

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, August 14, 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
Kali Fermantez
Steve Hoag
Chuck Ehrhorn
Shad Kane

Absent: Jonathan Scheuer Excused
Danna Holck Excused
Pokii Magallaes Excused

Staff: Kawika Farm, Burial Site Specialist
Susan Lebo, Archaeologist
Deona Naboia, Archaeologist

Guest: Chivas Naone Lopaka Asam
Garnet Clark Mana Caceres
Gary Omori Kapilialoha MacKenzie
Kaanohi Kaleikini Matt McDermott
Sheila Valdez Eric Gleason
Lani Maa Lapilio David Shideler
Dawn Chang

I. CALL TO ORDER

The Oahu Island Burial Council (OIBC) chair, Hinalaimoana Wong-Kalu called the meeting to order at 10:13am.

II. ROLL CALL/PULE

Council member, Chuck Ehrhorn gave the *pule wehe*. OIBC council members; Wong-Kalu, Steve Hoag, Shad Kane, Kali Fermantez and Ehrhorn introduced themselves.

III. MINUTES

June 12, 2013

Kane moved and Ehrhorn seconded to approve June 12, 2013 meeting minutes.

VOTE: ALL IN FAVOR. Motion carried.

July 10, 2013

Approval of July 10, 2013 meeting minutes was deferred until the next OIBC meeting.

IV. BUSINESS

A. Department's Recommendation to Recognize Chivas Oluoluakeakua Naone 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 advised the audience that had 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.

Wong-Kalu said the subject agenda item would be deferred due to the State Historic Preservation Division (SHPD) needing to make a correction. Wong-Kalu expected to see the subject item on the next OIBC agenda.

OIBC chair decided to take up agenda item I to give the claimants time to arrive at the meeting.

I. 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 for Target introduced himself and Melody Pili MacKenzie a recognized descendant to the burials encountered at the above project. Apio said the project was seeking council's determination on two burials covered by the subject burial treatment plan (BTP). Apio

said the burial preserve that would be constructed was designed by Kailua's descendant group and that the preserve would mirror other preserves in Kailua.

Wong-Kalu asked MacKenzie if she had any thoughts to share.

MacKenzie said Kailua's descendant group started meeting about five or six years ago. MacKenzie said their group has been meeting with developers of projects in Kailua to mitigate potential impacts to *iwi*. The group has routinely informed developers of the group's desire for preservation in place whenever *iwi* is encountered. Majority of the developers the group met with over the years have honored the group's request for preservation in place. MacKenzie acknowledged that the group in some instances understood that relocation was necessary. MacKenzie said their group continues to work with Target and that their group would take on the *kuleana* of caring for the preservation site.

Wong-Kalu wanted to know if Kailua's descendant group was satisfied with the efforts made by Target with accommodating their request to which MacKenzie answered yes.

Wong-Kalu requested the council be informed of opportunities to lend a voice in the consultation process for projects in Kailua.

Apio extended an invitation to the OIBC to any consultation meetings in Kailua. Apio also said the group of Kailua descendants was actively looking for a Koolaupoko representative.

Ehrhorn moved and Fermantez seconded that the OIBC recommend that SHPD accept the BTP.

VOTE: ALL IN FAVOR. Motion carried.

Ehrhorn moved and Fermantez seconded that the OIBC determines preservation in place for the two burials encountered at the above project.

VOTE: ALL IN FAVOR. Motion carried.

B. Department's Recommendation to Recognize Kimball Kekaimalino Kaopio as a Cultural Descendant to Unidentified Human Skeletal Remains Found at International Market Place, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: 2-6-022: 036-039 & 043.

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

Kane moved and Hoag seconded to recognize the above claimant as a cultural descendant to the unidentified human skeletal remains at the above project.

VOTE: ALL IN FAVOR. Motion carried.

C. Department's Recommendation to Recognize Kimball Kekaimalino Kaopio as a Cultural Descendant to Unidentified Human Skeletal Remains Found 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 remain at above project.

