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

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
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**APPROVED AND RATIFIED MINUTES of the  
OAHU ISLAND BURIAL COUNCIL MEETING**

**DATE:** Wednesday, August 8th, 2018  
**TIME:** 11:00 AM  
**PLACE:** Department of Land and Natural Resources  
Kalanimoku Building  
Board Room, #132  
1151 Punchbowl Street  
Honolulu, HI 96813

**Attendance**

**Members:** Hina Wong-Kalu, Chair (Chair Wong-Kalu); Kona Representative  
Arrived at 11:20 AM  
Aulii Mitchell, Vice-Chair (Vice-Chair Mitchell); Waianae Representative  
Beverly Amaral (Amaral); Koolaupoko Representative  
Kamana'o Mills (Mills); Large Landowner Representative  
Kali Fermantez (Fermantez); Koolauloa Representative,  
Mana Caceres (Caceres); Ewa Representative  
Lurline Naone-Salvador (Naone-Salvador); Waiialua Representative  
Arrive at 11:18 AM

**Absent:** Danna Holck; Large Landowner Representative, excused  
Charles 'Chuck' Ehrhorn; Large Landowner Representative, excused

**SHPD staff:** Regina K. Hilo (RKH), Burial Sites Specialist, History and Culture branch

**Guests:** Kawika McKeague, G70  
Tom Young, G70  
Michael Takayama, Kyo-ya  
Lee Nakahara, Kyo-ya  
Yasu Ishikawa, Kyo-ya  
Jennifer Okino, Long and Associates  
Keiko Denbeau, Kawaiaha'o Church  
Kenneth Makuakane, Kawaiaha'o Church  
Carmen Delos Reyes, CSH  
Morgan Davis, SCS  
Matt McDermott, CSH  
Diane Fitzsimmons, Cultural Descendant  
Lani Maa Lapilio, Aukahi  
Bill Haole, Kawaiaha'o Church  
Lauren Morawski, OHA

Hal Hammatt, CSH  
Jessica Eaton, Waialae Country Club  
Kamuela Kala'i, 'Ohana  
Haunani Hendrix, Kawaiaha'o

**I. CALL TO ORDER**

*Meeting was called to order by Vice Chair Mitchell at 11:13 AM*

**II. ROLE CALL/PULE**

OIBC members present introduced themselves in the following order:

Vice Chair Mitchell, Wai'anae Representative  
Amaral, Ko'olaupoko Representative  
Mills, Large Landowner Representative  
Fermantez, Ko'olauloa Representative  
Caceres, Ewa Representative

**III. APPROVAL OF MINUTES**

**A. Minutes from 12/20/2017**

**Motion: to approve the minutes from 12/20/2017**

**Moved by: Caceres**

**2<sup>nd</sup>: Amaral**

**VOTE: 4 AYES [Amaral, Caceres, Fermantez, Mitchell]**

**1 ABSTAIN [Mills]**

**PASSED**

**B. Minutes from 02/14/2018**

**Motion: to approve the minutes from 2/14/2018**

**Moved by: Caceres**

**2<sup>nd</sup>: Fermantez**

**VOTE: 4 AYES [Amaral, Caceres, Fermantez, Mitchell]**

**1 ABSTAIN [Mills]**

**PASSED**

**C. Minutes from 06/13/2018**

**Motion: to approve the minutes from 6/13/2018**

**Moved by: Amaral**

**2<sup>nd</sup>: Mills**

**VOTE: 5 AYES [Amaral, Caceres, Fermantez, Mitchell, Mills]**

**0 ABSTAIN**

**D. Minutes from 07/11/2018**

*Deferred*

**IV. Business**

**A. Discussion on O'ahu Island Burial Council membership, roles, and responsibilities**

**Information/Discussion:** Discussion on the above items.

*Vice Chair Mitchell read the item onto the record*

Vice Chair shared that their [the OIBC's] role is to assist in the process of those who come before the OIBC

[Member Naone-Salvador arrived at 11:18 AM]

Vice Chair stated their role is to work together, voting on determinations and descendant recognitions

Hilo added that Lurline Naone-Salvador is a new Governor's appointee to the Council, representing the Waialua district

Member Naone-Salvador introduced herself and shared her mookuauhau and that she is a direct, born and raised on the North Shore

Vice Chair Mitchell, Member Mills, Member Fermantez, and Member Caceres introduced themselves to Member Naone-Salvador

The OIBC members checked their availability for the Sept. 12, 2018 meeting date, and found no conflicts

**B. Cultural Descendancy Recognition of Sheila Kawaiokalani McKenzie Kurosu to SIHP 50-80-02-4488, -7288, and -7289, Ahupua'a of Oi'o, Ulupehupehu, Hanaka'oe, and Punalau Ahupua'a, Ko'olauloa District, Island of O'ahu, TMK: [1] 5-7-001:001, 013, 020, and 033**

**Discussion/Determination:** Discussion and determination on the Department's recommendation to recognize the applicant as cultural descendant to the Native Hawaiian skeletal remains located at the above project.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever location or description of a Native Hawaiian Burial site is under consideration. The chairperson, by concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

*Vice Chair Mitchell read the agenda item and HAR above onto record*

*Deferred, as applicant was not present*

[Chair Wong-Kalu arrived at 11:20 AM]

Vice Chair Mitchell relinquished chairing the meeting to Chair Wong-Kalu

Chair Wong-Kalu thanked everyone for attending, and thanked Lurline for her commitment to serving on the Council, then introduced herself as the OIBC chair

Chair asked Hilo to communicate with Sheila the importance of appearing before the Council to engage with them at the meeting

Hilo agreed

Chair called for a brief recess

[Break taken at 11:27 AM]

[Meeting resumed at 11:32 AM]

**C. Cultural Descendancy Recognition of Arlen W. Bento, Sr., to Native Hawaiian Skeletal Remains, located at Kawaiaha'o Church Multipurpose Building Renovation Project, Honolulu Ahupua'a, Kona District, Island of O'ahu, TMK: [1] 2-1-032:017**

**Discussion/Determination:** Discussion and determination to recognize the applicant as cultural descendant to Native Hawaiian skeletal remains at the above project.

