini and Ohana (List of Names Provided to Council via Review Letter) as Cultural Descendants to Unidentified Human Skeletal Remains Encountered with State Department of Transportation's Nimitz Highway and Ala Moana Boulevard Resurfacing and Highway Lighting Replacement Project (IBM Building/Goodfellows Brothers Inc.), Honolulu Ahupuaa, Kona District, Island of Oahu, TMK: 2-3-005:004.**

**Discussion/Determination:** Discussion and determination to recognize above individuals as cultural descendants to unidentified human skeletal remains at above project.

Wong-Kalu read SHPD's recommendation onto record.

**Ehrhorn moved and Mahi seconded to recognize Paulette Kaanohiokalani Kaleikini, Tuahine Kanekapolei Kaleikini, Kala Waahila Kaleikini, Moani Umiaimoku Kaleikini,**

**Kalahikiola Mahikeahi Keliinoi, Kilinahe Ialuamoku Keliinoi, Aliikaua Keawenuiaumi Kaleikini, Noeau Kamehanaokala Kaleikini, Haloa Namakaokalani Kaleikini, Mahiaimoku Kekaulike Kaleikini, Moehonua Keaweamahi Kaleikini, Shanlyn Maile Keaweamahi Kanohokula, April Leimomi Keaweamahi, Michael Lani Keaweamahi and Jim Medeiros Senior as cultural descendants to the unidentified human skeletal remain encountered at the above project.**

**VOTE: ALL IN FAVOR. Motion carried.**

**F. Department's Recommendation to Recognize Bruce Yoshio Keaulani as a Cultural Descendant to Unidentified Human Skeletal Remains Found in Phase IV City Center for Honolulu Authority for Rapid Transportation Project, Honolulu Ahupuaa, Kona District, Island of Oahu, TMK: 1-7-002:026, 2-1-051, 2-1-050:067 & 2-3-002:001.**

**Discussion/Determination:** Discussion and determination to recognize above individual as a cultural descendant to unidentified human skeletal remains at above project.

Bruce Keaulani thanked the OIBC for their consideration.

Wong-Kalu read SHPD's recommendation onto record.

Williams said he filed a contested case that is currently with the AG's office because he did not think all claimants seeking recognition as cultural descendants adequately established genealogical ties to the time period of the two flex burials identified at the above project. Williams requested all recognition for the rail project deferred until his contested case has been resolved. Williams said Farm required another applicant Kekai Kaopio to establish genealogical ties to a kupuna from the pre-contact era and wanted to know if all claimants also had to prove genealogical ties to the pre-contact era.

Chow did not think Williams contested case prevented the council from taking action on the current agenda item. Both Williams and Kaopio objected to Keaulani's recognition.

**Mahi moved Scheuer seconded to go into executive session at 11:05am to consult with the attorney general.**

**VOTE: ALL IN FAVOR. Motion carried.**

**Mahi moved Scheuer seconded to move out of executive session at 11:36am.**

**VOTE: ALL IN FAVOR. Motion carried.**

Scheuer asked Farm what guidance SHPD provides to applicants seeking recognition as a cultural descendant. Farm always encouraged applicants to establish genealogical ties in a particular area as far back as they are able to which increased the chances that the applicant may be related to burials encountered. Scheuer asked Aiu to speak on the process for recognition as a cultural descendant. Aiu understood the process for cultural recognition to be inclusive for those individuals that can establish a genealogical relationship to an ahupuaa rather than exclusive. Aiu said recognition as a lineal descendant was a very exclusive process.

Hoag asked if it was a requirement that claimants needed to establish genealogical ties to pre-contact era to which the answer was no.

Scheuer wanted to know what effect a filed contested case had regarding other claimants seeking recognition as cultural descendants. Chow said the contested case filed did not have any impact regarding other claimants going through the recognition process. Chow said each claim is independent of each other and every burial could have multiple claimants recognized as cultural descendants. Chow said as long as claimants are not part the subject contested case, the council could move forward on other claimant's recognition.

Kaleikini wanted to know what would happen if more contested cases were filed in opposition of the OIBC potentially recognizing other claimants on their agenda as cultural descendants. Chow said the AG's office would deal with contested cases as they are filed and that each instance is dealt with on a case by case basis. Chow said it was premature to speculate on potential what ifs because no determination by the AG's office had been made regarding the contested case filed by Williams.

