

DRAFT MINUTES

Oahu Island Burial Council meeting

DATE: Wednesday, December 14, 2022
TIME: 10:00 AM
PLACE: Department of Land and Natural Resources
Kalanimoku Building
Board Room, #132
1151 Punchbowl St.
Honolulu, HI 96813

Oahu Island Burial Council Members present:

Kamana'o Mills, Chair, Large Landowner/Developer Representative
Mana Caceres, Ewa Moku Representative
Lynette Cruz, Waianae Moku Representative
Ben Schafer, Koolauloa Moku Representative
Chuck Ehrhorn, Vice Chair, Large Landowner/Developer Representative
Diane Fitzsimmons, Waialua Representative
Brickwood Galuteria, Koolaupoko Representative

SHPD Staff:

Regina K. Hilo, Burial Sites Specialist
Kaahiki Solis, Cultural Historian

Attendees:

Carolyn Keala Norman, cultural descendant
Debbie Kekahili Kini, cultural descendant
Stephanie Keliilumilani Arakaki, cultural descendant
Bill Haole, cultural descendant
Kamuela Kala'i, cultural descendant
Matt McDermott, Cultural Surveys Hawaii
Makoa Caceres, cultural descendant

I. CALL TO ORDER/PULE

[Audio_12-14-2022_11_03_44 recording at 0:48]
Meeting called to order by Chair Mills at 10:03 AM
Pule offered by Bill Haole

II. ROLE CALL

[Audio_12-14-2022_11_03_44 recording at 2:20]
Mana Caceres, Ewa Moku Rep.
Lynette Cruz, Waianae Moku Rep.
Ben Schafer, Koolauloa Rep.
Kamana'o Mills, Large Landowner/Developer Rep. – Kamehameha Schools; Chair
Chuck Ehrhorn, Large Landowner/Developer Rep.
Diane Fitzsimmons, Waialua Moku Rep.
Brickwood Galuteria, Koolaupoko Moku Rep.

III. ANNOUNCEMENT

[Audio_12-14-2022_11_03_44 recording at 3:25]
Chair Mills announces the next scheduled meeting will take place on January 11, 2023

(Brief break to allow council members time to put parking passes on their cars)

[Audio_12-14-2022_11_03_44 recording at 3:40]

IV. BUSINESS (listed in order taken at meeting)

- C. Cultural Descendancy Recognition for Stephanie Keliilumilani Arakaki to Unidentified Human Skeletal Remains Found at The Park at Keeaumoku Project, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: (1) 2-3-018:052-060, 074, 075, and 077

[Audio_12_14_2022_11_03_44 Recording at 05:52] Chair Mills read the agenda item onto record

Discussion among attendees and OIBC members regarding the agenda item and requesting a closed session, as there has been no motion by the OIBC to close the session

Kekahili Kini stated a closed session was requested, and most of the attendees have left, except for Kamuela Kala'i

Chair Mills read the agenda item IV. C onto record again, stated he needed to read the SHPD memo/recommendation first, then a request to close the session can be made

Caceres asked the Chair for clarification on what agenda item was under discussion, as he thought Kawaiahao Church was under discussion (agenda item IV. B)

Kekahili Kini stated the closed session was for everything except Kawaiahao

Chair Mills stated agenda item IV. B was being skipped to address item IV. C

Caceres mentioned that this is not what had been decided in a previous executive session

Schafer said he knew

Chair Mills stated this thing is a mess

Vice Chair Ehrhorn stated that Kawaihāo Church couldn't be discussed as OIBC doesn't have a quorum; understood that the request to be made was for a closed session; after the closed session discussion, then the meeting would be opened again and the agenda could be addressed

Chair Mills apologized to Caceres, and stated that Caceres (Mana) would have to leave

Ehrhorn stated that for the other descendancies, Caceres could have fair input and wouldn't need to recuse himself

Caceres reiterated that this was the reason he is requesting clarification of the agenda item being discussed

Ehrhorn reiterated the agenda item presently under discussion was IV. C., as IV. B had been skipped over

Chair Mills stated that, as discussed earlier, the OIBC would go through the updates first and proceed right into the descendancy recognitions