Chair read the applicant's name onto the record

Chair stated that the applicant was not present

Diane Fitzsimmons, the applicant's cousin, stated she would be his proxy

Chair read the agenda item onto the record

Council members asked if Arlen has come to OIBC meetings before

Diane stated that Arlen would like to participate in consultation with the Church for any reinterment, but at this time, his wife is suffering from serious pancreatic issues and he is taking care of her

Diane offered to read his proxy letter; Chair asked to see the proxy letter

Chair commented that there are three public notary stamps on the letter

Diane read the proxy letter onto record:

“My name is Arlen W. Bento Sr., a lifelong resident of Hilo, Hawaii. I hereby submit my written request for recognition as cultural descendant to Native Hawaiian skeletal remains located at Kawaihāo Church Multipurpose Building Renovation Project. I'm a descendant of Hanakeola and David Leleo Kinimaka, who are my second great grandparents. They were born around 1853 and 1851, respectively, and lived in Honolulu. My great grandmother Alice Kehaulani Kinimaka married Samuel Mahuka Spencer of Waimea, on Hawaii Island. My grandmother Jeanette Kekaikuihala Spencer married Cicero Bento Abrue, their eldest son, Edward Joseph Bento, was my father. I'm in complete agreement with my cousin, Diane Puanani Fitzsimmons, and her efforts to bring resolution to the appalling situation in which Kinimaka iwi lie among disinterred skeletal remains at Kawaihāo Church Multipurpose [Building] Renovation project, Honolulu ahupuaa, Kona District, Island of O'ahu. Putting my disappointment in what led to this point aside, I look forward to attending the meeting with Kawaihāo Church regarding what to do with the iwi process in the future, as well as participating as a representative regarding their reinterment.

Sincerely yours,

Arlen W. Bento, Sr.”

Chair thanked Diane

Diane stated that the applicant has not come to the Council before

Chair asked if the audience had any comments or questions

Member Naone-Salvador said that the project has been going on for years

Chair stated the Council has established a better practice for first time descendant recognition applicants, that they interact with the Council in a more meaningful way, on their behalf, what their intent and focus are [regarding recognition]; have had applicants not come; current situation is presentation of a proxy

Diane shared that Arlen has been following the process and communicating with her

Chair asked for comments or thoughts about the applicant's cousin appear before the Council

Member Naone-Salvador shared that the Church had an ad hoc committee, which included Kaiana Markell, who taught them about the burial laws, but doesn't know if that ad hoc committee still exists

Chair Wong-Kalu share that much has transpired since then; descendants must be recognized by the Council to participate in consultation meetings with the Church

Member Naone-Salvador mentioned Dana Hall, and the former Church attorney, Crystal Rose

Member Mills shared that, at this time, he was kanalua because the best practice of the Council is to have the individual before the board to state his intent; kanalua because he, the applicant, is home taking care of his sick wife

Diane shared that Arlen's wife is a Napoleon

Member Fermantez said he has mixed feelings; the applicant could possibly participate in consultation via other means; it is the 21<sup>st</sup> century, and there are different ways to communicate, and he is ok with that

Member Caceres stated that at the February 2018 meeting, the Kapu ohana was recognized, but one of the sisters was not recognized because she was not at the meeting; does not kakoo recognition if an applicant is not present

Chair opened the floor for public testimony; none was offered

Chair stated she is opposed, not on the basis of whether the division concurs with the applicant's genealogy, that the requirement has been met, and the SHPD recommended the applicant be recognized as a cultural descendant; the perspective is the people coming forward [should be prepared to] alo a he alo, we [the Council] look at you, we [the Council] hear the applicant's thoughts; applicants have come and sat before the Council, talked about what they would do if recognized, but didn't talk about being present to and provide malama; the applicant lives on another island; Kaanohi Kaleikini has been recognized on Hawaii and Maui; the mention by proxy Diane that the wife is ill suggests, on the spiritual side, the applicant has a kuleana to her; Chair shared that if her mother required more medical care, the Chair would not be participating in this; spirituality is not a wise thing to take on; the Council can afford recognition easily; Chair does not support it; if the Council says yes, but they don't come; prominent face had an application for recognition, got recognition, and never came; Kawaiahao is the most taxing project on Oahu because of all the feelings pulled back and forth; asks the Council to not let the Chair be a determining factor in their vote

Member Fermantez asked to see the proxy letter Diane read before

Hina commented

Lurline asked if lineal descendants have been recognized; Hilo stated yes

Chair shared the Council stepped outside their better practice to recognize Halealoha, because his reputation precedes him; felt that deciding to push the better practice aside [for his recognition] was ok

Chair asked for public testimony, none was received

Chair stated again her sentiments don't speak for others

Member Mills asked if the item could be moved to a future month to enable Arlen to be present

**Motion: to defer the agenda item above to a later date**

**Moved by: Member Mills**

**2<sup>nd</sup>: Vice Chair Mitchell**

**VOTE: 7 AYES [Wong-Kalu, Mitchell, Fermantez, Mills, Amaral, Caceres, Naone-Salvador]**

**0 NAYS**

**0 ABSTAINING**

Diane stated she felt better the Council had deferred the item rather than telling him he was not recognized as a cultural descendant

Chair addressed Diane: the ohana is large; honoring the relationship he has given her; advocating for iwi kupuna has the responsibility to come to this meeting and other meetings; the family is large, and Chair's word is caution: Diane is the doorway to the other members, allows her to be the conduit and focal point of it all; issues on the spiritual and physical side; if the lahui needed to be rallied and counted, large families could do that; Kaanohi Kaleikini is an example; Diane's voice at the table when ideas and thoughts are shared might be sufficient; being at the table is one solid voice alone – Diane's voice can be that, as she has

rallied her family members; Chair provided an example of her Maui family, sharing that she wouldn't get involved'

Diane stated that is what happened; she let the entire family know and some sent in applications; is only responding to those family members that keep in touch with her; only 3 currently are actively contacting her; the others are quiet; looking forward to a resolution of the iwi kupuna at Kawaiiahao

