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HAWAII



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

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

**NOTES
OAHU ISLAND BURIAL COUNCIL INFORMATIONAL HEARING**

DATE: Wednesday, May 9, 2018
TIME: 11:05 AM
PLACE: Department of Land and Natural Resources
Kalanimoku Building
Board Room, #132
1151 Punchbowl Street
Honolulu, HI 96813

The Oahu Island Burial Council did not have a quorum on May 9, 2018. Chair Hina Wong-Kalu and the Council held an informational hearing. Notes from the discussion are provided below in chronological order; the agenda was not followed, therefore summaries of the discussion are loosely titled based on the discussion focus/foci.

Oahu Island Burial Council members present:

Hinaleimoana Wong Kalu, Chair; Kona District Representative
Aulii Mitchell, Vice Chair; Wai'anae District Representative
Beverly Amaral, Ko'olaupoko District Representative
Kali Fermantez, Ko'olaupoko District Representative

State Historic Preservation Division staff:

Regina K. Hilo, Oahu Burial Sites Specialist

Guests:

Matt McDermott, Cultural Surveys Hawaii
Jeannette Bento, Kinimaka 'Ohana
Gina Vasconcellos, Kinimaka 'Ohana
Johnston Kaipo Spencer, Kinimaka 'Ohana
Diane Fitzsimmons
Keiko Denbeau, Kawaiaha'o Church
Haunani Hendrix, Kawaiaha'o Church
Bill Ha'ole, Kawaiaha'o Church
Lani Lapilio, Aukahi
Mishalla Spearing, CSH
Lois Yamaguchi, Kawaiaha'o Church
Kala Keliinoi, Descendant
Tuahine Kaleikini, Descendant
Thomas Shirai, Jr.
Kristine Barker, Hawaii Army National Guard

Kahili Norman, Descendant
Kekahili Kini, Descendant
Kamuela Kala'i
Hal Hammatt, Cultural Surveys Hawaii
David Shideler, Cultural Surveys Hawaii

Oahu Island Burial Council membership, composition, quorum, and meetings

Hina has courted individuals to serve on OIBC; communicated with Governor's office and Board and Commissions to discuss quorum issues; catching heat from across the street, comes with the kuleana of being Chair; large-landowner representative applicant has submitted application, Hina has requested the application be pushed forward ahead of everyone else, [not being able to have a quorum and handle business items at OIBC meetings is] holding up addressing issues that need to be handled on Oahu

Kali: at what point can we have two Kona reps; been on since 2012, numerically Koolauloa is smallest in terms of population; Waialua is still vacant; the more people we have, better chances of attaining quorum; Hina restated that today's OIBC has no quorum therefore is convened as informational hearing; Hina has been following up to address OIBC membership issues

Additional comments from attendees

Hina reminded the Council and those in attendance that the Council and any project representatives cannot entertain questions or address business; no pule for the informal gathering, pule to bless the food

Hina: asks RKH if could set a secondary date for June 20th (3rd Wednesday); June 13th is primary date

Aulii cannot make it on June 13th; backup date is June 20th

RKH: would hold June 20th as a backup date, and see if the Board Room at Kalanimoku is available

Question from attendees: why is there no commitment for quorum on the date that should; causes hardship for those that have come from outer islands

Kahili: has to travel to be committed to her kuleana; would think that those committed to serve us are not aware of those can't make it to sit on the other side; Council members are volunteers; anything to do with us, our people on that side to sit with us, not payable; other lahui get paid, state gets paid for making rules for all of us; people here volunteer, is costing their time too; understand and appreciates the time spent for Council to be here; Kahili trying to be patient; frustration

Hina: Finds self at great crossroads, knows that as Chair Hina has to do her best to be here and shoulder the responsibility; there are days – the very things that allow her to sit and provide leadership are the very things that would pull her away; the one time she wasn't present, she was on the other side of the table; Hawaiians pool of resources, those able and amiable to come, on both sides, frustrating

Bill: is it possible to establish whether or not there will be quorum a week before; appreciates the Council members who are present; airfare and travel is expensive

Hina: ideally. There was a time the Council got it going; the current council member list is spread out in umpteen different ways; not enough hours in the day; will do our very best; did not expect one member to be sick and the other responding to iwi kupuna; will do best to look for one more council member; when full composition of the Council, which is 9,