Mahi wanted to know if all claimants went through the same process and wanted to know if a misunderstanding may have occurred. Mahi asked Farm if Kaopio's recognition was scrutinized more or treated differently from other claimants. Farm said every claimant goes through the same process. Farm said he always recommends every applicant try to establish genealogical ties as far back as they can to increase the likelihood that the claimant may be related to the *iwi* encountered. Farm was not sure how Kaopio arrived at the understanding that claimants were required to establish genealogical ties to pre-contact era. Farm denied ever stating that claimants are required to establish genealogical ties to pre-contact era because he previously made several recommendations to recognized claimants as cultural descendants that did not establish genealogical ties to pre-contact era.

Wong-Kalu expected to see Kaopio's recognition at a future OIBC meeting to which Farm affirmed.

**Mahi moved and Ehrhorn seconded to recognize Bruce Yoshio Keaulani as a cultural descendant.**

**VOTE: ALL IN FAVOR. Motion carried.**

**G. Department's Recommendation to Recognize Euel Ray Kaleihau Kamauu as a Cultural Descendant to Unidentified Human Skeletal Remains Found in Phase IV City Center for Honolulu Authority for Rapid Transportation Project, Honolulu Ahupuaa, Kona District, Island of Oahu, TMK: 1-7-002:026, 2-1-051, 2-1-050:067 & 2-3-002:001.**

**Discussion/Determination:** Discussion and determination to recognize above individual as a cultural descendant to unidentified human skeletal remains at above project.

Wong-Kalu read SHPD's recommendation onto record and noted that Kamauu was not present at the OIBC meeting.

Umi Sexton requested the council move into executive session so that he could discuss Kamauu's situation. Scheuer thought only the claimant could request the council to move into executive session.

Kaleikini said she was familiar with the Kamauu family and mookuauhau and supported the claimant's recognition.

Farm asked the council to consider that they had previously requested first time claimants to be present for questioning and thought Kamaau was seeking recognition as a cultural descendant for the first time. Wong-Kalu acknowledged and agreed with what Farm had said.

Kaleikini wanted to know if the OIBC had a policy that required claimants seeking recognition for the first time to come before the council to which the council said no. Kaleikini did not think the council should take a position to require applicants to appear before them if it was not their official policy.

Ehrhorn favored claimants attending OIBC meetings because it helped to demonstrate the claimant's commitment regarding the *kuleana* they sought to take on.

Alani Apio also wanted clarification on what was being discussed. Scheuer interjected and thought the council should place the matter regarding the council's policy on a future OIBC agenda for discussion as it was not currently on the OIBC's agenda. Scheuer wanted to know what the council wanted to do regarding the current claimant on their agenda.

Mahi did not think it was necessary to have Kamaau present in order for the council to make a motion.

Sexton also supported Kamaau's recognition as a cultural descendant.

Kaleikini wanted the council to ask claimants why they were seeking recognition as a cultural descendant because not all claimants sought recognition to *malama iwi*. Ehrhorn agreed with Kaleikini.

Wong-Kalu read SHPD's recommendation onto record.

**Scheuer moved and Mahi seconded to approve SHPD's recommendation.**

**VOTE: ALL IN FAVOR. Motion carried.**

**H. Department's Recommendation to Recognize Dixie Kuulei Afoa Kalamau as a Cultural Descendant to Unidentified Human Skeletal Remains Found in Phase IV City Center for Honolulu Authority for Rapid Transportation Project, Honolulu Ahupuaa, Kona District, Island of Oahu, TMK: 1-7-002:026, 2-1-051, 2-1-050:067 & 2-3-002:001.**

**Discussion/Determination:** Discussion and determination to recognize above individual as a cultural descendant to unidentified human skeletal remains at above project.

Wong-Kalu read SHPD's recommendation onto record.

**Scheuer moved and Kane seconded to defer recognition of the above applicant.**

**VOTE: ALL IN FAVOR. Motion carried.**

*Magallanes exited the meeting at 12:05pm.*

**I. Department's Recommendation to Recognize Duane Kiaaina Medeiros as a Cultural Descendant to Unidentified Human Skeletal Remains Found in Phase IV City Center for Honolulu Authority for Rapid Transportation Project, Honolulu Ahupuaa, Kona District, Island of Oahu, TMK: 1-7-002:026, 2-1-051, 2-1-050:067 & 2-3-002:001.**



**Discussion/Determination:** Discussion and determination to recognize above individual as a cultural descendant to unidentified human skeletal remains at above project.

Duane Medeiros said he was present on behalf of Ohana Hewahewa. Medeiros gave his *mookuauhau* to the council.

Ehrhorn wanted to know why Medeiros was seeking recognition as a cultural descendant. Medeiros said it was his *kuleana* to represent his *ohana* because his tutu lived in the area.