Chair stated that the Council will not welcome everyone to the table so a particular family can amass names and not attend the meetings; if the Council does not agree with the Chair, the Council can remove the Chair; these deliberations hurt; people have said nasty, hurtful things to each other while at the table; the Council will not take on adding the numbers; get to the table and do what you need to do

Chair asked if other OIBC members had comments

Member Amaral stated she agreed with the Chair

Vice Chair Mitchell shared that what Hina was saying is the importance of pale, protecting oneself, for this work

Member Caceres shared that he kakoo the Chair; the last numbers game was during the HART project; hundreds; started with 30 attending; came down to 6 people; when it came to malama iwi, it was Mana and Kaaonohi

Member Fermantez agreed with the Chair's comments; if an applicant can attend, the applicant should [attend]

Member Mills agreed; numbers game; only need a voice of reason; the voice of reason is sometimes more powerful than the recognized lineals; voice of reason and naau pono

Hilo commented that Diane will be proxy for the next two items

Kamuella Kala'i stated that she agreed with the comments said; long process; applicant needs to be present; not about you, your ohana, but about the kupuna

Chair thanked Kamuella for her comments; thanked Diane for attending, consistently; if Diane came forward for another recognition, she would be recognized

Bill Haole said that he's not opposed and would like to have as many people to consult with; good to know them and make eye contact with them; if the applicant can substantiate that they have ohana at Kawaiiahao, the Church welcomes them; attendance at the meeting is critical; if applicants can't make meetings, then it's poho; need to understand the kuleana that comes with this

Chair shared she would try something new; if the Church request of the Council

Bill stated some local families are very protective of their island; the Church is interested in talking to as many people as possible to gather information the Church doesn't have; bigger concern is getting as much information and opinions as possible; not in a position to tell the Council how to vote; the Council has heard the Church's thoughts

Diane stated that what needs to be understood is the ohana is tied to this rea; the first Kinimaka, born in 1803, had the original Royal Patent for the area mauka of the Church; strong tie to the area

Haunani Hendrix stated the Church is good with it; the Council makes the determinations

Bill asked the Council to consider the relationship

Kahu Kenneth Makuakane shared that he was born in Keaukaha, and grew up with Arlen; the kai doesn't separate the moku; this part and wahi pana is important to the applicant's ohana

Bill stated the Church supports the recognitions

Chair stated the Church has expressed its support

Chair asked if any of the members had interest in revisiting Item IV. C

Member Amaral asked for the mana'o of Ewa Moku representative, Caceres

Member Caceres stated he understands everyone's mana'o, but as someone who handles iwi kupuna quite often, kuleana cannot be secondhand, spoken for, when you're in the lua

putting kupuna to rest; proxies are insignificant; it's the kuleana; if this goes to a vote, Member Caceres will oppose

Member Mills stated he is still kanalua; wished that the alo a he alo practice was in effect  
Vice Chair supports alo a he alo, would oppose [if the item went to a vote]

Member Naone-Salvador stated that there was a similar situation when Mayor Harris was redoing the streets of Kalakaua, with a crypt at the end; lots of lineal descendants came forward; if the lineal descendants can come forward and come to resolve, that's what happened, and it turned out good

Member Amaral shared that she wants to defer the item to such a time that Arlen Bento can come to the table

No further action was taken on item IV. C

**D. Cultural Descendancy Recognition of Jeannette Kama Bento to Native Hawaiian Skeletal Remains, located at Kawaiaha'o Church Multipurpose Building Renovation Project, Honolulu Ahupua'a, Kona District, Island of O'ahu, TMK: [1] 2-1-032:017**

**Discussion/Determination:** Discussion and determination on the Department's recommendation to recognize the applicant cultural descendant to the Native Hawaiian skeletal remains at the above location.

Chair read the agenda onto record

Comments were made that the applicant, Nettie, has been before the Council before, and asked about video conferencing

Member Fermantez commented

Chair asked Hilo to ask about long distance conferencing via the Attorney General and include on the OIBC agenda for roles and responsibilities

Hilo stated the OIBC packets did not include the letters from the SHPD for Nettie Bento and the applicants on item IV. E, but the SHPD recommended recognition for those applicants

Members Amaral, Naone-Salvador, Caceres, and Mitchell want to defer

Member Fermantez wants to grant the applicant recognition

Member Mills would abstain because he never met the applicant

Chair asked the public for testimony; none was given

Member Fermantez said he would go with the majority

**Motion: to defer the agenda item to a later date**

**Moved by: Member Mills**

**2<sup>nd</sup>: Member Amaral**

**VOTE: 7 AYES [Mills, Amaral, Caceres, Naone-Salvador, Fermantez, Mitchell, Wong-Kalu]**

**0 NAY**

**0 ABSTAINING**

Item E was addressed next

**E. Cultural Descendancy Recognition of Patricia Atcherley Hitchcock and Eric Morgan Hitchcock (son) to Native Hawaiian Skeletal Remains located at Kawaiaha'o Church Multipurpose Building Renovation Project, Honolulu Ahupua'a, Kona District, Island of O'ahu, TMK: [1] 2-1-032:017**

**Discussion/Determination:** Discussion and determination to recognize the applicants and as cultural descendants to Native Hawaiian skeletal remains at the above project.

Chair read the above item onto recording

Chair asked Hilo for the Department's recommendation  
Hilo said the Department's recommendation was to recognize the applicants as cultural descendants

**Motion:** to defer  
**Moved by:** Member Mills  
**2<sup>nd</sup>:** Vice Chair Mitchell  
**VOTE:** 7 AYES [Mills, Amaral, Caceres, Naone-Salvador, Fermantez, Mitchell, Wong-Kalu]  
0 NAY  
0 ABSTAINING

Chair thanked the applicant's proxy, Diane, for coming forward on behalf of her 'ohana  
Diane hopes that there can be video conferencing; very expensive for 'ohana to come to the meetings, especially if there is no quorum; can count 6 family members who have come; Hitchcocks live in California; Patty Hitchcock has been working on this since 2005; asks the Council to advocate for the descendants on this

Chair stated the deputy AG had weighed in on the issue of video conferencing; for the time of the meeting, any satellite locations would need to be staffed for the duration; would require multiple island coordination; for those on the continent, would have to go back to kanaka logic

Member Mills stated that people with strong voices can represent the family

Diane stated that these three people have not stopped seeking recognition

Chair told Diane to communicate to those in the continent that they should return to Hawaii

Item K. was addressed next

**F. DRAFT Addendum Burial Treatment Plan for the Princess Ka'iulani Redevelopment Project, Waikiki Ahupua'a, Honolulu District, O'ahu, TMKs: [1] 2-6-022:001 and 041**  
**Discussion/Determination:** Discussion and determination on whether to preserve in place or relocate human skeletal remains at the above location.