Schafer stated that the OIBC was unaware that someone had to leave

Stephanie Arakaki apologized and stated that she had been given the agenda

[Audio_12_14_2022_11_03_44 at 8:41]

Chair Mills read the SHPD memo recommending OIBC recognize the applicant, Stephanie Keliilumilani Arakaki, as a cultural descendant to iwi kupuna at the subject project

Cruz or Fitzsimmons stated the request had to come from the applicant

Stephanie Keliilumilani Arakaki requested a closed session

[Audio_12_14_2022_11_03_04 at 10:11]

Motion: move the meeting into executive session

Moved by: Vice Chair Ehrhorn

2nd: Schafer

Discussion:

OIBC's Caceres noted that the agenda used the incorrect language – 'executive session' – and is therefore not agendized correctly

OIBC Vice Chair Ehrhorn asked SHPD staff Hilo if she was familiar with what Caceres was asking

SHPD's Hilo responded that she understood what was being asked but could not provide clarification as she did not have the HARs on her to reference

OIBC Chair Mills stated this is why an AG is needed

SHPD's Hilo stated this is also why an AG is needed and that she is not an attorney, asked what agenda item was being discussed, then proceeded to read HAR 13-300-25(d) onto record:

"HAR 13-300-25 Meetings.

(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."

Kekahili Norman reiterated what was requested is a closed meeting.

OIBC's Caceres noted that the language provided on the agenda item referencing HAR 13-300-25(d) references an executive session but an executive session only pertains to the council itself.

Keala Norman stated that an executive session is not the request being made, but a closed meeting request

Kekahili Norman noted that this type of request has been made before, as recently as last month, at these meetings

Vice Chair Ehrhorn stated that SHPD's Hilo is looking at the revised statutes (for clarification)

Kekahili Norman stated that she understood

Vice Chair Ehrhorn shared that this is why OIBC has had previous executive sessions, because there is a lot of confusion, and the Attorney General's (AG's) office has not been as involved as the OIBC would like them to be; the issue could be resolved if an AG was present; Ehrhorn apologized for this issue

OIBC's Caceres asked if a physical action was directed at him

Kekahili Norman commented that this is only because their 'ohana, the Norman 'ohana, are the applicants (whose descendancy recognitions are being considered at this OIBC meeting), as it was not brought up at other meetings

OIBC's Caceres commented

Chair Mills noted that he was trying to maintain peace

Kekahili Norman commented that she has been peacefully saying it, as there had not been this problem before

Chair Mills asked if the closed session is really needed

Kekahili Norman replied 'Yes'

Chair Mills asked if it was to share genealogical information or burial sites

Kekahili Norman replied 'Yes'

Chair Mills stated that the Council wanted to jam through them quickly

Kekahili Norman stated that the recognitions had been addressed quickly in the past

OIBC's Caceres noted that the reason he was requesting the other recognition items be addressed first is so that those could be handled and he could leave – via recusal – for the Council to address the Norman/Kini/Arakaki recognition items

Keala Norman stated that the agenda should be followed as it

Kekahili Norman commented affirmatively and added 'out of respect to the public' as the Council serves the public; the public should also have a preference

Keala Norman stated that it was required in the past that (descendant applicants) need to meet applicants applying for recognition the first time; (Stephanie Arakaki) took time out before work to be present at the OIBC

Vice Chair Ehrhorn stated he understood that, and the issue is more of verbiage; the question has been raised and it must be addressed

OIBC's Schafer stated that the Council 'may' close a session, but didn't necessarily have to; it's an option; Schafer asked if the session will be closed, or if it would be opened

Chair Mills commented that he saw two hands up (in the audience), though he may have the decision in his head already

Caceres stated that the reason the Council needs as AG present is because, in the recent past, when the Council has gone into closed session, very specific conversations about genealogy and burial locations, and the Council went and had other discussion outside of what was supposed to be spoken about in the closed session; Caceres stated 'you guys were there, you guys weren't speaking about location.'