**Mahi moved and Kane seconded to approve SHPD's recommendation.**

**VOTE: ALL IN FAVOR. Motion carried.**

**J. Department's Recommendation to Recognize Joshua Nainoa Keonaona Makaiwi and Ohana (List of Names Provided to Council via Review Letter) as Cultural Descendants to Unidentified Human Skeletal Remains Found in Phase IV City Center for Honolulu Authority for Rapid Transportation Project, Honolulu Ahupuaa, Kona District, Island of Oahu, TMK: 1-7-002:026, 2-1-051, 2-1-050:067 & 2-3-002:001.**

**Discussion/Determination:** Discussion and determination to recognize above individuals as cultural descendants to unidentified human skeletal remains at above project.

Wong-Kalu read SHPD's recommendation onto record.

Ehrhorn suggested deferring the matter until the claimants could come before the council for questioning.

Kaleikini supported the claimant's recognitions.

Farm informed the council he got an email from Makaiwi saying she and her family were dealing with strep throat and wanted to know if it was absolutely necessary to attend the OIBC's meeting. Farm said he responded to Makaiwi and informed her that he did not think it was necessary for her to come before the council as she has already been recognized by the OIBC and that the individuals now seeking recognition were either her children or grandchildren.

Sexton supported the recognition of the above claimants. Wong-Kalu also acknowledged witnessing Makaiwi at numerous consultation meetings.

**Scheuer moved and Mahi seconded to approve SHPD's recommendation.**

**VOTE: ALL IN FAVOR. Motion carried unanimously.**

**K. Department's Recommendation to Recognize Pauline Mapuana Kekai Kapu Lukela, Harry Keawe Kahele Kekai Kapu and J.W. Kaeo Kapu Williams as Cultural Descendants to Unidentified Human Skeletal Remains Found in Phase IV City Center for Honolulu Authority for Rapid Transportation Project, Honolulu Ahupuaa, Kona District, Island of Oahu, TMK: 1-7-002:026, 2-1-051, 2-1-050:067 & 2-3-002:001.**

**Discussion/Determination:** Discussion and determination to recognize above individual as a cultural descendant to unidentified human skeletal remains at above project.

Wong-Kalu read SHPD's recommendation onto record.

Ehrhorn wanted to know what the applicant's interest was with seeking recognition as cultural descendants. Pauline Lukela wanted to become involved because she felt the project would be constructed in an area where her *kupuna* is buried.

Scheuer also wanted to know how the claimants planned on fulfilling their *kuleana* if afforded recognition as cultural descendants. Harry Kapu felt that only descendants could speak for their *kupuna* and did not want anyone else speaking for his *kupuna*.

Kane said he was familiar with the Kapu family and suggested the Williams twins work out their *pilikia* outside of the OIBC's meeting. JW Williams said he did not have a problem with his brother and felt his mother and brother had issues that needed to be resolved.

**Mahi moved and Scheuer seconded to move into executive session at 12:20pm.**

**VOTE: ALL IN FAVOR. Motion carried.**

**Mahi moved and Kane seconded to move out of executive session at 12:42pm**

**VOTE: ALL IN FAVOR. Motion carried.**

**Mahi moved and Kane seconded to recognize the above individuals as cultural descendants.**

**VOTE: ALL IN FAVOR. Motion carried.**

**L. Department's Recommendation to Recognize Robert "Lopaka" Kala Asam and Norman "Kalani" Asam as Cultural Descendants to Unidentified Human Skeletal Remains Found in Phase IV City Center for Honolulu Authority for Rapid Transportation Project, Honolulu Ahupuaa, Kona District, Island of Oahu, TMK: 1-7-002:026, 2-1-051, 2-1-050:067 & 2-3-002:001.**

**Discussion/Determination:** Discussion and determination to recognize above individuals as cultural descendants to unidentified human skeletal remains at above project.

Wong-Kalu read SHPD's record onto record and informed the audience the council would lose quorum momentarily.

Kalani Asam (K Asam) did not agree with the process and felt the council should ask him permission before taking action on *iwi* that may be his *kupuna*. Wong-Kalu wanted to know what thoughts K Asam had regarding caring for *iwi*. K Asam felt that *iwi* should be left in place.

Lopaka Asam (L Asam) said none of the *iwi* should be touched.

Wong-Kalu interjected and informed L Asam that SHPD recommended the OIBC afford them recognition as cultural descendants and wanted to know how he would fulfill his *kuleana* as a recognized descendant. L Asam felt the bones are where they're supposed to be. L Asam had other issues he wanted addressed. Wong-Kalu stressed the council was about to lose quorum and would not be able to move on the agenda item once quorum was lost.