Kane moved and Fermantez seconded to recognize the above claimant as a cultural descendant to the unidentified human skeletal remains at the above project.

VOTE: ALL IN FAVOR. Motion carried.

OIBC chair decided to take up agenda item IV-E next.

E. Department's Recommendation to Recognize Kimball Kekaimalino Kaopio as a Cultural Descendant to Unidentified Human Skeletal Remain Found 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: 2-1-014:006.

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

Fermantez moved and Hoag seconded to approve recognition of the above applicant as listed in agenda item IV-E.

VOTE: ALL IN FAVOR. Motion carried.

OIBC chair decided to take up agenda item IV-H next.

H. Department's Recommendation to Recognize Kimball Kekaimalino Kaopio as a Cultural Descendant 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 individual as a cultural descendant to unidentified human skeletal remains at above project.

Kaanohi Kaleikini supported the subject claimant's recognition.

Kane moved and Fermantez seconded to approve the recognition of the above claimant to the unidentified human skeletal remains encountered at the above project.

VOTE: ALL IN FAVOR. Motion carried.

D. Department's Recommendation to Recognize JR Keonekapu Williams as a Cultural Descendant to Unidentified Human Skeletal Remain Found 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 remain at above project.

Kane moved and Fermantez seconded to recognize the above claimant to the unidentified human skeletal remain encountered at the above project.

VOTE: ALL IN FAVOR. Motion carried.

OIBC chair decided to take up agenda item IV-F.

F. Department's Recommendation to Recognize JR Keonekapu Williams as a Cultural Descendant to Unidentified Human Skeletal Remains Found 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: 2-1-014:006.

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

Hoag moved and Kane seconded to recognize the above claimant to the unidentified human skeletal remains encountered at the above project.

VOTE: ALL IN FAVOR. Motion carried.

OIBC chair decided to take up agenda item IV-G.

G. Department's Recommendation to Recognize JR Keonekapu Williams as a Cultural Descendant 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 individual as a cultural descendant to unidentified human skeletal remains at above project.

Kaleikini supported the above claimant's recognition.

Kane moved and Fermantez seconded to approve the recognition of the above claimant to the unidentified human skeletal remains encountered at the above project.

VOTE: ALL IN FAVOR. Motion carried.

J. Informational Presentation and Update on 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.

Dawn Chang of Kuiwalu introduced herself, Matt McDermott of Cultural Surveys Hawaii and Lani Maa Lapilio of Aukahi. Chang said consultation with recognize descendant was ongoing and the project would present the council with a BTP at a future meeting.

Wong-Kalu wanted to know if any of the recognized descendants present had comments to share regarding the consultation process.

Kaleikini said the meetings have been satisfactory.

Mana Ceceres on behalf of his family said they were happy with the first draft of the BTP for the above project.

Fermantez wanted to know the how many descendants have been recognized to which Lapilio answered 56. Lapilio said consultation in some form had occurred with each descendant except the most recently recognized descendants as no consultation meeting occurred since the last OIBC's meeting. Fermantez wanted to know if there was a general consensus amongst descendants to which Lapilio answered yes. Lapilio approximated that 20 representatives regularly attended the consultation meetings.

Chang said all future descendants would also have an opportunity to review the BTP, but that the project would continue to proceed with the current body of recognized descendants.

Fermantez wanted to know when the OIBC could expect to see the project's BTP. Chang said the project anticipated bringing the BTP before the council in two months. Chang acknowledged the commitment to preserve all *iwi* encountered during the archaeological inventory survey (AIS) in place.

Kaleikini requested an update on the status of the AIS's review. McDermott anticipated the AIS being accepted by SHPD by the end of the month.

K. Kunia Mauka Loa Ridge C&C Farmlands Project, Honouliuli Ahupuaa, Ewa District, Island of Oahu, TMK: 9-2-004.

Information/Discussion/Recommendation: Update and discussion of archaeological work at above project regarding confirmation of one burial site and proposed treatment of other probable burial sites.

Sheila Valdez a representative of Na Wahine O Kunia wanted the developers of the subject project to attend a future OIBC meeting so that concerns of the community could be addressed.

