

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

MINUTES
OAHU ISLAND BURIAL COUNCIL MEETING

DATE: Wednesday, October 9, 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
Kali Fermantez
Shad Kane
Pokii Magallanes

Absent: Chuch Ehrhorn
Danna Holck
Steve Hoag

Staff: Kawika Farm, SHPD Burial Site Specialist
Susan Lebo, SHPD Archaeologist
Deona Naboia, SHPD Archaeologist
Linda Chow, Deputy Attorney General

Guest: Kaahiki Solis
Kekaimalino Kaopio
Mahi Kaleikini
Kanaloa Koko
Ray Iwamoto
Debbie Lui-Anderson
JR Keonekapu Williams
Kaanohi Kaleikini
Moehonua Kaleikini
Nancy McMahan
Mike Lee
Sheila Valdez

Lauren Morawski
Lindsey Doi
Lani Maa Lapilio
Michael Dega
Alan Akina
Guerin Tome
Dawn Chang

Mana Caceres
Anthony Ching
Matt McDermott
Adam Lauer
Jeff Overton
Pono Kealoha

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

OIBC members; Wong-Kalu, Jonathan Scheuer, Kali Fermantez, Shad Kane and Pokii Magallanes introduced themselves. From the State Historic Preservation Division (SHPD); Kawika Farm, Deona Naboa and Susan Lebo introduced themselves. From the attorney general's (AG) office, Linda Chow introduced herself. Fermantez gave the *pule wehe*.

III. MINUTES

August 14, 2013

Kane moved and Magallanes seconded, "to approve [minutes of August 14, 2013]"

VOTE: ALL IN FAVOR. Motion carried.

July 10, 2013

Scheuer moved and Fermantez seconded, "to accept the minutes of July 10, 2013."

VOTE: ALL IN FAVOR. Motion carried.

IV. BUSINESS

Wong-Kalu requested a motion be made to take agenda items out of order as she was aware the council at some point would lose quorum and wanted to make sure the council took action on those items that required action by the council.

Scheuer moved and Magallanes seconded, "we move through the agenda as scheduled [under business] from items A through F and then take item H before G."

VOTE: ALL IN FAVOR. Motion carried.

A. Department's Recommendation to Recognize Chivas Oluoluakua 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.

Wong-Kalu read the rights of individuals onto record informing the audience that those individuals that had an item on the OIBC's agenda seeking recognition as a descendant could request the council move into executive session when discussing their subject agenda item.

Scheuer informed the audience the OIBC has been requiring individuals seeking recognition as a descendant for the first time in an ahupuaa to attend the OIBC's meeting so the council has the opportunity to question that individual.

Scheuer moved and Fermantez seconded, "to defer action on this recommendation."

VOTE: ALL IN FAVOR. Motion carried.

B. Department's Recommendation to Recognize Paulette Kaanohikalani Kaleikini and Ohana (See attached List) as Cultural Descendants to Unidentified Human Skeletal Remains Encountered at SIHP 50-80-08-7331 at Kunia Mauka Loa Ridge C&C Farmlands Project, Honouliuli Ahupuaa, Ewa District, Island of Oahu, TMK: 9-2-004.

Wong-Kalu read onto record the names of the following individuals seeking recognition as cultural descendants to the unidentified *iwi* encountered at the above project:

Paulette Kaanohikalani Kaleikini
Moani Umiaimoku Kaleikini
Tuahine Kanekapolei Kaleikini
Kala Waahila Kaleikini
Kalahikiola Mahikeahi Keliinoi
Kilinahe Ialuumoku Keliinoi
Aliikaua Keawenuiaumi Kaleikini
Noeau Kamehanaokala Kaleikini
Haloa Kekoo Namakaokalani Kaleikini
Mahiaimoku Kekaulike Kaleikini
Moehonua Keaweamahi Kaleikini
Jim Medeiros Senior
Michael Lani Keaweamahi
JR Keonekapu Williams
April Leimomi Keaweamahi
Shanlyn Maile Keaweamahi Kanohokula

Scheuer moved and Kane seconded to recognize the individuals [named above and] read onto record by Wong-Kalu as cultural descendants.