Chair read the above item onto the record

Kawika McKeague introduced the project team; Matt McDermott addressed the archaeological components of the project

Matt: stated the plan had been presented at the OIBC last month

Kawika:

- Project is on the corner of Kalakaua and Kaiulani
  - 2018 version of the redevelopment project – reconfiguration of the area, single tower hotel; Apuakehau stream; salient space; add to the landscape and mound the area as opposed to excavating
- Matt: 1880 map of the project area
  - Waikiki branch of Kawaihāo Church present on the property from 1880's to 1916
    - iwi exhumed and moved to Moiliili; land use and place names – Kapuni, Kaluaokau
  - project proceeded under 6E, did AIS of 22 test excavations for 2009 AIS
    - -7065 remnants of the former Kawaihāo Church branch in Waikiki
    - -7066 intact cultural layer
    - -7067 one in situ human burial

- All mitigation commitments have been addressed, the final of which is the addendum BTP
- Final BTP was written in August 2013
- Data recovery followed from 2013 to 2014

Committed to plants that are kinolau and protective; no'u is a pretty yellow flower, plant has thorns; barrier effect, low key

2013 and 2014 SHPD records are not so good

Had one descendant meeting, all recognized descendants were invited

Member Naone-Salvador asked about the Keohokalole ohana

Matt stated the dense vegetation would be sufficient as a protective barrier; natural area, those who know, know, and those who don't will walk right by

Dimensions are 7x10 feet, and 5x5 feet for the burial preserves; the recordation with the Bureau of Conveyances is included

Member Mills asked of -7067 was on the Ainahau property, and if the glass bead is post-contact

Comments were made about the Ainahau property location and the glass bead is being historic

Member Mills asked if more finds in the location of the former Kawaihau Church location in Waikiki were anticipated

Matt said the team is anticipating more finds; cultural monitoring will be paired with archaeological monitoring

Kawika said there is always the possibility of a find

Matt asked David how the Waikiki branch of Kawaihau was decommissioned

David said there was a fair amount of documentation in the original BSC; Church had 10 apana, one was in Waikiki; c. 1917

Motion: to approve the Addendum BTP

Moved by: Member Mills

2<sup>nd</sup>: Vice Chair Mitchell

VOTE: 7 AYES [Wong-Kalu, Mitchell, Amaral, Naone-Salvador, Fermantez, Caceres, Mills]

0 NAY

0 ABSTAINING

Chair addressed item V. A next

**G. Howard Hughes Corporations Block I Project, Kaka'ako, Honolulu Ahupua'a, Honolulu District, O'ahu, TMK: [1] 2-3-002:001 (por.)**

**Information/Discussion:** Update on the above project.

Chair recused herself from discussion of Item G, as she works for Howard Hughes

Project updates presented by Matt

- 1884 map shows LCAs, names and salt ponds
- 6E project review
  - AME written and approved
  - AIS of 90 trenches in area of 4 acres
  - Mitigation documents include BTP for the iwi, AMP, and a Data Recovery Plan
    - Fieldwork for data recovery has been completed, end of fieldwork letter sent to SHPD
      - Fills layers, sand berms

- Burial concentration – will be preserved in place; discussion with cultural descendants was for relocation of isolated finds to an established burial preserve
- Data recovery trench 5 had an in situ flexed child
- Data recovery trench 2 had an isolated human teeth in a disturbed context
  - The teeth were moved to the in situ flexed child

Member Mills asked about the burial remains concentration area

Matt said it looks like a family plot, had a mother with a child, one coffin was empty, indicating the individual had been removed; preservation in place will be below the driveway, with a 4x8 slab above the burial on the current surface; more fill atop the projected road surface; there are precedents for such treatment in roadways

Recognized cultural descendants are the Caceres ohana, Kaleikini ohana, Michael Lee; burial notification has been published in the Star Advertiser; the full data recovery has been complete; preservation in place is not ideal, but the preferred treatment as indicated by the recognized cultural descendants

Member Fermantez asked about the roadway

Matt said the roadway was moved makai to preserve in place the iwi from the neighboring block

No other discussion occurred on this item

Vice Chair Mitchell called Chair Wong-Kalu to return to chairing the meeting

Item H was addressed next

**H. Waimānalo Paradise Subdivision Project, Waimānalo Ahupua‘a, Ko‘olaupoko District, O‘ahu, TMK: [1] 4-1-002:007**

**Information/Discussion:** Update on the above project.

Chair Wong-Kalu read the above item onto record

Presented by David Shideler

- Project was presented at a recent OIBC meeting in advance of the survey
  - David has been involved at the adjacent beach park property which had 4 kupuna
  - Ili of Pahonu, Makapuu side of Shriners’ beach
  - Iwi were found – 6 year old child, flexed, preserved in place
  - BTP will address the find; public notice has been published in the Star Advertiser and OHA
  - Iwi are safe and preserved in place

Chair Wong-Kalu said there was a recent refortification of the shore, suggested David contact Kalani Kalima

David has been in touch with Kalani Kalima, two other individuals, and Geraldine Loa

Vice Chair Mitchell said he witnessed really good care of the iwi

Item I was addressed next

**I. Archaeological Inventory Survey project at 4585 Kahala Avenue, Kāhala ‘Ili/Mo‘o, Wai‘alae Iki Ahupua‘a, Kona District, Island of O‘ahu, TMK: [1] 3-5-004:001**

**Information/Discussion:** Update on the above project.

Chair read the above item onto record

Project updates presented by Morgan Davis, SCS; Jennifer Okino, Long and Associates

Summary:

