

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

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

MINUTES
OAHU ISLAND BURIAL COUNCIL MEETING

DATE: Wednesday, July 10, 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 Keonekapu
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

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 10:15am.

II. ROLL CALL/PULE

Pokii Magallanes gave the *pule wehe*. OIBC council members; Wong-Kalu, Magallanes, Danna Holck, Steve Hoag, Jonathan Scheuer, Kali Fermantez and Chuck Ehrhorn introduced themselves. From the State Historic Preservation Division; Kawika Farm, Susan Lebo and Pua Aiu introduced themselves. From the attorney general's (AG) office, Cindy Young introduced herself.

III. MINUTES

June 12, 2013

Approval of June 12, 2013 meeting minutes was deferred.

IV. BUSINESS

Wong-Kalu advised the audience that had an item(s) on the council's agenda of their right to discuss matters in executive session if they chose to and read the council's discloser onto record.

A. Department's Recommendation to Recognize Kimball Kekaimalino Kaopio 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 acknowledged regularly seeing the above individual seeking recognition as a cultural descendant at consultation meetings contributing to the care and protection of *iwi kupuna*. Wong-Kalu also acknowledged and agreed with what Scheuer had said.

Scheuer moved and Hoag seconded, "to accept the department's recommendation."

VOTE: ALL IN FAVOR. Motion carried unanimously.

B. Department's Recommendation to Recognize William Aweau Hoohuli 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.

Scheuer asked the claimant to share his thoughts on how he would fulfill his *kuleana* as a recognized descendant to the human skeletal remains encountered at the above project.

William Hoohuli said he and his family wanted to ensure his *kupuna* was cared for. Hoohuli said there were instances where some *iwi* was carved by *kupuna* of the past which made protecting those *iwi* hard for him because he felt the *iwi* had already been desecrated. (Hoohuli was referring to the skeletal remain encountered in trench 150). Hoohuli acknowledged there would be challenges and possible conflicts on deciding what treatment was best for *iwi*. Hoohuli was not against relocating *iwi* that had already been desecrated. Hoohuli said he was in favor of relocating *iwi* if it would impede progress.

Wong-Kalu said previous community input advocated that all the *iwi* encountered for the subject project be preserved in place and that the project has committed to preservation in place. Wong-Kalu wanted to know if he would be able to work with those that advocated for preservation in place given he was in favor of relocation.

Hoohuli said his position was dependant on the circumstances involved with each situation. Hoohuli said his position would be different if what was found was a complete burial as opposed to a few fragments. Hoohuli favored relocating fragments but that complete burials should be preserved in place.

Scheuer wanted to know if Hoohuli understood that cultural descendants were simply advisors to the council and that determination of treatment for human skeletal remains that are previously identified would ultimately be decided by the council, to which Hoohuli answered yes. Scheuer wanted to know what role Hoohuli thought a cultural descendant had. Hoohuli said cultural descendants were all in the same boat. Hoohuli acknowledge the heavy burden that cultural descendants bore but was not sure if a cultural descendant's role was to delay progress. Hoohuli said he knows his genealogy and that his genealogy is what he would use to guide his decisions.

Kaanohi Kaleikini felt the issue involved more then genealogy and that focus should be to *malama iwi kupuna*. Kaleikini asked Hoohuli to think about situations much more when advocating for relocation. Kaleikini said she was involved in a situation to reinter *iwi* determined for relocation that Hoohuli had advocated for relocation, yet was not present when it was time for reinter. Kaleikini said those that advocate for relocation needs to be present when the time comes to relocate and *malama iwi*. Kaleikini suggested the council defer Hoohuli's recognition if his focus was on genealogy and not to *malama iwi*.

Lopaka Asam said all bones of Hawaiians are sacred and was nervous about Hoohuli's position and views.

Hoohuli felt deferral of his recognition simply because he did not think like other cultural descendants could lead to other problems. Hoohuli felt the council only had one side of the story when it came to descendants involved with decision regarding the treatment of *iwi*

Kaleikini said she supported Hoohuli's recognition as long as he fulfilled his role as a cultural descendant and is present when the time comes to *malama iwi kupuna*.