Kamuela: "So, I just gotta say a few things, and I know this is not you guys fault. And I know the intention is good, but it's failing the kupuna, and failing the ohana, the kupuna don't care about quorum. I know this is a last minute thing; not the only island this is happening; way too frequent. Find ourselves between a rock and a hard place; kupuna wait when meetings are canceled. Issue about agent and agency who don't give a damn about is. We gotta be the ones who care and step up and do the things we need to do. What the hell is quorum issues? Our kupuna do not care about quorum, especially the ones waiting in the basement of the church. The kupuna who continue to be exposed across the street. Can't accomplish anything if we're sitting inotherwise, they need to shut up. Feels for the ohana who have to sit here, pay out of pocket, just saying out of frustration. We're here, we showed up. We're the few who showed up. Whatever issues can't make the meetings, seats not filled, needs to be fixed; need to make it happen; haole, Western way of dealing with the kupuna; have to ask to be recognized by the state agency who

created the problem; stand in front of the church who created the problem and scanted the problem. Apologizes for her voice and the anger. This has got to stop. If we can't do it on state of Hawaii; the only people who care about the kupuna are those who are related; we the last on his or her list. I'm just saying that something gotta be done. Because the kupuna don't care about rules and regulations of the state of Hawaii. Thanks all who show up, who sit on that side of the table; understands emergencies and last minute kuleana; it's raining really hard out there, and the kupuna are still being exposed across the street. Appreciates the efforts to get the seats filled; been to meetings that been run really well; things happening outside that tell her things are out of control; conversation needed to have ten years ago; frustrating beyond words; disrespectful and degrading what is happening to the kupuna out there. Disappointed, can't have anything official happen today. Is it official that the kupuna are in the church are where they are? I don't know what official means any more. Kupuna and ohana continue to wait. I don't know. Apologized for her upsetness.

Hina: Aole pilikia.

Aulii: Elemental forms are strong right now. Kanehekili. Kamualaii, Pelehonua ma. Not only what we're here today, elemental forces are changes. Wants public to know he is here.

Diane: Jeannette is present; had a number of ohana present from July; ohana has been committed. Consensus is that ohana from Kauai can easily come to these meetings; beginning to feel that 'they' don't really care about us. That's the feeling that Diane's ohana is getting. There are some that are here (council) and some who are not. Family feels they can't get anywhere; doesn't move anywhere, not moving forward, and are instead moving backward. Hopes somehow this can be figured out to get the ancestors taken cared of. Whatever is done is for the kupuna and the kids [next generation].

Hina: Mahalo.

Jeannette: comes from Hilo for the Kinimaka ohana. Is it possible to have the outer island people testify via technology, that way she could testify remotely to make the meetings available to everyone.

Kekahili: Suggested virtual meetings.

Kahili: teleconferencing

Hina: In the current eyes of the deputy AG, for the Council to have that capabilities, the site would need to be opened as a public meeting. Must be at a designated site. Would have to double check with the AG. Kawaiahao Church is not happy with the decision the OIBC has made. Anyone is entitled to contest what the OIBC has done; OIBC needs to explain why decisions were made they way they were, AG needs to come in and explain why they were right or wrong. We have against our decision as a clear example. Plenty room for anyone coming forward to contest; if we're not following this, we don't have a lot of backing. Then we're going to be held responsible. In a non-gov or non-legally binding situation, virtual meetings are ok; not in a meeting where legal decisions are being considered and/or made. If you (Jeannette) were to open up QLCC, is that an endeavor that was sanctioned by QLCC? No it wasn't. If something happens over there, who's liable? A lot of that is BS. Plenty people out there. Accountability, responsibility. Kanaka way, some kanaka is not all the way. Doesn't like the bureaucratic crap either, but follows it because Hina will not be assaulted by somebody because Hina is the chair and held accountable.

Kamuela: Has some issues with accountability and liability; need to look for solutions that accommodate 'ohana. State of Hawaii allowed Kawaiahao to break their own laws, until a judge said they couldn't do that. No one is holding them liable for that. It's a small liability and shouldn't be holding us back in dealing with the kupuna. World of technology.