Morgan: SCS archaeology; have been working on this project well in advance and prior to any development plans for the parcel; small parcel, 1 acre on the beach

Member Fermantez recalled that someone had presented on the project before

Morgan replied that the project was previously presented by Nigel, who has since moved to Washington, along with Kimi Matsushima

Chair stated that Kawamoto owned this parcel before

Morgan: lot is vacant, pool is filled with rocks, seawall is still there; public access is between the two lots; fenced off; significant work done in the area which had numerous burials; trench placements were worked out with the SHPD; Kawachi burial is SIHP -4065 from 1989

- AIS testing
  - Two sets of remains in the first test trench
  - Trench 5 had intact child burial, early historic, 5 to 6 years old, not moved; trench was extended to see if there were other associated burials
- Seawall excavation encountered burials
  - DPP issued permit for the seawall, on 6/27/2018 [on slide/handout]
  - Fisherman found skull on the beach side because they have been putting their clothes in that area
  - Hilo provided comments about the department's position

Member Caceres shared that he was contacted, and commented via email; would like to request that, since the AIS is not completed, more trenching be done in the seawall location

Chair asked Hilo provide comments and request the testing strategy include more trenches

Council requested, formally, that the SHPD make recommendations of the project proponents to include more trenches in the seawall setback

Chair talked about the importance of feng shui; if the project proponent do not do what is right to ensure there is not a concentration of burials; investment now is pennies on the dollar; if the iwi kupuna are disturbed as they are, the landowners will be disturbed

Jennifer stated that previous concerns were fixing the wall so no further erosion would occur

Chair said 'even though the seawall will cause more erosion,' appreciates the landowners' desire to look out for their financial interests; the seawall is one thing, but the disturbance of iwi kupuna will result in bad feng shui

Member Mills asked if there was any consideration to removing the seawall

Jennifer answered that the issue was never discussed

Member Caceres shared that, up until the inadvertent discovery in July, he and his 'ohana were satisfied with SCS's work

**J. Archaeological Inventory Survey for Wai'alaie Country Club Administrative Building Expansion Project, Kāhala 'Ili/Mo'ō, Wai'alaie Iki Ahupua'a, Honolulu (Kona) District, O'ahu, TMK: [1] 3-5-023:003, 038**

**Information/Discussion:** Update on the above project.

Chair read the above item onto record

Project updates presented by Morgan Davis, SCS

Summary:

Morgan:

- vicinity of the project had burial discoveries
- project area is landscaped with concrete paths

- archaeological monitoring found iwi in a proposed elevator shaft
- WCC has a burial vault; possible extent of the cultural deposit was provided in the handouts distributed to OIBC members;
- AIS
  - 9 test trenches in a small area
    - Dug to water table in all but 3 locations with active utility lines
    - Documented 37 new features
    - 11 of those were documented during the AIS
    - Two isolated human skeletal remains
      - One was a fragment of an infant skull, depth of 140 cm below surface
      - One was a fragment of an adult skull surrounded by modern debris, depth 110 cm below surface
    - Extended by -7295 site boundaries
- History of the club includes 2 fires in the area; a lot of kitchen was were mushed together and filled in one area that was then built over
- Consultation summary: SHPD called when remains were found, Mana came out and worked with the crew
- Owners would like the remains to be preserved in place; building will go over the remains; no permanent marker will identify the location; will need a hard concrete cap

Chair opened the floor for testimony

Member Amaral departed at 3:12 PM

Member Mills stated the project proponents should consult with the recognized descendants

Member Fermantez agreed

Member Caceres shared that, as a general rule, his 'ohana errs towards preservation in place with proper security; he and his 'ohana have not made a decision about treatment; preservation in place would be preferred

Morgan said the AIS will be prepared and, once accepted, the BTP will be prepared

Mana shared the names of the recognized cultural descendants he could recall

Chair urged Morgan to have a meeting with the recognized cultural descendants

Member Naone-Salvador shared that it depends on who comes to the table, as those who have availed themselves to mala iwi kupuna, the Council defers to those

Suggestion was made to have one more consultation with Caceres and anyone else who may come forward

**K. Kawaiaha'o Church Multi-Purpose Building Renovation Project, Honolulu Ahupua'a, Kona District, Island of O'ahu, TMK: [1] 2-1-032:017**

**Information/Discussion:** Update on the above project.

Chair read the above item onto record

Project updates presented by Bill Haole, Kahu Kenneth Makuakane, David Shideler, and Lani Maa

Bill shared that, as of May 1<sup>st</sup>, Kahu Kenneth is the new kahu; Brickwood is chair of the board of trustees; Bill is the new head of the construction committee for the Church

Church attorney Lois Yamaguchi is also present

David: 3 small things

- the work at Kawaiahao is under an AIS;
- notification process is underway for the burial finds

- notification summary has been published; OHA will be running the notification in September
- erosion stabilization issue
  - has been 5 years since archaeological work was halted at the MPB project footprint; moving forward with the AIS report
  - SHPD has determined the Church needs to include the erosion stabilization work in their AIS
  - Submitted an erosion stabilization plan in May 2018
    - Received informal written comments on July 19, 2018
    - Responded to those comments
    - Cannot move forward until the SHPD accepts the plan
    - Discussion in H&C and Archaeology are asking for further consultation with the litigants

Chair asked David to clarify comments made

Lani stated that the project proponents were requested, by SHPD, to include comments from the litigants in the erosion stabilization plan

Hilo commented that the SHPD's Archaeology and History and Culture branches recommended the plan be provided to and commented on by the litigants, and that the litigants comments be taken into account

Chair asked Hilo if the issue was awaiting comments from Kaanohi

Hilo replied affirmatively

Member Mills asked if there was a specific due date [for comments]

Hilo replied no, said the erosion mitigation plan falls in an ambiguous category not covered under Archaeology rules nor History and Culture rules; the plan has gone before the deputy attorney generals for their reviews, we are still waiting