A guy claiming to be Kamehameha VIII a direct descendant of Kamehameha I felt the land is the most important thing to and for Hawaiians.

Mana Caceres requested the council defer Hoohuli's recognition as a cultural descendant.

Hoohuli said there will be two groups. Hoohuli felt complete intact burials should be left in place and fragments must be considered for relocation.

Fermantez did not think the council should defer recognition of Hoohuli and his *ohana* simply because he differed in opinion from other recognized cultural descendants. Fermantez understood Hoohuli's position regarding the treatment of *iwi* to be a complex matter that may have difference in opinions.

Hoag wanted to know if the best treatment for *iwi* in some situations would be relocation. Hoohuli said his position would depend on the specific situation.

Ehrhorn told Hoohuli that he would need to work with other recognized descendants that may have different opinions.

Scheuer did not want Hoohuli to think that his role as a cultural descendant was to pick between the preservation of *iwi* versus progress and development. Scheuer said there were many instances that resolved matters where *iwi* was preserved and progress continued.

Wong-Kalu acknowledged differences in opinions amongst descendants will occur. Wong-Kalu felt only recognized descendants should touch *iwi* and that all recognized descendants must make every effort to be present when the time comes to *malama*.

Scheuer moved and Fermantez seconded, "that we (the OIBC) accept the department's recommendation for the names you (Wong-Kalu) read earlier to the TMKs you (Wong-Kalu) read earlier."

VOTE: ALL IN FAVOR. Motion carried.

C. Department's Recommendation to Recognize Louis Mahoe 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.

Kihei de Silva said the above claimant belonged to a recognized group of descendants of Kailua and has been actively involved for the past seven years. de Silva said the above claimant has been recognized by the OIBC previously to the *ahupuaa* of Kailua.

Wong-Kalu read SHPD's recommendation onto record.

Scheuer moved and Fermantez seconded to accept the department's recommendation.

VOTE: ALL IN FAVOR. Motion carried.

D. Department's Recommendation to Recognize Melody Kapilialoha MacKenzie 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.

Mapuana de Silva said the above claimant has been previously recognized by the OIBC as a cultural descendant to the *ahupuaa* of Kailua. M de Silva said the above claimant has also been involved with the Kailua descendant group since its inception.

Fermantez informed the audience that the claimants in agenda items IV-C and IV D have both been previously recognized by the OIBC which is why the council did not think it was necessary for them to be present. Fermantez said the council usually requests first time claimants to the recognition process to be present at their meetings.

Wong-Kalu read SHPD's recommendation onto record.

Scheuer moved and Fermantez seconded to accept the department's recommendation.

VOTE: ALL IN FAVOR. Motion carried.

E. Department's Recommendation to Recognize Paulette Kaanohiokalani Kaleikini and Ohana (List of Names to be Provided to Council via Review Letter) to Unidentified Human Skeletal Remains Encountered at Princess Kaiulani Redevelopment Project, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: 2-6-022:001 and 041.

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

Kaleikini said she has been recognized to burials of other projects in Waikiki and is currently in consultation with representatives for the Princess Kaiulani Redevelopment Project.

Wong-Kalu acknowledged seeing Kaleikini at yesterday's consultation meeting for the subject project.

Wong-Kalu read SHPDs recommendation onto record.

Scheuer informed the audience the council was not asking the subject claimant the same questions as other claimants was because they have already been asked. Scheuer said the above claimant regularly participates in almost every consultation meetings and attends almost every OIBC meetings which is also why the council did not ask the same questions that were posed to other claimants.

Scheuer moved and Fermantez seconded to accept the department's recommendation.

VOTE: ALL IN FAVOR. Motion carried.

OIBC chair called a brief recess at 11:19am. The chair reconvened the meeting at 11:34am.