Chair Mills motioned to Kamuela Kala'i

Kamuela Kala'i suggested that, if the Council would like to ask meeting attendees to volunteer to leave the meeting –

Chair Mills commented that it seems they were making a mountain out of a molehill, and wants the OIBC to operate like a well-oiled machine; the agenda

item at hand is a cultural descendancy recognition; wants to know if it's possible to recognize the descendant independent of any type of political stance

Kekahili Kini or Keala Norman – “Yes, that is our goal”

Keala Norman: “We are not the ones that fight. It is those who are behind us that make assertions and continue this long and ridiculous amount of time in this meeting. We just want to come forward and we have been vetted by the state to be recognized to these projects.”

Vice Chair Ehrhorn: “So why do you need the closed meeting?”

Keala Norman: “Because we want to avoid all the hakaka in the back.”

Kekahili Kini: “And because we also do talk about our genealogy in our conversations with you, especially to the aina.”

Vice Chair Ehrhorn: “OK well the procedure is, if we have a close session, we sit here, we hoomalimali, whatever, and then we go into the open session, and in the open session, those people you're referring to, they know enough about the issues. It still raises questions, creates the pilikia or whatever, so I don't know what you're gonna gain by –“

Kekahili Kini: “I hear what you're saying and that is true, except that, since we've done the closed sessions, we've had productive meetings, productive conversations without interruptions, and the public can say whatever they want to say after we're done. I mean, that's good. It's just, it prevents the interruption, and we get our privacy so we can disclose our private genealogical information without everyone else hearing.”

Vice Chair Ehrhorn: “Well then I apologize for something because, it's the Board's responsibility to make sure people don't interrupt the flow of the meeting, and if people have been doing that, it's our fault.”

Chair Mills agreed

Kekahili Kini: “Well, it's happened every time.”

OIBC's Schafer: “Mr. Chair, all we need is the location or description of a Native Hawaiian burial site, so we're just waiting for you. Can we get that?”

Keala Norman: “You want us to do it in an open session?”

Schafer: “You already have done it with SHPD, right?”

Keala Norman: “Yeah.”

Chair Mills called on Kamuela Kala'i, asked for a 5 minute break

Schafer asked for location and description of the native Hawaiian burial site

(Most attendees left the room at this time)

Keala Norman asked what item was being addressed

OIBC members stated Item C was being addressed

Keala Norman stated this was for The Park on Keeaumoku. She shared that iwi kupuna were found during auger drilling, as well as five others previously to the side of the auger. One was found during the AIS.

OIBC's Schafer added that Keala Norman and Kekahili Kini were already recognized to these kupuna, and they are adding another 'ohana member (to be recognized)

Keala Norman replied affirmatively

Kekahili Kini stated that Stephanie Arakaki, the applicant, is her and Keala Norman's first cousin, that her mother is their mother's sister, and she is the eldest of the daughters, of 10 children

Schafer stated that is all the Council needed to know

Kekahili Norman added that the reason they feel close to this ahupuaa, Kalia, is because they are direct descendants, their great great grand uncle had a land grant in this area; great great grandfather, great grandfather, grandfather, and their mothers were all born and raised there; it is the reason they take extra aloha to be there and step forward

Schafer asked if they were finished with discussing the location and description

Keala Norman stated that Stephanie Arakaki is also the applicant on agenda item D., and the 'ohana would ask for a closed session for each item

Schafer replied with a 'No' (to redirect the discussion to the current agenda item)

Keala Norman stated they might as well do it now, as it was done in the past

Chair Mills stated that these issues are a reason why the OIBC almost cancelled the meeting, because the boundaries were being pushed on these discussions

Keala Norman and Kekahili Kini stated they didn't know that was an issue and apologized

Schafer said the Council is trying to get better at their jobs

Kekahili Kini stated they weren't aware this was an issue

Chair Mills stated that if he had a glazed look in his eyes, it is because there is a lot of other issues going on that others are not aware of, the Council has to follow the book, would like to get an AG present, may cancel the January 2023 meeting due to the liabilities on their shoulders

Schafer stated that the next action would be to open the meeting again

Chair Mills stated he'd like to get the descendancy recognitions done quickly

Schafer noted extra agendas were available for attendees

[Audio recording 12_14_2022_11_03_44 at 24:51]

Chair Mills asked the Council if there was a motion for Item C.