Chair asked if the issue was now waiting on the AG for the reviewing

David said he was grateful if that was, indeed, the case, that the plan was before the AG; everyone wants to move forward, litigant is not part of the archaeological vocabulary; thanked the OIBC members for participating in the kukakuka session; Kaleikini 'ohana as well as Dana Hall have attended the meetings, seems that there is overwhelming support from the descendants to move forward with the erosion stabilization; does not involve moving any iwi, involves protecting iwi in the side walls; would welcome any support from the OIBC to the SHPD to be eleu in addressing the palapala to move forward; appreciates that they are overwhelmed and overworked

Chair Wong-Kalu replied in Hawaiian

Hilo shared that she was emailing her branch chief, the administrator, and the archaeology branch chief requesting an update; the last time this project was discussed with Hilo was on Monday

Chair suggested putting her name behind the inquiry, and encourage an eleu review; testimony was provided in Hawaiian

Vice Chair provided comments in Hawaiian

David shared that a number of parties including the Church and cultural descendants have expressed a desire to move forward; stated the project proponents are mobilizing the plywood and jersey barriers/water walls to address the erosion; have taken physical efforts on site; clearing of weeds to make it more appropriate for the kupuna

Bills stated the plywood and barriers have been ordered, received, and are in storage on location; need to get it signed by whomever needs to sign it; the concern is that this has been going on for over two years; what's taking so long; coming up on Hurricane Hector; these elements are baffling; had opportunities to take care of this, but the Church's goalposts are changing and moving, or something is added that was not brought up before; want to do it, but tell the Church what needs to be done; have asked the question that, at what point does a

cultural descendant have a vote that weighs more than another cultural descendant; tries not to go there, but it comes up; baffled, struggling, and trying to help

Chair asked if the Church could call their legal counsel to come up

Bill said she was unable to be present today, but she has been speaking with Marie Gavigan and Linda Chow

Hilo stated she has the least contact with Marie Gavigan, though it was mentioned by Dr. Lebo, Hilo usually does not usually operate in those realms; what is more important for Hilo to know is if the editorial comments received were addressed in a subsequent draft of the plan, requested a digital copy of the plan to push its review by the SHPD

Chair said everyone is waiting for approval [of the plan]

Hilo said she didn't see a copy of the plan until July 19<sup>th</sup>

Vice Chair and Chair offered testimony in Hawaiian

Chair said that, in HART matters previously, she asked the AG to waive their counsel and let the OIBC seek outside counsel because they had the financial backing to do so, but the request was denied; the AG will have to represent them, the OIBC, whether the OIBC likes it or not; OIBC has been patient, the Church had no choice but to be patient when this went through the Western legal process, but now, if there is more waiting, and if lucky, Hector will go away; if not, Hector will come and wreck havoc

**Motion:**                   **that the Council express their support of Kawaiiahao to do whatever they [Kawaiiahao] need to do to get the barriers up and will wait for the AGs to figure out what they're going to do**

**Moved by:**               **Chair Wong Kalu**

**2<sup>nd</sup>:**                         **Vice Chair Mitchell**

**VOTE:**                   **7 AYES [Role call vote: Amaral – AYE; Naone-Salvador – AYE; Fermantez – AYE; Mills – AYE; Mitchell, Wong-Kalu, and Caceres voted AYE]**

**0 NAY**

**0 ABSTAINING**

Council urged the Church to do whatever is necessary, alert the chair of trustees, Brickwood; if he is in support of that; bureaucratic pause; Council has advocated to the Church to do something before the rains come; don't want the kupuna to be in more pilikia; urges the project proponents to contact the Chair; push those people aside, because Hector will come before the A.G.s figure out what needs to be done

Hilo asked David for a digital copy of the plan

David said he would send Hilo a copy of the plan today

Chair asked that the record state the Council's actions; that every bureaucratic check and balance is a detriment to the iwi kupuna, because there is nothing to protect those iwi kupuna; if Hector comes, there will be a big issue

Member Naone-Salvador asked if a due date could be provided [on the SHPD's review of the document], rather than saying hurry up, say we want it done today

Chair requested they hurry, though the weather reports indicate Hector may bypass the islands, that they still take the necessary measures ; testimony in Hawaiian

Bill said it needed to be done with legal counsel; meeting with the Board tonight; next kukakuka date has been set

Lani said the third kukakuka has been set, and thanked Lurline Naone—Salvador for joining the Council; meeting is Aug. 28<sup>th</sup> at Kanaina building, open to recognized cultural descendants, OIBC, kakoo, and SHPD

Chair said she planned on attending

[Hilo stepped out of the meeting to call deputy attorney general Linda Chow]

Lani said it's a time to share and provide updates, listen to the recognized descendants; thanked Kala'i for making sure the meeting was scheduled as soon as possible; has been a long time since the meeting was last held

Vice Chair Mitchell asked if the recognized descendants may have any role in the work

Lani commented that it would be considered

Chair attempted to call deputy attorney general Linda Chow

Lani stated that the Church deals with Marie, and the OIBC deals with Linda Chow, so that may add to the confusion that is going on

Bill said that Hilo had stepped out to call Linda Chow

Chair said that the Church deals with Marie, but Chair would like to ask Linda Chow's advice, then called upon former OIBC Chair Kawika McKeague, present in the room, to ask what the OIBC did, that permitted them to attend with three council members, because otherwise only two may attend the meeting

Lani stated it was a permitted interaction group

Kawika stated it needs to be formalized as a group on the agenda at the next meeting

Chair acknowledged the comment of a permitted interaction group, but also stated there was another such group, a standing committee

Lani said it would need to be on an agenda; there will be no decision making at the meeting so it should be ok

Chair said all that was needed was a verbal report; what needed to be done as discussions get underway, that the Chair would request the consistent attendance of the Vice Chair, and that Mana is a recognized descendant to the project; could have one more member [attend], suggested Koolaupoko or Koolauloa, and that the Waiialua representative take more time to acclimate; expressed an inclination to communicate to Hilo the Council's wish to have a permitted interaction group; need the advice of the deputy AG

Kawika said that there was a proposal to have such a meeting off site; [other comments were inaudible on the recording]; permitted interaction group was for gathering information; standing committee allows members to meet over a longer period of time

Chair said she wanted to deploy a standing committee because there would usually be at least three Council members there; this has been a standing agenda item; remembers it from a previous OIBC meeting during Kawika McKeague's tenure as Chair