Hina: You are right. When the AG was called, when the AG says 'yay,' then I know something out there will cover my ass. If the AG is saying 'nay,'

Kamuela: the AG is looking out for the state of Hawaii. You need to cover your own ass.

Kali: meeting.

Kamuela: you deal with it.

Kahili: There's a way; they are not taking time to deal with us. You should be able to digitally sign, when you hook up on the link, that you can

Kali commented

Kekahili: deputy AG is not creating a way to do it when it can be done. Fortune 500 companies are doing it all over the world.

Kali: State of Hawaii is not a Fortune 500 company.

Kekahili: State of Hawaii is playing dumb; playing dumb is not ok.

Kali: stating the obvious.

Kamuela: can use technology, will be the first to demand.

Hina: old Kumu Hina wouldn't give a fuck. Short term and long term considerations, actions.

Kamuela: In this particular instance, the ohana is requesting and demanding they find a way

Kekahili: same, we want it this way

Hina: The HARs are a check and balance. Renegade.

Kamuela: Change the rules then.

Kekahili: shouldn't be renegading anyone, shouldn't be accountable to the State of Hawaii which has the tools and abilities to meet; AG and whomever is making noise on the other side, they are responsible for that.

Jeannette: sites available across Hawaii island; would get fuller participation. Representing the voices of the kupuna who cannot speak, trying to get those individuals represented.

Hina: requests RKH to invite Linda Chow to the meeting. Western system that doesn't care about kanaka.

Kamuela: demand from the State of Hawaii that the ohana be given what they deserve. Want to have a meeting, ohana deserve that. Giving families the opportunity and voice to weigh in. When it comes to kanaka, putting us on the bottom of the list, those days are over. I'm tired of it. Let's try and make this happen. Who cares what the AG thinks, cares, or does. Why are we treated like the poor orphans at the side of the road? We are not the orphans, we are the victims. Hina doesn't have to put Hina's neck on the line.

Hina: so we have the benefit of this discussion, will talk to Linda about coming.

Kawaiaha'o

Hina asked if there was anything Kawaiahao wanted to share, reminded the audience no questions could be asked

Bill Haole: as a rep of Kawaiahao Church, he hears a lot about what the Church is and isn't, is doing and isn't doing; we don't write laws, we follow the laws; has been following the laws and the advisement; it is because of the laws themselves and they are as they are, that we are caught in the dilemma; agree with the recognized descendants that they want to malama iwi kupuna; very offensive to hear things that are not true; it's a long a complicated process.

Bill decided to withdraw his decision to announce.

Kamuela has questions that she wanted to ask in an official capacity. 3 questions:

- 1) What is the official count of people dug out at Kawaiahao?
 - 2) what happened to some of the belongings of the kupuna that were dug out?
- a. What happened to the glass coffin that the baby was buried in? What happened to the lead coffin?
- i. As a mother and grandmother, I would want to see the child for as long as possible until that child was buried. What happened to the glass coffin?
 - 3) What happened to all the lepo that was removed? Was it screened? Where did the screened lepo go?

Kamuela: You guys at the church trying your best to not offend them. The laws aren't sketchy, they're laws, you follow 'em. The only ones suffering are the kupuna you dug up and the ohana that want to see them addressed. You offend the kupuna, you offend yourselves. Be offended because you committed the offense.

Project updates

Hina asked Matt to update the Council on the projects he had prepared to share on

Matt: 4 items

Foster Tower Transformer Room, Ililani, “W5”, Howard Hughes Block I Central Plaza

1) Foster Tower Transformer Room, need to install HECO transformer facility in the existing building and connect to main avenue; talked with Keohokalole, Kaleikini, Caceres; talked with SHPD already; project involves interior and exterior work; connect to Kealohilani Street power pole; not far from Kukaunahi Stream; 1850's LCA in the area for habitation; in Liliuokalani Trust lands; historic map 1927 Sanborn shows dwellings, which stay until 1956; 1968 Foster Tower in place, with bungalows across the street; sensitive area, BWS project along Kalakaua Ave encountered numerous burial finds; figures shared with CDs; AIS testing strategy will start makai and work mauka, include testing within the store, perimetered needs the deep foundations; HECO equipment will be put on the slab and bolted in; not asking anything specific of the OIBC, just inform that it's a sensitive area