Motion: Schafer motioned to accept the SHPD's recommendation

2nd: Ehrhorn

Roll call vote:

Vice Chair Ehrhorn – AE

Galuteria – AE

Schafer – AE

Mills - AE

Fitzsimmons – AE

Cruz – AE

Recused – Mana Caceres

- D. Cultural Descendancy Recognition for Stephanie Keliilumilani Arakaki to Unidentified Human Skeletal Remains Found at the Neal S. Blaisdell Center Redevelopment Project, Neal S. Blaisdell Center, SIHP #50-80-14-09148, Honolulu Ahupuaa, Kona District, Island of Oahu, TMK: (1) 2-1-008:001

[Recording Audio_12_14_2022_11_03_44 at 25:52] Chair Mills read SHPD recommendation onto record]

Kekahili Kini commented that for the same reasons stated previously under Item C., her cousin, the applicant Stephanie Arakaki, would like to be recognized

Chair Mills asked if there was Council discussion or a motion

[Audio_12-14-2022_11_03_44 recording at 26:35]

Motion: to recognize Stephanie Keliilumilani Arakaki as a Cultural Descendant to Unidentified Human Skeletal Remains at the subject project

Moved by: Schafer

2nd: Ehrhorn

Roll Call vote:

AE (yes) – Galuteria, Ehrhorn, Schafer, Cruz, Fitzsimmons, Mills

ABSTAIN – Caceres

Motion carried with 6 AE votes, 1 Abstaining

- E. Cultural Descendancy Recognition for Stephanie Keliilumilani Arakaki to Unidentified Human Skeletal Remains Found at the Ala Moana Blvd. Tower Project, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: (1) 2-6-009:004-006, 007, 009, 013

[Audio_12_14_2022_11_03_44 Recording at 27:07]

Chair Mills read SHPD's cultural descendant recognition recommendation onto record

Motion: to recognize Stephanie Keliilumilani as cultural descendant to unidentified human skeletal remains at the subject project

Moved by: Schafer

2nd: Ehrhorn

VOTE: AE – Galuteria, Schafer, Ehrhorn, Mills, Cruz, Fitzsimmons

ABSTAIN: Caceres

- F. Cultural Descendancy Recognition for Carolyn Keala Norman to Unidentified Human Skeletal Remains Found at the Ala Moana Blvd. Tower Project, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: (1) 2-6-009:004-006, 007, 009, 013

[Audio_12_14_2022_11_03_44 at 28:42 of recording]

Chair Mills read SHPD's recommendation for cultural recognition onto record

Motion: to recognize Carolyn Keala Norman as cultural descendant to unidentified human skeletal remains at the subject project

Moved by: Schafer

2nd: Ehrhorn

VOTE: AE – Galuteria, Fitzsimmons, Ehrhorn, Schafer, Cruz, Mills

ABSTAIN: Caceres

- G. Cultural Descendancy Recognition for Debbie Paulette Kekahiliokamoku Kini to Unidentified Human Skeletal Remains Found at the Ala Moana Blvd. Tower Project, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: (1) 2-6-009:004-006, 007, 009, 013

[Audio_12_14_2022_11_03_44 at 29:55]

Chair Mills read the agenda item onto record

Chair Mills read SHPD's recommendation to recognize Debbie Paulette Kekahiliokamoku Kini as cultural descendant to unidentified human skeletal remains at the subject project

Schafer asked which of the three members of the 'ohana was the applicant

The applicant, Debbie Kekahili Kini, identified herself

Motion: to recognize the applicant as a cultural descendant (Schafer and others corrected the language used to clarify cultural descendant instead of lineal) to unidentified human skeletal remains at the subject project

Moved by: Schafer

2nd: Ehrhorn

VOTE: AE – Galuteria, Fitzsimmons, Ehrhorn, Schafer, Mills, Cruz

ABSTAIN: Caceres

- H. Cultural Descendancy Recognition for William Papaiku Haole III to Unidentified Human Skeletal Remains Found at the Ala Moana Blvd. Tower Project, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: (1) 2-6-009:004-006, 007, 009, 013