Bill Haole thanked Chair for her comments and support

Chair said doing so would provide greater reassurance to the board, and advocate for the board of trustees chair to attend the meeting; asked if there was any sentiment between Member Mills or Member Amaral

Member Mills and Member Amaral stated it could be both of them on the standing committee

Chair said that Member Caceres will be at the meeting, but in a difference capacity as a recognized cultural descendant; Chair commented that the OIBC would get AG advice; this is an ongoing and large enough effort; now knows where this stands and was waiting to hear about this today; encouraged the Church to make their phone calls and get people moving to secure the site before Hurricane Hector arrives

Chair asked for Kamuela Kala'i's comments

Kala'i said she had comments and questions; commented that taking care of the kupuna should have started 10 years ago

Chair said this is the information the Council was waiting for, for a long time; asked if Kala'i had any comments for the Church; asked if Kala'i supported the Council's action today

Kala'i replied affirmatively

Chair thanked Kala'i and the Church

Kala'i stated she had questions for them [the Church]

Chair suggested she meet with them [the Church]

Kala'i said she wanted to ask them [the Church] questions at the meeting; has already asked once before, but wanted to know if the Church has had a chance to think about these issues [transcription]

Kala'i: "So, there's a couple of new ones [questions]. I hear today, we have two lineal descendants, recognized so far."

Lani: "Two families."

Kala'i: "Two families, ok."

Lani: "Kaleikini and Ayau."

Kala'i: "Do we have a number of cultural descendants or families yet?"

Lani: "Yes. Thirty-seven."

Kala'i: "Thirty-seven. And do we have a [sic] exact count of the iwi kupuna that are in the basement? Or that have been dug up?"

Lani: "So, our public notice says five-oh-three. David?"

David: "Yes, correct."

Vice Chair Mitchell: "Five-oh-three?"

Kala'i: "Five hundred three."

Lani: "Yes, you know it's kind of complicated because they use a formula, a minimum number of individuals. Right, David?"

David: "Yes."

Lani: "And this kind of stuff is what we can explain at the meeting, it's really complicated, and an osteologist -"

Kala'i: "I'm sure it's complicated, especially if [inaudible]. Ok, 503, that's the official number?"

David: "Yes."

Lani: "I think so."

Kala'i: "Ok. Um, then I did ask, at one point in time, what happened to all the moepu that was taken out of the ground? What happened to it? Where is it?"

Lani: "It's still there, David?"

David: "Yes."

Kala'i: "It's still there? Where?"

Lani: "Where the kupuna are as well."

Kala'i: "Really. And, um, so is it like one little pile, one basket, is it a big pile, is it a big basket? I mean just kind of, I'm just curious because you talking about five hundred iwi kupuna that were dug out of their graves, I would think there were some moepu that came with them [inaudible]. Is it, I'm just wondering, is it a crate? Is it a box? Can you give me an estimation of how big this is? Maybe how many? Is it a hundred? Is it a thousand? What is it, I don't know. Just wondering. And what happens to those moepu? And you don't have to answer now if you don't have the answer now, but I would really like you to think about it because that weighs on my mind. And the lepo that was taken out of that ground, approximately how much lepo was it? Where did it go? How was it treated? Can we be sure there were no iwi fragments in that lepo? Where is it today?"

Lani: "Can we answer that at the kuka meeting with just the recognized descendants?"

Kala'i: "Why? Why?"

Lani: "Because I don't think we know the answer to that, but I don't know -"

Kala'i: "Approximately? Ten trucks? I don't know, forty trucks? Eighty trucks? A hundred cubic yards? A thousand cubic yards? Don't know? Don't know? Ok. I would appreciate an answer but I would like the answer to be on the record. So we can talk about it at the kukakuka but I would like these answers on the record because I think it's important. It's really unfortunate that we even at the table today talking about any of this. Um, this could've all been avoided years ago. All could've been avoided years ago. So the fact that, we talking

today about mitigating circumstances that might endanger even more kupuna , uh, I have no words. It's not the AG's fault, it's not the Burial Council's fault, um, the responsibility of the kuleana absolutely lie with those that made the choice to take the kupuna out of the ground to begin with. Nobody ever forced the Church to dig up kupuna, nobody ever forced them. It was a choice they made, and so now the ramifications are clear today. What we are dealing with today which is horrific on so many levels, and painful beyond belief. Uh, it gets painful every time I have to talk about it, every time I have to listen to it, every time I have to listen to archaeologists saying that they're doing archaeology over there. That wasn't archaeology, that was grave digging. You got paid for digging up graves, not performing archaeology, there's no science involved in this whatsoever. So, I want that to be very clear, that we are here today because of choices that the Church leadership, administration, trustees, consultants, lawyers, made against the wishes, the very loud-spoken wishes to stop digging, to stop disturbing, to stop desecrating. That's why we're here today. And so, when we start talking about, I mean, it just gets to me every time I start thinking about every time we talk about this like it's just a normal thing. This is not a normal thing. This is so out of the normal it's not even funny. This is the worst that you could think of anything happening to our kupuna, on any island. On any island. This is the worst because it was done by Christians whoa re Hawaiians who have kupuna of their own who decided this is what we're gonna do, despite the fact that we went through fricken hell to try and stop it. And so, it's obvious to me that the kupuna have decided that this is not gonna end. Immediately. It's not gonna end the way we might want it to end. And my only interest right now is that it end in a way that is pono for the kupuna. Period. And so when I hear that there is still a Multi-purpose project, committee, members, whatever, that tells me, I don't know, I haven't heard officially yet whether the Church has decided they're going to continue to build that Multi-purpose center, that forced them or gave them the opportunity to choose to dig up all those kupuna although they didn't have to, that it sounds like they still want to build this building. So I'm wondering where is this building going? I don't know, has that decision been made by the Church? Because if it's going originally where it was planned to go, I have a problem with that. But I guess that'll happen in the consultation meetings. But, it just, I tell you what, it stirs me up, to think that the Church, if this is what they were thinking, could be so arrogant to think that they can go back over there and build that building, in a spot where they dug up, and I'm pretty sure that it's more than five hundred kupuna. It just riles me. And I'll go on record saying I want those kupuna back where you got them from. And I want them left alone. I'm on the record saying that, and I'll say it until the day I die. Whatever the decision that is finally made, like I said, it's obvious to me that the kupuna are calling the shots here. And I'm not gonna speak up against the kupuna, but I will say that. You know, when my naau starts to get nervous, it's not a good thing. So I hope the Church is really thinking about this, about what they plan to do. We have a chance to make this pono. We have a chance to make this pono. And I hope you're thinking hard about making it pono for the kupuna. Because until that happens, nothing going be pono til then. So, if you planning to build that Multi-purpose Center, I hope you're planning to build it someplace else. Because I'm on the record, I'll tell you straight up, I'm never changing my mind about this, those kupuna need to go back where you took them out from. And then maybe, maybe, some forgiveness can happen. Because Kawaihahao, you need forgiveness, big time. Not only from the 'ohana, but from the kupuna, big time. That's the ones you gotta go talk to. All five hundred plus. And, um, that was a lot of dirt that was removed. I remember seeing trucks go in and out so hopefully you guys have a record of where that dirt went. I'm almost positive there's some iwi kupuna fragments in it, that dirt, and um, we wouldn't be talking about mitigation measures today if you guys went malama the kupuna twelve years ago. Now I would appreciate answers to those questions, for the record, please. It's important. It's