Holck realized her vote would not have changed the outcome of Hoohuli's recognition earlier in the council's meeting but she felt compelled to share her thoughts on the matter. Holck said she was concerned with some of the statements made by Hoohuli. Holck felt Hoohuli was more concerned with obtaining recognition as a cultural descendant and not necessarily fulfilling his responsibility as a cultural descendant to *malama iwi kupuna*. Holck hoped Hoohuli's focus would be to *malama iwi kupuna*.

Hoag also shared similar sentiments as Holck.

F. 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.

Discussion/Recommendations/Determination: Discussion of above plan and determination on whether to preserve in place or relocate unidentified human skeletal remains at above project area.

Alani Apio a consultant representing the project requested a withdrawal and deferment of determination on the subject agenda item. Apio thought the project would be ready for the council's determination at their next OIBC meeting.

Scheuer explained the matter was withdrawn and deferred to delay the start of the 45 days in which the council had to render a determination.

G. 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 a representative for the project introduced herself, Dawn Chang a consultant and David Shideler a representative of Cultural Surveys Hawaii that completed the archaeological work for the project.

Chang hope the council would take action on disposition of the *iwi* encountered during the archaeological inventory survey (AIS) for the subject project. Chang acknowledged that the decision to determine preservation in place or relocation resided with the burial council. Chang acknowledged the project had numerous cultural descendants that have been recognized by the OIBC. Chang also acknowledge the council has consistently deferred to the recognized descendants regarding what may be appropriate treatment for the *iwi* encountered. Chang was of the understanding the descendants, along with the project favored preservation in place for all the *iwi* encountered. Chang requested the council determine that all the *iwi* encountered during the AIS be preserved in place or at the very least, provide an inclination on what they would like to see happen. Chang understood a burial treatment plan (BTP) is normally prepared when requesting a determination from the council regarding final disposition of *iwi* but said the forthcoming BTP would be prepared to reflect what the council determines.

Scheuer felt the council should move into executive session as what was being requested was procedurally different from the norm.

Scheuer moved and Ehrhorn seconded, to move into executive session at 11:54am.

VOTE: ALL IN FAVOR. Motion carried.

Scheuer moved and Holck seconded, to move out of executive session at 12:10pm.

VOTE: ALL IN FAVOR. Motion carried

Young of the AG's office said she consulted with an AG from the Office of Information Practices who concurred that the subject agenda item was not worded in a manner that informed the public the council would take any action. Young said any action take by the council would violate Hawaii's Sunshine Law. Young said the council could not take action on the subject matter because no BTP which signified the formal request for action had been presented and to take action would be a violation of Hawaii Administrative Rules §13-300-33.

Wong-Kalu wanted to know if the council could still express their individual position and sentiments to which Young answered yes.

Hoag thought the council has generally advocated for preservation in place of *iwi kupuna*. Hoag thought the council needed to hear from recognized descendants prior to making a determination.

Scheuer said each council member would share their individual inclinations on whether or not they supported preservation in place of *iwi* that would be covered in the forthcoming BTP.

Holck said she routinely consulted with the Kahuku Burial Committee (KBC) and as a representative of Turtle Bay Resort, they have generally listened and did what KBC wanted.

Magallanes concurred with Hoag and supported preservation in place but also wanted input from recognized descendants.

Ehrhorn also concurred with Hoag.

Fermantez also concurred with Hoag and thought the council should also defer to the OIBC's regional representatives after hearing from recognized descendants.

Scheuer was of the understanding the general consensus at consultation meetings for the project advocated for preservation in place for the *iwi* encountered during the AIS. Scheuer was also of the understanding the project's chief executive officer (CEO) was committed to preserving in place, thus he too supported preservation in place for the all the *iwi* encountered during the AIS.

Hoag thought in general most people would advocate for preservation in place of *iwi kupuna*, but noted that some instances may need to relocate *iwi* in order to better protect and preserve that *iwi*.

Wong-Kalu was also of the understanding the general consensus of recognized descendants advocated for preservation in place, thus she too supported preservation in place of all *iwi* encountered during the project's AIS. Wong-Kalu also noted the project's CEO committed to preservation in place. Wong-Kalu wanted to know if any of the recognized descendants at the meeting had a position that did not support preservation in place of the *iwi* encountered during the project's AIS.