[Audio_12_14_2022_11_03_44 recording at 31:36]

Chair Mills read agenda item onto record

Chair Mills read SHPD's recommendation to recognize William Papaiku Haole III as a cultural descendant to unidentified human skeletal remains at the subject project

Ehrhorn wanted to hear from the applicant what made him want to be recognized as a cultural descendant

William Papaiku Haole III (Bill Haole) stated he wanted to take care of the iwi kupuna

Ehrhorn asked Bill what project he had been recognized as a cultural descendant to previously by the OIBC

Members of the Norman and Kini 'ohana stated the project Bill was recognized to was The Park on Keeaumoku

Ehrhorn stated that's all he wished to ask and thanked Bill

Motion: to recognize William Papaiku Haole III (Bill Haole) as a cultural descendant to unidentified human skeletal remains at the subject project

Moved by: Schafer

2nd: Ehrhorn

VOTE: AE – Galuteria, Fitzsimmons, Cruz, Ehrhorn, Schafer, Mills

ABSTAIN: Caceres

Post-action discussion below

Bill Haole asked if, as a recognized cultural descendant to iwi kupuna in the Kona District, he would need to apply again (to be recognized to other iwi kupuna finds in the Kona District)

Chair Mills replied affirmatively; Ehrhorn stated that any time iwi kupuna are found, it is a separate application on a project-to-project basis

Bill Haole stated he would like to be notified if there are additional finds in the Kona district; he requested that he, and others recognized to iwi kupuna in the Kona District, be informed of the finds so they may come forward and participate in the initial consultation

Ehrhorn noted that normally if iwi are found, the archaeologist would reach out and provide notification

Bill Haole stated that the reason he is asking is because some project have gone through or started and had outreach with cultural descendants from the beginning, examples being 1701 Ala Moana Blvd. and the Blaisdell; not sure if that type of outreach depends on who is providing the cultural consultancy, or not having the list of recognized descendants

Fitzsimmons mentioned that this is the reason why Chair Mills has requested the SHPD provide a list of recognized descendants to the OIBC

Hilo stated that the notifications process does not fall to the archaeological firm, but to the department; since returning to SHPD, has either been out sick, on leave, or on vacation; reiterated that the responsibility for notifications is SHPD's; admitted negligence; other SHPD History and Culture Staff – Lesley Iaukea and Kaahiki Solis – are not trained to do notifications

Ehrhorn stated he stood corrected, thought the archaeological firm did the notifications, especially via newspaper

Hilo stated those notifications – published in the newspaper – are for discoveries of human skeletal remains during exploratory or Archaeological Inventory Survey work, not inadvertent discoveries – projects with archaeological monitoring

Kekahili stated it is unacceptable that SHPD has not been notifying recognized cultural descendants; 6 weeks ago iwi kupuna was desecrated and had to find out at a meeting; it is all SHPD's responsibility, not just Hilo's; mentioned to Hinano that Hilo is overwhelmed with work, the SHPD has been problematic

- I. Update of the 1701 Ala Wai Boulevard Project, Waikiki Ahupuaa, Kona District, Island of Oahu, TMK: (1) 2-6-013:017

[Audio_12_13_2022_11_03_44 recording at 40:22]

Chair Mills read the agenda item onto record; opened the floor for Matt McDermott, Cultural Surveys Hawaii

McDermott mentioned this is the first OIBC meeting that the project has been included on, as several previous attempts to get onto the agenda were made but didn't work out

Kekahili Kini requested a recess be taken soon so any attendees needing to could leave and attend to their parking meters

Summary of McDermott's presentation: location of project, current buildings there were constructed in 1947 – single-story building and single-story parking shed

Ehrhorn commented the building was the old radio station

Summary of McDermott's presentation: soil type is marshy, as it was a marshland area until being filled in when the Ala Wai was built; areas of raised Jaucus sand; CSH did a number of consultations previously; CSH did an archaeological literature review and field inspection including background research, previous archaeology, a brief field inspection, to devise AIS testing strategy; initial testing strategy approved by SHPD in May 2022, cultural descendant meetings in Sept. 2022, comments about additional testing, resulting in modified testing strategy and a change from 10 AIS test trenches to 11, including one inside the building; fieldwork done in October 2022, reported finds of iwi kupuna to SHPD in October and November 2022; Dec. 5th and 6th, 2022, cultural descendant meetings to share the AIS findings