Kane commended Valdez for all the work she did and continues to do and offered his assistance to Valdez.

Kawika Farm of SHPD was of the understanding that representatives for the project do not plan on attending the OIBC's meeting until the project had a BTP to present. Farm was also of the understanding that SHPD was currently reviewing the project's AIS. Farm suggested the council make a motion to draft a letter to the landowners formally requesting their presence at a future OIBC meeting.

Kaleikini said she submitted her claim seeking recognition as a cultural descendant to the burial identified during the AIS because she thought that would help speed up the consultation process.

Lopaka Asam thought the project should be halted until all the plans are completed and approved.

Valdez alleged *iwi* was unearthed and hidden during construction of a reservoir.

Kane was also aware of the many cultural sites in the area and thought the history of those sites were not being properly documented and was slowly being lost.

Fermantez wanted to know what the council to do to help the situation. Deona Naboa of SHPD said the matter was complicated because there was no clear distinction of who had jurisdiction.

Ehrhorn was disturbed by the process the subject project seemed to be following and did not think it was consistent with what other developers had to do. Ehrhorn thought there was state laws which governed agricultural lands and was not sure why this project seemed to be exempt from the normal process that other developers had to go through.

Valdez said the project was exempt from the normal review process because the project came under Act 271. Valdez said the project also had a conservation plan which was not being followed.

The council wanted to know what could be done. Farm said the project had an AIS under review and a BTP would be forthcoming. Farm thought Valdez needed to continue being vigilant. Farm said that if he was made aware of *iwi* being unearthed, he would immediately take action. However, Farm said to date, he has not seen any *iwi* being desecrated. Farm did not think SHPD currently had a trigger which would involve the division with the concerns Valdez has expressed. Farm said he had informed Valdez and others that the time to submit comments was during SHPD's review of the AIS because this was the time to challenge any discrepancies, inadequacies and advocate for what level of protection some or all the sites should be afforded.

Kaleikini felt consultation was part of the AIS prior to the AIS being accepted. Farm thought the project was taking the position that consultation was occurring during the 30 days the public has to submit comments pertaining to the AIS.

A member of the public wanted to know if SHPD could go out to the project if excavation was occurring that exposed human skeletal remains. Farm said that has not happened. Farm said grading and grubbing related issues had nothing to do with SHPD and that it was purely a City and County of Honolulu matter.

Wong-Kalu requested Farm send another email requesting that representatives of the project attend the OIBC's meeting and that the project would continue to be placed on the agenda until they appear.

Kaleikini wanted to know if the site that identified a burial was explored to determine if more burials were present. Farm said he did not read the AIS but was of the understanding that the archaeologist encompassed a large preservation area once human skeletal remains was identified due to the likeness of other human skeletal remains being present. Farm thought the archaeologist drew that conclusion based on the archaeologist experience and other similar burial features.

Ehrhorn thought a lot of here say was being expressed and would not approve any AIS unless the developer came to one of the council's meetings. Farm clarified that the council does not approve an AIS.

Wong-Kalu suggested council members Kane and Ehrhorn collaborate to produce a letter inviting representatives of the project to attend the OIBC's meeting to address concerns that they have.

Kekai Kaopio wanted to know if there was a timeline for when claims seeking recognition as cultural descendants could be made. Farm thought recognitions should wait until the AIS for the project is approved. Kaleikini disagreed and thought consultation was part of the AIS.

Fermantez thought council member Pokii Magallanes in addition to Kane and Ehrhorn should be involved with drafting the letter to project representatives. Wong-Kalu thought the council would need to create a task force.

OIBC chair called a brief recess at 11:59am. OIBC chair reconvened the meeting at 12:16pm.

Kane moved and Fermantez seconded to establish a working group to address the concerns of Ms. Sheila Valdez. The working group may have members of the OIBC and other interested parties that may contribute to the goal of the working group. The goal of the working group is to ascertain further information regarding the project, SHPD, *malama iwi kupuna* and soliciting a response from the landowner. The working group will consist of Kane, Ehrhorn, Valdez and Caceres.