VOTE: ALL IN FAVOR. Motion carried.

Kaanohi Kaleikini wanted to know why the OIBC's agenda now listed the names of all individuals seeking recognition as a descendant. Kaleikini said the agenda caused an individual to become concerned when that individual saw that JR Keonekapu Williams was seeking recognition as a cultural descendant under Kaleikini's agenda item. Kaleikini wanted to know if the practice would continue since it wasn't practiced in the past.

Chow recommended the practice continue.

In light of the concern raised, Farm said the matter would be further discussed with the AG's office. Farm also noted an AG was present to weigh in on the matter.

Kaleikini was also concerned that listing the names of all individuals seeking recognition as a descendant may lead to problems relating to genealogy. Kaleikini said SHPD had grouped recognitions together in the interest of time but felt the practice did more harm the good.

Farm said SHPD was advised by the AG's office that the names of all claimants seeking recognition as a descendant must be listed or attached to the agenda in order to comply with the requirements of Sunshine Law. Farm said the practice would continue until informed differently by the AG's office.

Chow said the name of any individual seeking recognition had to be placed on the council's agenda.

Kaleikini said that JR Keonekapu Williams name should not be listed under or as part of her recognition for any future agenda items.

C. Department's Recommendation to Recognize Michael Kumukauoha Lee as a Cultural Descendant to Unidentified Human Skeletal Remains Encountered at SIHP 50-80-08-7331 at Kunia Mauka Loa Ridge C&C Farmlands Project, Honouliuli Ahupuaa, Ewa District, Island of Oahu, TMK: 9-2-004.

Mike Lee said the *iwi* at the above project was not secured and advocated for cultural monitors. Lee had a lot of concerns with the project. Scheuer interjected and said the matter could be further discussed when that specific agenda item was taken up. Lee said he started caring for *iwi kupuna* in 1983 and has been doing so for 30 years.

Scheuer moved and Kane seconded to accept SHPD's recommendation.

VOTE: ALL IN FAVOR. Motion carried.

Wong-Kalu said the OIBC recognized Michael Kumukauoha Lee as a cultural descendant to the unidentified human skeletal remains at the above project.

D. Department's Recommendation to Recognize Brandy Kalehua Kamohalii Caceres and Ohana (See attached List) as Cultural Descendants to Unidentified Human Skeletal Remains Encountered at SIHP 50-80-08-7331 at Kunia Mauka Loa Ridge C&C Farmlands Project, Honouliuli Ahupuaa, Ewa District, Island of Oahu, TMK: 9-2-004.

Wong-Kalu read onto record the names of the following individuals seeking recognition as cultural descendants to the unidentified *iwi* encountered at the above project:

Brandy Kalehua Kamohalii Caceres
Norman "Mana" Christopher Moore Kaleilani Caceres
Kekamamakoakailihou Kaleilani Kamohalii Caceres
Keahealaiianiikekamaehuokahikiku Kiekiekananiokuuleilehua Kamohalii Caceres
Kekamakeuakauikuhaokalai Kalehuhahie Kamohalii Caceres

Kane moved and Scheuer seconded to recognize the individuals [named] above as cultural descendants to the unidentified *iwi* encountered at the above project.

VOTE: ALL IN FAVOR. Motion carried.

E. Department's Recommendation to Recognize Kimball Kekaimalino Kaopio as a Cultural Descendant to Unidentified Human Skeletal Remains Encountered at SIHP 50-80-08-7331 at Kunia Mauka Loa Ridge C&C Farmlands Project, Honouliuli Ahupuaa, Ewa District, Island of Oahu, TMK: 9-2-004.

Kane moved and Scheuer seconded to recognize Kimball Kekaimalino Kaopio as a cultural descendant to the unidentified *iwi* at the above project.

VOTE: ALL IN FAVOR. Motion carried.