Project is an L-shaped building with two stories of development and 5 stories of residences; 6E-42 review and no federal funding; cultural impact assessment will be done as part of the environmental review; historic maps describe area, pre-Kalakaua road is Waikiki Road fishponds, many residential structures in the vicinity; Mahele Land Commission Awards – two are within the project area – LCA 2081 portion, Kaoneanea; and Loeau or Lohiau; LCA 1999 to Nalimu; records describe landuse as fishponds, habitation, taro lo'i, dating to the 1800's; in 1861, the area was granted to William Luther Moehonua, grant 2879; land court information about 1861 grant to Moehonua – approx.. 87 acres- covers the entire project area; Kuwili fishpond visible in sketch map; aerial imagery shows white staining – assumed to be crushed coral fill; pond feature in a portion of the project, which corresponds to pond sediments found in that area during AIS; Land Court map from 1936 showed more development – structures – and a lotus pond in the makai portion of the project area; imagery from 1959 show the buildings in place, the buildings are over 50 years old but a recent architectural survey shows they have been heavily modified; archaeological background includes fairly thorough studies of Kalia, including the Wave – now the Allure project, an AIS done for part of the Irongate project, and archaeological monitoring along Ala Wai Blvd.

[Audio_12_14_2022_11_03_44 at 52:50 in recording]

Kekahili Kini interjected about the time, and Chair Mills called for a brief recess

[Note that the recording is still running through the recess]

[Audio_12_14_2022_11_03_44 at 1:00:42]

McDermott resumes his presentation

Summary notes: archaeological properties in the area include -6874, the sandy horizon representing the old land surface before fill was put into place, includes pit features and some burials associated with -6874, both complete intact burials and disarticulated human remains in disturbed context; buried fishpond fragments, fragments of human remains in a disturbed context, and a coffin burial

Chair Mills asked if the disarticulated remains were brought in with fill material

McDermott stated that, in some cases, they were brought in with very recent fill material at the Allure

Chair Mills asked about the coffin burial

McDermott stated that was definitely in situ; McDermott stated that those were all found outside the project area but provide an indication of what could potentially be found within the project area; nothing had yet been found at the project area as there was no previous archaeology; LaChance Hammatt 2014 stratigraphy profile – along margins of Ala Wai canal has disturbed sediments down to the marshy layer, Allure project had intact sand deposits – bands of grey and orange within the sand – not fluffy or wave-deposited sand; AIS investigation proposed and accepted by SHPD, cultural descendants requested three additional trenches and CSH added one trench within the building; trying to test the boundaries of the shapes seen in the 1881 maps, pond boundaries, fencelines, unsure of what these represent; testing strategy – in reference to the image in the presentation – trenches T1 and T8 are within the pond shape, showing up as a rhombus

(McDermott continued) AIS results - completed 11 test trenches in October 2022, discussion referencing Halealoha Ayau's talk in November (2021) regarding appropriate AIS testing sizes – calculated 11 test trenches based on the 0.655 acre project area is a 1.77% testing sample; tested pond area and higher ground area that was thought to be crushed coral, turned out to be sand; the two test trenches within the pond shape – T1 and T8 – did contain pond sediments, sticky, clay enriched sediments similar to low-energy environments, possibly related to the previous lotus pond which appears on the 1936 map; surprised by how much sand was encountered, except for T1 and T8 – stratigraphy shows imported fill at the top layer, 2A and 2B show the natural sand deposits, the dark staining represents the A horizon – stained dark grey due to human activity and land use, pit features which are rich in organic materials; tan layer overlays the A horizon; below is a marine deposit which probably pre-dates the Holocene in this area

(McDermott continued) Archaeological finds included two areas of iwi kupuna – one in T9, a portion of a fibula, left in place as a previously identified burial site; one in T3, found three small rib fragments, very difficult to identify whether

animal or not, initially identified as not human, but couldn't be ruled out as not human following further analysis in the lab, so these were brought back to the test trench; each find will get its own SIHP number, and the pond sediments will get its own SIHP number; the sandy A horizon will receive its own SIHP, as well as the historic subsurface including asphalt surface and hollow-tile subsurface wall