L Asam said he would not grovel to the illegal occupier and as he is a *kanaka moali*. K Asam felt council members should be present at the meeting from 10am to 2pm and did not like the idea of his recognition being rushed to accommodate council member's schedules.

Kaleikini felt both Asam brothers were not ready to be recognized as cultural descendants and felt their agenda item should be deferred.

**Scheuer moved and Hoag seconded to defer the agenda item.**

**VOTE: ALL IN FAVOR. Motion carried.**

**M. Draft Burial Treatment Plan for SIHP: 50-80-11-7410, Proposed Target Store Project, Kailua Ahupuaa, Koolaupoko District, Island of Oahu, TMK: 4-2-001:044.**

**Information/Discussion/Recommendations:** Introduction and discussion on above plan and proposed treatment for unidentified human skeletal remains.

Apio introduced himself, Mapuana and Kihei de Silva both representatives of Kailua's descendant group. Apio said Target completed an archaeological inventory survey (AIS) which was currently under SHPD's review. A burial treatment plan (BTP) was also developed in consultation with descendants in which the descendants requested Target to redesign their construction in order to preserve the burials encountered in place. Apio said Target's representatives accommodated the descendants request. Apio said they continue to work very closely with representatives of Target.

Kihei de Silva went over a PowerPoint presentation which showed examples of other preservation sites the descendants were involved with.

Ehrhorn wanted to know if signage had been considered. de Silva thought signage in Kailua would be an attraction and to date, their descendant group has not requested signage at any of the preservation sites they have been involved with. Ehrhorn agreed with de Silva.

*Hoag exited the meeting at 1:07pm and the council loses quorum.*

Wong-Kalu informed the public the council would hear the rest of the items on their agenda, but the council would not take any action since quorum was lost.

**N. Informational Presentation and Possible Action on Proposed Mitigation Commitments for Human Skeletal Remains Found During Archaeological Inventory Survey Work of Phase IV City Center for Honolulu Authority for Rapid Transportation Project, Honolulu Ahupuaa, Kona District, Island of Oahu.**

**Information/Discussion/Recommendation:** Update and discussion on above project including consultation efforts.

Faith Miyamoto introduced the newest member involved with the project, Dawn Chang. Chang said discussions with recognized descendants resulted with a strong desire to preserve all *iwi* associated with the above project in place. Chang informed the council the project would formally request that all *iwi* encountered be preserved in place at a future meeting through a BTP. Chang said the project was simply updating the council and making them aware of the project's intentions. Chang said the project would continue to work with recognized descendants.

Scheuer said Chang's comments were consistent with the position of the project's chief executive officer, Dan Grabaukas who publicly stated his commitment for preservation in place. Wong-Kalu agreed with Scheuer.

Mahi was always glad when projects are able to preserve in place *iwi* that are encountered.

Kaleikini said she attended the meetings the project held and found the project to thus far be accommodating to the desires of descendants.

Mana Caceres said he and his family advocate for preservation in place. Caceres was pleased with the project's commitment for preservation in place.

JR Williams agreed with Kaleikini and Caceres that the project has been good with consulting with descendants. Williams thought the claimants afforded recognition as cultural descendants at today's meeting to *iwi* encountered with the subject project should have stayed at the meeting for the current agenda item. Williams said only one descendant (Medeiros) afforded recognition was still present.

Kaleikini also appreciated the project's commitment to preserve in place the *iwi* encountered.

Matt McDermott of Cultural Surveys Hawaii (CSH) wanted to update the council regarding the project's archaeological data recovery plan. McDermott said the project had three mitigation plans; the forthcoming BTP, an archaeological monitoring plan and the archaeological data recovery plan. McDermott went over a handout which covered the areas where CSH would conduct data recovery. McDermott said data recovery would be conducted in all areas where human skeletal remains were encountered and that any future discovery of human skeletal remains identified during data recovery would be classified as previously identified and subject to the jurisdiction of the OIBC.

Wong-Kalu wanted to know what the purpose of the data recovery work was. McDermott said the data recovery work aimed to answer a number of research questions related to archaeological historic properties.

Kaleikini wanted to know if construction would commence prior to the completion of the proposed data recovery work. Chang said no construction would commence in any area where human skeletal remains have been identified or in areas proposed for data recovery. Kaleikini wanted to know if construction would commence at any portion of the proposed project prior to completion of the proposed data recovery work. Chang said the project would follow the law and do whatever the law required.