F. Department's Recommendation to Recognize Carolyn Keala Norman and Justin Kepoohunaikeauoli Keliipaakaua as Cultural Descendants to Unidentified Human Skeletal Remains the Cove Waikiki Condominium Project, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: 2-6-012:037-044 and 055-058.

Kaleikini supported the recognition of the above claimants as they have been recognized previously by the OIBC to other *iwi* in the Kalia area.

Wong-Kalu acknowledged both she and Scheuer regularly sees the subject claimants participating at consultation meetings.

Scheuer moved and Kane seconded to accept [SHPD's] recommendation.

VOTE: ALL IN FAVOR. Motion carried.

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

Scheuer said the OIBC previously made a determination regarding the subject burial treatment plan (BTP). At that meeting, the OIBC requested the consultant further engage the Hauula community regarding the project and BTP. As a result of consultation efforts, the Hauula community recommended a different area to relocate the *iwi* encountered at the above project. Scheuer said procedurally, the BTP needed to be revised and formally presented before the council to allow the council the opportunity to comment and vote on whether the plan should be accepted as revised.

Kane moved and Scheuer seconded that the OIBC recommends SHPD accept the BTP as amended.

VOTE: ALL IN FAVOR. Motion carried.

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

Magallanes said the council's investigative working group met with representatives from the project in addition to other individuals to discuss concerns. Magallanes said representatives from the project expressed their commitment to protect and preserve the human skeletal

remains encountered at the above project. The project also had an archaeological inventory survey (AIS) done and submitted the AIS to SHPD for review. Magallanes was of the understanding the project is exempt from the City and County of Honolulu's permitting process because the project followed a state conservation plan. He was informed the project also had policies in place to address the treatment of human skeletal remains that have been encountered or may be encountered on individual lessee's properties. The project also received federal funding which brought up concerns regarding the federal Section 106 consultation process. Magallanes said the AIS identified one burial and seven possible burial sites. Only the confirmed burial site had a delineated preservation area with orange construction fencing. A BTP was also being developed. Concerns regarding the process on how violations are reported and conducted was also discussed at the meeting. Magallanes personally felt the project had a series of violations that need to be addressed. The investigative group scheduled a site visit for October 16, 2013 at 9am.

Scheuer wanted to know what jurisdiction the OIBC had regarding the project. Chow said the OIBC's jurisdiction would be limited to the burials. Chow said the project would need to work with the OIBC regarding development of their BTP. If Section 106 has been triggered, Chow said the OIBC would also be part of that consultation process.

Nancy McMahon said she was contracted to develop the project's preservation plan and BTP. McMahon thought the AIS should be part of the Section 106 process and that further consultation efforts would be made. McMahon also confirmed the one burial site as well as the seven possible burials sites would all be preserved in place. Additionally, another 27 archaeological sites would also be mitigated by a preservation plan.

Scheuer wanted to know how many of the known or possible burial sites were in lots already awarded to lessees. Debbie Lui-Anderson, one of the owners of the project said a couple of the burial sites were on lot 42 and that the lessee has been made aware of those sites. Lui-Anderson said there have been discussions with lessees and the lessees have been cooperative.

Scheuer wanted to know if the lots could still be reconfigured so the land containing the burial sites could be better managed and protected by another party. Lui-Anderson said lots that have not been purchased could still be realigned to carve out certain areas that could be conservation areas.

Scheuer wanted to know who currently monitored and/or will monitor the sites identified at the project. Lui-Anderson said currently there were a couple of individuals that regularly monitored the sites and that the project would have an association in the future to monitor the sites. Anderson said the future association could also have a committee specifically created to monitor the sites.

Scheuer thought there were other options that may be more effective to monitor and be responsible for the care of the sites identified rather than an association. Scheuer advised the project representatives to aggressively explore other options.

Kane said the city had programs with funding to help accomplish some of the suggestions made by Scheuer.

McMahon invited the recently recognized cultural descendants to the scheduled site visit on October 16.

Kaleikini suggested the project have cultural monitors and that recognized cultural descendants should be the cultural monitors.