(McDermott continued) slide showed a concrete box into which the remains are temporarily curated - in the same location where the remains were found – until a decision on treatment could be made; the three rib fragments were placed back into the trench where they originated from; next steps: ongoing updates with OIBC, submission of AIS and BTP to SHPD for review, consultation with recognized descendants; AIS will recommend preparation of BTP and an Archaeological Monitoring Plan during active construction

No questions from OIBC members, Ehrhorn commented that the presentation was thorough

Chair Mills asked if community members had any comments

Kekahili Kini asked McDermott to go to the presentation slide which included Moehonua's LCA

McDermott went to the slide as requested

Kekahili Kini (summary) stated that, as mentioned in this OIBC meeting previously to the Council members, William Moehonua is her family's great great great grand uncle's, and this is his land grant, a huge area in Kalia, Waikiki; their great great great grandfather – G.W. Keaweamahi – passed on all of this, and then to his son; their great grandfather, his brothers, and all his sisters were born there; their grandmother was born and raised there; their mother, and her siblings – 7 of them – were all born and raised in that area; with a large land grant like that, a lot of the people who lived there are 'ohana; their grandmother told them that everyone who lived around her was 'ohana – the Paoa's, the Harbottles, the 'Ena's, the Napoleon's – the famous surfing family – the Kaopuiki's; our great grandfather was the co-founder of Healani Canoe Club that paddled in Waikiki all the time; can see how sensitive this is to them – the iwi kupuna found there is going to be very sensitive to them – chances are, even though they can't say who exactly is buried there, they are lineal [descendants] because it goes back generations and generations; Kekahili requested McDermott go back to a previous slide showing where the iwi kupuna are located

Schafer asked what Kekahili was trying to do

Kekahili Kini stated she was getting to the point; iwi kupuna discovered in Oct. 2022, not told until December 5, in a meeting; would've loved to hear from Hilo or anyone from SHPD, but weren't given that; Hilo was out sick, but from

October until December, no one called us to let us know; vacation plans had already been made with 'ohana so Nov. 28th (Thanksgiving weekend) wouldn't work; a meeting could've been called earlier; request made to go back to the presentation slide showing the temporary concrete vault; Kekahili stated she had asked Matt if the iwi kupuna were wrapped and placed inside hina'i, and he had replied affirmatively; upset about that because wrapping is part of their closure and healing, to do the wrapping for the kanu; McDermott had said they were wrapped, so what can be done? Unwrap them now to give us closure and healing? Kekahili stated she and her 'ohana are not hewa. The only time iwi kupuna should be in a cement vault is when they are ready to kanu. Kekahili stated there was no consultation for herself nor her 'ohana. No one was recognized yet, but CSH and the cultural monitoring firm "took it upon themselves to override us descendants, and I told the developer in September how sensitive this aina was to our ohana. They never listen, they never listen! [sobs] And I told them this causes pain and suffering on us because that's our 'ohana over there. But no listen. Who given anybody the right to wrap and proceed without us? Who?!"

Chair Mills: "Kekahili, if I can just, um, I hear you. I do hear you, Kekahili, and if that is the land area of your great great grand uncle and they did find human remains there, I am completely open and receptive to all of your comments regarding that. Yeah, because there is the higher probability that this is one of your 'ohana members if this is from your great great grand uncle's, as you've explained. So, e kala mai for that. I just want to let you know that we do hear you, and I do hear that you're upset. Mahalo. You got mana'o [directed to Makoa Caceres]?"

Makoa Caceres (Makoa): "'Ae, so um, I'm employed by 'Ohana Kupono Consulting who provided the monitoring for this project. And it was our employees who put in these interim protective measures and I was wondering if I could address some of those comments. I also have some visual aids for you folks which may help clarify the situation a little bit."

Chair Mills: "Ok."

Makoa: "If that's ok, for me to approach the council?"

Chair Mills: "Yeah, ok, absolutely."