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

**Information/Discussion/Recommendation:** Update and discussion on above project.

Scheuer said the issue was still in litigation. Scheuer said the council was finally permitted to conduct a site visit to assess the condition of the burials disinterred. Scheuer said the site was visited in April by himself, Wong-Kalu and Farm. Scheuer said the church gave assurances to address concerns that were raised at the site visit. Scheuer said there are over 600 sets of *iwi* which were each wrapped in muslin and then placed within a *lauhala* basket or wrapped in *lauhala*. Scheuer was not sure how many *iwi* were placed in *lauhala* basket as opposed to being wrapped with *lauhala*.

Wong-Kalu did not see any water damage to the *iwi*. Wong-Kalu had inquired with the church about providing air condition for the burials. The church said air condition could not be provided because it would damage and deteriorate the church which is comprised of coral.

Scheuer said the church was made aware of their concern regarding baskets being stacked upon each other to the point some of the stacks were leaning or titled. Scheuer said the church committed to securing more shelves to minimize the amount of baskets stacked. Scheuer did not see any evidence of mold on any of the baskets and informed the audience that part of the reason why the church did not provide air condition was that air condition would contribute to the growth of mold.

Kaleikini wanted to know if the church could continue with the AIS. Scheuer did not think the AIS could commence until litigation concluded.

Kamuella Kalai said everything involved with the burials disinterred has and continues to be devastating. Kalai wanted every effort made to make the situation *pono*.

Kaleikini thought effort should be made to rebury all the *iwi* disinterred as soon as possible.

**P. Update on Legislative Bills and Measures.**

**Information/Discussion/Recommendation:** Update on bills and measures that relate to burial councils.

Aiu said senate bill 407 was passed and is awaiting signature by the governor. Aiu said SB 407 sought to alleviate composition and quorum issues associated with burial councils.

Ehrhorn wanted to know the status of the bill regarding phasing. Aiu said the governor signed the bill in May.

*Scheuer exited the meeting at 1:58pm.*

**V. INADVERTENT DISCOVERIES**

**A. The Cove Waikiki Development Project, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: 2-6-012:055, 057, 058, 037-042 & 044.**

**Information/Discussion/Recommendation:** Discussion on inadvertent discoveries of unidentified human skeletal remains at above project and proposed treatment.

Farm said the inadvertent discovery of human skeletal remains was reported to SHPD on April 11 and again on April 16. Farm said proposed treatment is preservation in place and that the project still had a little more excavation to complete.

**B. Hale Mohalu II Development Project, Waimano Ahupuaa, Ewa District, Island of Oahu, TMK: 9-7-019:035.**

**Information/Discussion/Recommendation:** Update and discussion on inadvertent discovery of unidentified human skeletal remains at above project and proposed treatment.

Farm said the inadvertent discovery of human skeletal remains was reported to SHPD on March 15 during excavation of a waterline. Farm said a second burial was encountered during exploratory testing at the request of SHPD. The project rerouted the waterline around the discovery. Proposed treatment is preservation in place. On April 19 the inadvertent discovery

of human skeletal remains was reported to SHPD during excavation of a slope. The remains were part of a coffin burial associated with the former cemetery and most likely unintentionally left. Proposed treatment is to relocate and reinter in the existing preservation area.

**C. Waialae Country Club Annex Project in Kahala, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: 3-5-023:003 and 038.**

**Information/Discussion/Recommendation:** Update and discussion on inadvertent discoveries of unidentified human skeletal remains at above project and proposed treatment.

Farm said the inadvertent discovery of human skeletal remains was reported to SHPD on May 13 during excavation for an elevator shaft. SHPD requested exploratory testing which identified the remains of five individuals. Proposed treatment is preservation in place.

**D. Inadvertent Discovery of Human Skeletal Remains at Ka Malani at Kailua Residential Project, Kailua, Koolaupoko, Island of Oahu, TMK: 4-2-001:030, 033, 034, 051, 057 & 058.**

**Information/Discussion/Recommendation:** Discussion on above discovery and proposed treatment.

Farm said the inadvertent discovery of human skeletal remains was reported to SHPD on May 22 during excavation for D.R. Horton's project. Apio said the project was working with descendants of Kailua to resolve the matter.

**E. Inadvertent Discovery of Human Skeletal Remain at Kahuku Village Development Project. Kahuku Ahupuaa, Koolauloa District, Island of Oahu, TMK: 5-6-002:003, 010, 012, 016 & 027.**

**Information/Discussion/Recommendation:** Discussion on above discovery, proposed treatment and possible recommendations.

Farm said the inadvertent discovery of human skeletal remains was reported to SHPD on June 3 by Scientific Consultant Services and proposed treatment is preservation in place.

**VI. ANNOUNCEMENTS**

Wong-Kalu announced the next meeting date is scheduled for Wednesday, July 10, 2013.

**VII. ADJOURNMENT**

**The meeting was adjourned at 2:13pm.**