Lee supported Kaleikini's suggestion. Lee also wanted the project to develop and burial agreement which was legally binding and enforceable rather than a BTP. Lee also questioned who the true landowner was as he felt James Campbell's prior ownership of the property was acquired illegally.

Pono Kealoha challenged McMahon's credibility.

Kane commended Magallanes for all his work and dedication with taking the lead with the investigative group and working with the project's representatives.

Wong-Kalu said the council would lose quorum momentarily and would only hear testimony on the remaining agenda items.

Wong-Kalu called a brief recess at 11:10am which was also when the council lost quorum.

The Following Are Notes From The OIBC's October 9, 2013 Meeting

Wong-Kalu reminded the public and council members that no discussion was permitted and only testimony would be heard as the council no longer had quorum.

I. Discussion of Completed Archaeological Inventory Survey for Aloha Solar Energy Farm 2, Honouliuli Ahupuaa, Ewa District, Island of Oahu, TMK: 9-1-013:070.

Scheuer said his wife worked for Group 70 as a consultant for the project and recused himself.

Jeff Overton of Group 70 introduced himself, Matt Blake of Aloha Solar Energy, Kamolei Wilhelm and Lani Kaanana. Overton said Scientific Consultant Services (SCS) was the project's archaeological consultant and introduced Guerin Tome and Mike Dega. Overton thanked council member Kane for his help with the project as well. Overton went over a PowerPoint presentation. The project proposed to construct a solar farm on 44 acres in the Kalaeloa area under the control of HCDA (Hawaii Community Development Authority). The project completed an AIS as part of the project's environmental assessment. A lot of consultation was involved with development of the AIS. The AIS identified 23 sites consisting of 96 features within the project area. The AIS also identified two burial mounds. No invasive testing occurred as a result of consultation with cultural advisors and community members. Government agencies also concurred with the recommendation to not conduct invasive testing. The burial mounds are slated for preservation in place. Other sites identified during the AIS would be mitigated in consultation with community members and SHPD. Overton expected the project would appear before the council early 2014 to formally present the BTP.

Kane commended the archaeological work completed for the project.

J. Update on Honolulu Authority for Rapid Transportation Project, Island of Oahu.

Dawn Chang on behalf of Honolulu Authority for Rapid Transportation said the project's AIS and interim protection plan were approved by SHPD. After acquiring the proper permit from the City and County of Honolulu, the project resumed construction on September 16, 2013.

Construction started in Phase I but no construction could start in Phase IV or the airport until the project's archaeological plan, archaeological data recovery report and burial treatment plan has been completed and approved. The BTP would be developed after completion of the archaeological data recovery plan.

V. INADVERTENT DISCOVERIES/SECTION 106/OTHER

Chow said the council could only hear testimony from the public and that the following agenda items could only be heard if there was representative for each agenda item to testify.

Wong-Kalu informed the public she would read off each agenda items and then take testimony from any interested party.

A. Unidentified Human Skeletal Remains Encountered at 5794 Kalaniana'ole Highway, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: 3-8-014:007 & 001.

Kakai Kaopio did not receive any notification regarding the inadvertent discovery of human skeletal remains at the above property and felt he should have.

Kaleikini agreed with Kaopio and felt SHPD was being inconsistent with notifying individuals.

B. Unidentified Human Skeletal Remains Encountered Near Intersection of Date Street and Kamuela Avenue During City and County of Honolulu Drainage Improvement Project, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: 2-7-034.

Kaleikini said she was not notified regarding the inadvertent discovery of the human skeletal remains and said she would be contacting the City and County of Honolulu.

Kaopio echoed Kaleikini's statement.

C. Unidentified Human Skeletal Remains Encountered at Haleiwa Joe's Leach Field and Septic Replacement Project, Kawaihoa Ahupuaa, Waialua District, Island of Oahu, TMK: 6-6-001:034.

Kaopio said he was not aware of the project and used to be informed about projects in the Waialua area.