Kaleikini said descendants supported preservation in place and that the project also supported preservation in place. Kaleikini said all the information presented by CSH did not contain any reason why the project could not preserve the *iwi* in place.

Wong-Kalu thought recognized descendants should be the first to speak on behalf of *iwi* and how that *iwi* should be treated. Wong-Kalu said she would lend her support to recognized descendants as the OIBC's Kona representative.

H. 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 matter was still in litigation.

Kaleikini wanted to be sure the project documented the disinterment well enough to identify her *kupuna* because her family had three plots where all the burials were disinterred.

V. INADVERTENT DISCOVERIES/SECTION 106/OTHER

A. 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 SHPD received a report of human skeletal remains on **June 26, 2013** at the above project. SHPD conducted a site visit and observed a previously disturbed in situ burial. Proposed treatment is to preserve in place. Farm said SHPD was called back out to the project on July 1, 2013 as more human skeletal remains were encountered. Farm said the second report of remains consisted of less than 2% of an individual and was most likely associated with the burial previously encountered and reported. The remains were recovered and placed with the burial found on June 26. The site was protected from the elements and formal determination by SHPD is pending. On July 3, 2013 SHPD was contacted again as a coffin burial was encountered during excavation of a slope which ran parallel to Kamehameha Highway. Farm said the area used to have a cemetery which was decertified. Farm said the coffin burial was of a completely intact burial and that no determination had been made by SHPD.

Kaleikini wanted to know if the area was investigated. Farm said no because the project had voluntarily rerouted their utility away from the find which would allow for preservation in place.

Wong-Kalu suggested representatives of the project be invited to a future OIBC meeting.

B. Notification from U.S. Marine Corps Base Regarding the Inadvertent Discovery of Likely Native Hawaiian Human Skeletal Remains Associated with Installation of a Kiddie Pool, Kaneohe Ahupuaa, Koolaupoko District, Island of Oahu.
Information/Discussion/Recommendation: Discussion on above project and possible recommendations.

Farm said the subject and following agenda items were for the council's information and that if the council decided to become involved with the matter, that the council make a motion to do so.

Magallanes thought the council needed to become involved and assign a member to investigate the matter.

Scheuer said the council had received numerous notifications from the Kaneohe Marine Corps Base indicating that no historic properties would be affected, yet now the council had two items from KMCB informing them of inadvertent discoveries of human skeletal remains.

Kaleikini already notified KMCB that she and her family would be coming forward as claimants through the federal NAGPRA (Native American Graves Protection and Repatriation Act) process. Kaleikini suspected KMCB was initiating the consultation process as part of their Section 106 requirement. Kaleikini suggested the council request to be included in the Section 106 consultation process.

Wong-Kalu thought KMCB's point of contact June Cleghorn should be invited to the next OIBC meeting to which Farm acknowledged he would do. Wong-Kalu asked fellow council members to let her know if anyone is willing to take responsibility for matters within the Koolaupoko district until a Koolaupoko council member is found.

C. Notification from U.S. Marine Corps Base Regarding the Inadvertent Discovery of Likely Native Hawaiian Human Skeletal Remains Associated with Construction for the New Marine Corps Air Station Operations Building, Kaneohe Ahupuaa, Koolaupoko District, Island of Oahu.

Information/Discussion/Recommendation: Discussion on above project and possible recommendations.

Farm said the matter was the same as the previous agenda item and thought KMCB was looking for claimants as part of their Section 106 process.

D. Section 106 Consultation Regarding Sewer Line Replacement Between Pump Station 1696 and SH-038 Aboard MCB Hawaii, Kaneohe Ahupuaa, Koolaupoko District, Island of Oahu, TMK: 4-4-008:001.

Information/Discussion/Recommendation: Discussion on above project and possible recommendations.

Magallanes was not sure how the council should proceed. He was concerned that the council is sent notifications by KMCB indicating no historic properties would be affected and yet the council had two agenda items that had inadvertent discoveries of human skeletal remains at KMCB.