2) Ililani Project: Keawe Street and Halekauwila; sensitive area; fishponds (1855 LaPasee map); Kaakaukui famous for salt pans. 1914 map, grey area indicates where it had been filled in for reclamation, which includes salt ponds and fishponds; fill from Ala Wai and Ala Moana park; includes project area; 1914 dwellings in project area, sitting on top of fill layers sitting on the old land surface; 1950 map shows warehouse in place, which by 1956 has expanded to include the warehouses still there; burial finds and historic properties including old land surface before the fill layers were put it; expecting to find the old land surface, intact burials, fill layers; one set of

RCDs: Caceres [Norman ohana app pending]; iwi kupuna finds in 4 locations; additional AIS test areas to pre-excavated pile caps expanded AIS testing by 200%; needed to utilize shoring boxes when excavating through fill; historic artifacts 5820 cultural layer, no traditional Hawaiian artifacts – buttons, clay pipes, bottle caps; architecture discussed with SHPD – 1950 Swift warehouse, both assessed at reconnaissance level, SHPD agreed recon was sufficient; findings – small features like brick alignments, pre-contact land use before fill was put in place, auwai o Paki documented in 3 test trenches; AIS – effect with agreed upon mitigation; AMP, BTP, ongoing consultation with OIBC and RCDs; 1 toe bone in auwai deposits; 1 flexed articulated individual in T15; T14 – 2 individuals, one female and one infant; all remains preserved in place pending decision of OIBC; portion of pelvis in previously disturbed layer; CSH proposing combination of pip and relocation; in situ articulated remains are beneath driveway, will be PIP; disarticulated frags will be relocated to the in situ burials PIP; feature 101 – 6x6 preservation; Feature 108, 126 – 7x12 preserve area; all areas are subsurface and will be protected at the surface; steel plate, 3' between surface of burial preserve and driveway surface; greenspace area could be used as a preservation area, option for relocation for any iwi found during AMP to the greenspace area if appropriate

Lani: thanked Aulii and Bev for attending the meeting; workforce housing project; had spirited discussion on the steel plates; artifacts discussion; looking forward to additional discussion at future meetings

Diane: had to run to the meter; wanted to share some words; letter O. should be Paalaa, not Haleiwa Ahupuaa – there is no Haleiwa ahupuaa; lawyers are handling the business for the church; kupuna was outspoken in 1928 and stated where the ohana was buried; made a map over a known graveyard before the church was even then; my kupuna went to St. Andrews cathedral; this area was their playground; they buried there; Kawaihāo is following the rules; hundreds of people have come forward that have records their kupuna are buried there; kupuna married different races; Hawaiian roots in that graveyard; Kawaihāo telling descendants they don't exist; Kawaihāo needs to figure this out; the Hawaiian people are losing, the lawyers are winning

3) W5 project, Kapiolani Blvd. – project just getting started, AIS testing strategy; high rise development, 4 story common area, 40 story tower; 6E-42, SHPD review, no federal

involvement; area famous for fishponds, large Kuwili fishpond where the Convention Center is located; project area is bisected by fishpond walls; mauka rice fields; 1921 – fishpond walls; 1927 SOEST map; 1950 – buildings, which are still there now; lots of archaeology, mostly monitoring; Ala Wai canal, WalMart burials; project area is not particularly sensitive – focus on elevator shaft and targeting fishpond walls; met with SHPD, moving forward with agency to agency consultation;

4) Howard Hughes Central Plaza Project: will be meeting with RCDs later in the month; [RKH stepped out of the room for approximately 5 minutes]

David Shideler: 2 projects

1) Waimanalo – David Shideler; courtesy consultation; TMK, approx. 3 acres; Jaucus sands on $\frac{3}{4}$ of the lot; Pahonu Pond; LCAs along Waimanalo (Puha) Stream; 1884 Jackson map shows Pahonu and other structures (compound); 1930's Crane owner; Nohokula on Kailua side; Julia Grossman Wall; Pahanua (LCA) had a house lot at Pahonu; 1949 aerial – shows a place for affluent people, big house; previous archaeology in area; Site 383A is Pahonu; -01037 cultural layer; AIS testing strategy is tentative – no plans, no building permit, 10 proposed trenches; reaching out to Waimanalo kamaaina;