D. Unidentified Human Skeletal Remains Encountered at 53-852 Kamehameha Highway, Hauula Ahupuaa, Koolauloa District, Island of Oahu, TMK: 5-3-013:013.

Adam Lauer of International Archaeological Research Institute Incorporation (IARII) the contracted archaeological firm for the project said IARII was contracted on September 27 to conduct archaeological investigative work at the above project. The landowner was informed by SHPD of the inadvertent discovery of human skeletal remains which led to IARII's involvement. IARII started work on October 1 which included the recovery and consolidation of disturbed human skeletal remains, the examination of house pad foundations and pier trenches for in situ burials and controlled excavation at three locations. The controlled investigations involved exploration of one identified burial and two other possible burials. To date IARII identified an MNI (minimum number of individuals) of four. All burials are secured in place and all skeletal fragments recovered are also secured on site. IARII will monitor all future excavation at the above property.

Kealoha did not appreciate burials being referred to by numbers and felt those individuals deserved more respect.

Alan Akina on behalf of the landowner said they felt very bad about the *iwi* impacted and would work with IARII to take care of the *iwi* the best they could. Akina said the landowners were committed to doing whatever it took to right the situation.

E. Request for Information Regarding Preparation of a Cultural Impact Assessment for Proposed Zip Line Project, Waimalu Ahupuaa, Ewa District, Island of Oahu, TMK: 9-8-073:001.

No testimony received.

F. Request for Information Regarding Preparation of a Cultural Impact Assessment for Proposed Halau Ku Mana Charter School, Honolulu Ahupuaa, Kona District, Island of Oahu, TMK: 2-5-019:008; 2-5-020:003, 004, 005 & 008.

Kaleikini requested to be kept informed regarding the above agenda item.

G. Request for Information Regarding Preparation of a Cultural Impact Assessment for Proposed Iron Gate Project Adjacent to 2121 Kuhio Tower, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: 2-6-018:043.

Kaleikini said she was contacted by SCS archaeology and would follow up with them.

H. Notification of Inadvertent Discovery of Human Skeletal Remain at Kaneohe Marine Corps Base During Testing for Proposed Cabins at Pali Kilo, Heeia Ahupuaa, Koolaupoko District, Island of Oahu.

Kaleikini said she spoke with June Cleghorn of the military's cultural resource management staff and that Cleghorn informed her that a molar was discovered. Kaleikini said the military had numerous projects ongoing and was also aware the military had a room full of *iwi* that needed to be repatriated. Kaleikini said she would pursue the matter through the federal NAGPRA (Native American Graves Protection and Repatriation Act) process.

I. Section 106 Consultation Request Regarding Plaza at Waikiki-1812 Kalakaua Avenue, Waikiki Ahupuaa, Kona District, Island of Oahu.

Kaleikini wanted to know who was requesting consultation and announced she wanted to be involved and part of the process.

J. Request for Information Regarding Preparation of a Cultural Impact Assessment for Proposed Construction of Single Family Dwelling, Kailua Ahupuaa, Koolaupoko District, Island of Oahu, TMK: 4-2-004:001.

No testimony received.

K. Request for Information Regarding Preparation of a Cultural Impact Assessment for Proposed Farrington Highway Improvement Project, Honouliuli Ahupuaa, Ewa District, Island of Oahu.

Kaleikini wanted more information and requested to be involved.

L. Section 106 Consultation Request Regarding Installation of Traffic Signals at Various Locations on Oahu.

Kaleikini wanted more information on the agenda item and requested contact information so that she could be involved.

Kaopio also wanted more information and suggested similar items not be placed on the council's agenda in the future if the matter could not be discussed.

VI. ANNOUNCEMENTS

Scheuer announced the next meeting date is scheduled for Wednesday, November 13, 2013 at 10am.

Scheuer said the Office of Hawaiian Affairs was hosting a meeting for Island Burial Council chairs and vice-chairs on October 15, 2013.

VII. ADJOURNMENT

The meeting ended as no further testimony was received.