important that we do this right, that we do this straight up. Enough of this. Enough of this. Enough of this crap-o-la.”

Chair: “Are you looking for them to speak to you today about the things you’ve asked for?”

Kala’i: “Well, I think they’ve answered the questions they can answer, and the questions they cannot answer today I would appreciate, I will be at the next meeting if I can. I would like it on the record.”

Chair: “We will see you, we will see each other on the 28<sup>th</sup>. We’re at the 8<sup>th</sup>, we got until the 28<sup>th</sup> at that meeting, so rest assured, I will not be able to, Council will not be able to have that standing committee. Perhaps we should have dedicated a standing committee to it a long time ago, however in light of the information we’ve received today, I think that we can move in a better direction by our next meeting. Just so that I know there was a bit of transparency at the table, so, the request that was made of the Office of Hawaiian Affairs, um, did you read when the next meeting is?”

Kala’i: “It’s the 5<sup>th</sup>.”

Chair: “Chair acknowledges that I work for the Office of Hawaiian Affairs. I’m aware of these meetings, I was asked to attend the initial meeting but I did acknowledge that in order for me to be able to simply maintain my responsibilities as Chair, and as a member of this Council, that they could invite me, but I’d rather not have a dominant presence in that meeting. If they can holomua to discuss any and all of their concerns. But I’m not sure the implication for inviting. Because there is a small committee that has been assigned to address not only Kawaiahao but burial issues in general. And perhaps we may want to reach out to Mehana Hind. Please reach out to her. And I acknowledge to you that I do, the work that I do on the daily is other things, I’m pretty much in the prison, for most of my time. I am not in the office but maybe an hour or two at the end of the day. So, as far as directly working with this, you know, it’s not something that, I don’t want it to be said that there’s a conflict of interest in terms of me wearing two hats. But it may be something to consider, to invite one of those committee members to come to, if it is appropriate, that’s for you folks to discuss.”

Lani: “Jerome will be attending.”

Chair: “Ok, good. Alright. But he’s not on that committee. So, maybe you may want to-”

Lani: “I’ll contact Mehana.”

Chair: “The whole point is to make sure they’re streamlining between that-”

Lani: “Coordination.”

Chair: “-OHA and this. If Jerome is coming, then Jerome needs to be a part of that meeting. If he’s not going to be a part of that meeting, it should be somebody who was assigned as part of that committee, aside from me.”

Lani: “Alright.”

Chair: “Mahalo.”

[Chair called for a recess at 1:12 PM]

[Meeting resumed at 1:21 PM]

Item IV. F was addressed next

## V. INADVERTENTS/COMMUNICATIONS

- A. Inadvertent discovery of human skeletal remains on July 11, 2018 during HECO excavations, Kailua Ahupua‘a, Ko‘olaupoko District, O‘ahu, TMK: [1] 4-3-081:004**  
**Information/Discussion:** Discussion on the above inadvertent discovery.

Presented by Alani Apio

Summary:

- Pole in danger of falling apart, aging and termite eaten
- anchor line excavation encountered iwi kahiko
- CSH contracted to address it
  - Anchor hole of the pole
  - One anchor line is still paa
  - Dug to a depth for the last anchor and there is nothing underneath
  - Descendants requested preservation in place
  - Will do what was done for a find in Kapahulu: place a steel plate over the old anchor, put the found remains into the side wall, put the anchor next to it
  - One set of iwi means there are likely others

Item IV. G addressed next

- B. Inadvertent discovery of human skeletal remains on July 11, 2018 at Nohona Hale project, Kaka‘ako Ahupua‘a, Honolulu (Kona) District, O‘ahu, TMK: [1] 2-1-051:014**  
**Information/Discussion:** Discussion on the above inadvertent discovery/correspondence.

Presented by Hilo

- C. Inadvertent discovery of human skeletal remains on July 29, 2018 near Waimānalo Beach Park, Waimānalo Ahupua‘a, Ko‘olaupoko District, O‘ahu, TMK: [1] 4-1-003:040**  
**Information/Discussion:** Discussion on the above inadvertent discovery.

Presented by Hilo

**VI. ANNOUNCEMENTS**

- A. Next meeting date is scheduled for 11:00 AM on Wednesday, September 12th, 2018, at the Kalanimoku Building, Board Room #132.**

**Motion: to adjourn the meeting**

**Moved by: Member Fermantez**

**2<sup>nd</sup>: Vice Chair Mitchell**

**VOTE: 6 AYES [Mitchell, Fermantez, Wong-Kalu, Caceres, Mills, Naone-Salvador)**

**Meeting adjourned at 3:34 PM**

**APPROVED and RATIFIED by the Oahu Island Burial Council at their meeting on 2018-09-12. Respectfully prepared and submitted by Regina K. Hilo, Burial Sites Specialist, History and Culture branch, State Historic Preservation Division.**