Kaleikini thought the Office of Hawaiian Affairs (OHA) should also be involved with the subject agenda items.

Wong-Kalu requested the OHA representative present to also advise June Cleghorn and others of KMCB to attend a future OIBC meeting. Wong-Kalu reiterated her desire to have a fellow council member take on the *kuleana* of the Koolaupoko representative until the vacancy is filled.

E. Section 106 Consultation Regarding Demolition of Grease Rack, Facility 1227 Aboard MCB Hawaii, Kaneohe Ahupuaa, Koolaupoko District, Island of Oahu, TMK: 4-4-008:001.

Information/Discussion/Recommendation: Discussion on above project and possible recommendations.

Magallanes said he did not get a chance to review the document.

F. Section 106 Consultation Regarding Installation of Backup Generator at Building 217 Aboard MCB Hawaii, Kaneohe District, Koolaupoko District, Island of Oahu, TMK: 4-4-008:001.

Information/Discussion/Recommendation: Discussion on above project and possible recommendations.

Chair decided to move on.

G. Section 106 Consultation Regarding Upgrading the Communication System at Puuloa Range Training Facility Aboard MCB Hawaii, Kaneohe Ahupuaa, Koolaupoko District, Island of Oahu, TMK: 9-1-001:001.

Information/Discussion/Recommendation: Discussion on above project and possible recommendations.

Chair decided to move on.

H. Section 106 Consultation Regarding Replacing the Fence Around the Ammunition Supply Point Compound Aboard MCB Hawaii, Kaneohe Ahupuaa, Koolaupoko District, Island of Oahu, TMK: 4-4-008:001.

Information/Discussion/Recommendation: Discussion on above project and possible recommendations.

Chair decided to move on.

I. Consultation Request Regarding Plan of Action for Inadvertent Finds at Marine Corps Air Station and Children's Pool Construction Project Aboard MCB Hawaii, Kaneohe Ahupuaa, Koolaupoko District, Island of Oahu, TMK: 4-4-008:001.

Information/Discussion/Recommendation: Discussion on above project and possible recommendations.

Chair decided to move on.

J. Section 106 Consultation Regarding Establishing a Recreational Bow Hunting Program at Marine Corps Training Area Bellows, Kaneohe Ahupuaa, Koolaupoko District, Island of Oahu, TMK: 4-1-015:001.

Information/Discussion/Recommendation: Discussion on above project and possible recommendations.

Chair decided to move on.

Farm said he would scan and email Section 106 notices as soon as SHPD dated their receipts so that Magallanes would have more time to process and respond to these notices.

Wong-Kalu thought it was very important for June Cleghorn and a representative from KMCB to come before the council to discuss agenda items V-B through V-J in addition to other projects that may be occurring at KMCB.

Aiu thought the council needed to delegate a member to attend and consult with KMCB at their meetings if the OIBC wanted to be involved with their consultation process.

VI. ANNOUNCEMENTS

Scheuer on behalf of the council thanked Aiu for her service as SHPD's administrator and wished her the best on her future endeavors. Wong-Kalu also thanked Aiu for her time and work with SHPD and wished her the best of luck with future endeavors.

Magallanes requested that Kunai Loa Ridge/ C&C Farmlands be placed on the next OIBC agenda. Magallanes said he conducted a site visit on June 23, 2013 and noticed some disturbance to site 6459 which he thought was a burial site. Magallanes thought the council needed an update regarding the project and requested SHPD invite representatives of the project as well as the project's attorney. Magallanes was very concerned with what has been occurring at the project site. Magallanes wanted to know why the projects attorney requested to not be placed on the OIBC's agenda.

Farm said the project did not want to come before the OIBC until the project developed and could present a BTP. Farm said he invited representative of the project through email to attend the OIBC's July meeting and received a response indicating that project proponents would not be able to attend.

VII. ADJOURNMENT

Scheuer moved and Fermantez seconded to adjourn the meeting at 1:40pm.

VOTE: ALL IN FAVOR. Motion carried.