VOTE: ALL IN FAVOR. Motion carried.

L. 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.

Wong-Kalu read an email from Kawaiahao Church representative, Bill Haole onto record. The email stated that concerns expressed during a site visit by OIBC's Kona representatives and SHPD were addressed. Wong-Kalu said a site visit to confirm what was expressed in Haole's email was still being coordinated.

Kaleikini wanted to know where the *iwi* from her family's burial plot were and if the church could turn over those *iwi* to her as she would be doing a re-interment soon and wanted her family's bone laid to rest. Kaleikini requested her concern be brought up during the next site visit.

Wong-Kalu sent Haole an email incorporating Kaleikini's request in addition to requesting a date to visit the site.

V. INADVERTENT DISCOVERIES/SECTION 106/OTHER

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

Information/Discussion/Recommendation: Update and discussion on inadvertent discovery of a single bone fragment at above project and proposed treatment.

Farm said SHPD received a report of inadvertently discovered human skeletal remain in a back dirt pile on July 10, 2013. The discovery was associated with the cemetery that used to be in the area. The find consisted of a single bone fragment and no determination has been made.

B. Kaiwi Shoreline, Waimanalo Ahupuaa, Koolaupoko District, Island of Oahu, TMK: 3-9-011:002.

Information/Discussion/Recommendation: Discussion on above find and proposed treatment.

Farm said SHPD received a report of human skeletal remains at the above area on July 18, 2013. SHPD conducted a site visit and identified the remains as human and consisting of portions of a cranium. The remains appeared to have been exposed by wind and rain and were believed to have originated near the top of knoll. SHPD secured the site protecting the remains

in place. Proposed treatment is preservation in place and SHPD is currently working with State Parks to resolve the matter. Farm was aware of three instances in which human skeletal remains were encountered within the same area. The first instance occurred in 1991, the second in 2008 and the third being subject remains currently discussed. Farm could not locate records within SHPD detailing the disposition of the find from 1991. Farm said State Parks had a single long bone that was recovered in 2008 that State Parks wanted to re-enter the long bone with the most recent find. Farm said details regarding final disposition of the find still needed to be worked out in consultation with State Parks.

Kaleikini requested to be involved with treatment of the *iwi* and said she would contact Bumpy Kanahale who is from the area. Wong-Kalu availed herself so long as she did not have any conflict of schedules.

C. Replace the Fence Around the Recycle Center (Building 132) Aboard MCB Hawaii. Kaneohe Ahupuaa, Koolaupoko District, Island of Oahu, TMK: 4-4-008:001.

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

Farm said the matter was notification which the council could respond to if they wanted to. Farm said he sent an email to June Cleghorn requesting that she and/or other representatives of Kaneohe Marine Corps Base attend the OIBC's meeting to update the council regarding the recent inadvertent discoveries of human skeletal remains and other projects, but did not receive a response.

Kaleikini said Cleghorn informed her that the military could not give out information regarding the inadvertent discoveries because a settlement from the Mokapu burials barred them from doing so. Kaleikini informed Cleghorn that these were new finds which started the federal process all over again.

Wong-Kalu also thought that Section 106 consultation needed to occur.

D. Install Range Flag Poles at Marine Corps Training Area Bellows, Waimanlo Ahupuaa, Koolaupoko District, Island of Oahu, TMK: 4-1-015:001.

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

Farm said the matter was the same as the previous agenda item and the council needed to decide on whether or not they wanted to respond.

There was discussion on how notification should occur, how consultation should occur and how to make the federal process more effective with the military.

VI. ANNOUNCEMENTS

Kaleikini wanted to know why agenda item IV-A was deferred. Farm said SHPD needed to revise its' recommendation to accurately reflect the claimant's genealogical connection. Farm said a meeting has been scheduled with the claimant to address the matter.

VII. ADJOURNMENT

Ehrhorn moved and Hoag seconded to adjourn the meeting at 1:10pm.

VOTE: ALL IN FAVOR. Motion carried.