2) Hawaii Army National Guard – Christine Parker, present, representing DOD; David Shideler presented on the project; 5 installations, 5 locations on Oahu, some state, some federal lands, some are both;

Hina: mixed jurisdiction (i.e. Waikiki), matter of political bureaucracy and a cultural matter as well; OIBC is an established format to reach out to people; e.g. Section 106; OIBC is a good forum to support Section 106 and keep the project out there, on the map, and in the minds of those who will be involved; for extended updates, would be good to put it onto the agenda

All projects below presented by David Shideler

- A) Kalaeloa – mauka of the old Kalaeloa airport, built out and graded, not expecting much but would like to find archaeology; entirely within a sisal plantation; heavily impacted by the Naval Air Station (built up after WW2, in the 50's and 60's); 100% pedestrian survey, 4 shovel test pits (Section 110)
- B) Waiawa: Army National Guard, in Hawaii the National Guard is comprised of 98% locals; project area is down in the valley, heavily graded; sugar company map provided – 1968 map shows buildings, heavily graded; 100% pedestrian survey and 4 shovel test pits proposed
- C) Wahiawa: Park and Ride - heavily built up and heavily graded; 1968 already indicating structures and development; pineapple in the 1950's; 100% pedestrian survey, 4 shovel test pits proposed
- D) Laeahi Fort Ruger: early 20th century military presence there; 1953 developments of Fort Ruger post WW2, some from 1903; 100% pedestrian survey, 4 shovel test pits
- E) Bellows: Regional Training Institute; lots of LCAs; massively impacted by development of Bellows Air Force Station; Kae'e is CSH home; lots of place names, kuleana parcels; lo'i kalo, pahale; significant test excavations – 20, to focus on traditional LCAs

Recognition process, agenda listing, descendant meetings

Kekahili: commented about the recognition process between SHPD and OIBC; main concern is that the DLNR has made a recommendation, and the OIBC needs to approve;

Hina: a number of projects are engaging recognized CDs; outreach used to include those who were formally recognized as well as those who were not formally recognized; the recognition has afforded a level of efficiency; bureaucracy

Kekahili: not being notified of meetings because they haven't been recognized yet;

Hina: nothing currently established in the rules, OIBC has come a long way; OIBC used to be adversarial with the descendants; OIBC has cultivated rapport with SHPD and the descendants;

Kekahili: No doubt that the process has improved over time.

Kahili: who decides how to list the item on the agenda as denial of lineal descendancy for Kawaiahao

RKH: stated it would be better to have that conversation when OIBC has quorum

Hina: will be discussed and hashed out when the OIBC has quorum; Kahili currently lives on Hawaii island; residing on another island, shouldn't prevent an individual from applying to be recognized on islands the applicant does not reside on; should Council afford recognition, applicant may find herself in a situation where she's frequently on Oahu

Kahili: Kepoo, Kaanohi long time; has a deep problem and issue with the wording of the agenda item to deny lineal descendancy; who is the party that makes that recommendation, by what process did it come up? Who decided on how they can make that call? What process do they have that gives them the authority to do so?

Hina: can't answer those questions today. But can ask the department. Seek out Regina. Meet and kukakuka. Connect with Lani. Can guarantee when there is quorum, the topic of the recognition will be addressed. Already needs to address it in the case of Kaanohi's recognition.

Kahili: Why?

Hina: because OIBC is being forced and required to address it. Lani and Regina may be able to help, answer and guide you until OIBC is sitting again as an operational council.

Aulii: question about procedure and process of treating iwi kupuna when found in the course of a project

RKH: depends on the project context, AIS or AMP, consideration is given to all of the factors involved;

Aulii: inquired about curation

RKH: stated iwi kupuna discovered during AIS are preserved in place because the decision of treatment, whether preservation in place or relocation, is the IBC's. Curation, if necessary, during projects with archaeological monitoring is done only under direction of the SHPD; those decisions are made on a case-by-case basis and can vary among staff

Hina: growing level of mutual respect, cultivation of rapport with developers; the real ones who lose are the iwi kupuna

Kahili: ten years ago, etc.

Debbie: the developers set the tone

Kahili: who is calling the recommendation to deny me.

RKH suggested the discussion be had in a meeting with quorum to fully and appropriately address it

Concluded at 1:45 PM