Makoa: "So, I just want to ask a few clarifying questions to SHPD, whether Regina Hilo, whether you want to answer those or not. Are there any HRSs or HARs that strictly prohibit people from wrapping iwi as part of an interim protective measure? So, are we, or did we, break any rules or policies in doing so?"

Hilo: "No laws or rules."

Makoa: “And just for clarifying purposes, this is something that we wrapped those kupuna in [Makoa presented a hina’i lauhala and kapa]. So this is lauhala that was made by community members in Kaua’i. This kapa was harvested and beaten by members of the community on Kaua’i. They [referring to the iwi kupuna] were also placed with salt made by the people on Kaua’i. So, people’s, kanaka ‘oiwi’s mana went into the materials we used to show reverence and respect to these iwi that, I want to note, members of our ‘ohana are also cultural descendants to this area. We have just as much of a right to malama these iwi as any other family does. [presented a brown paper bag] This is a brown paper bag that iwi is put in during AIS’s and when they are found. You can see our kupuna are broken down into project name, so in this case it’s Waikiki 328. It clarifies what type of iwi, whether it’s faunal or human, and what exactly, the classification of the iwi that is found. So this is made in China, this brown paper bag. So my question to the Board, to SHPD, we already know we’re in no violation of any policies or laws, we are completely within our rights as a consultant and as monitors, to give mana’o and ‘ike to CSH, which is the ones who implemented these interim protective measures. Because ultimately the decision is left with you folks [referring to the OIBC] when the Burial Treatment Plan is accepted. It is our mana’o, our ‘ike, and our mo’okuauhau that tells us that this is one hundred times more respectful to our kupuna than a brown paper bag. And we never tell anybody they weren’t invited to come, but it is also not our responsibility to make those calls. At the end of the day, we are there to provide ‘ike and support, and that’s what we did. So the question I would like to pose to the Council is if you would like your kupuna put in a brown paper bag and left, or you want your kupuna put in this [the kapa and lauhala presented earlier]?”

Chair Mills: “I am going to stop this meeting right now. I know what’s happening here. Don’t mahalo me, I know what’s happening and that’s it. I don’t want to get into these debates anymore. There is things happening that are outside of the Oahu Island Burial Council that I do not want to get the Oahu Island Burial Council involved in. So with that, I’m just going to end it right now because the main thing for the Council is that we hear this presentation and what’s happening. The details of this, this is for....you guys work that out outside of the Council. We want to take a look at the Burial Treatment Plan, Archaeological Inventory Surveys, inadvertent discovery burials, I don’t want to get the Council involved in any other, any types of political fights or anything in that regards. So mahalo nui for your presentation. This is nothing personal to you, brother [to Makoa].

Makoa: “No, so at the end of the day, the Council is also responsible for the interim protective measures which is all that this was.”

Chair Mills: “Right.”

Makoa: “And so if our integrity, as a business and a ‘ohana is continued to be questioned in this public forum –“

Chair Mills: “That’s a fair question. So let me go back to CSH. Those protective measures, are they permanent or are they interim?”

Matt: “In our mind, they are interim.”

Chair Mills: “They are interim. Because it needs to come before us as a Burial Treatment Plan, right?”

Matt: “Correct.”

Chair Mills: “Ok.”

Makoa: “And to further clarify, because again, this is plant material and within 12 months, this is going to be completely disintegrated and the kupuna can be rewrapped if necessary.”

Chair Mills: “Right.”

Makoa: “And that is an important point. This was just to protect their sanctity in the interim.”

Chair Mills: “I’m gonna stop right here. Because I don’t want this to get....we’re going down a rabbit hole, the snowball that’s happening, I don’t want to make that snowball any bigger. So with that –“

Kekahili: “The bottom line is that they don’t care about the other descendants –“

Keala: “Yeah.”

Kekahili: “They don’t care about us –“

Chair Mills: “We’re gonna stop and we’re gonna move on to the [Audio_12_14_2022_11_03_44 recording at 1:24:48] update on the Block 6A Project, Kakaako, Honolulu Ahupuaa, Kona District, Oahu, TMKs: (1) 2-3-003:022 and 094”

Matt made a request to Chair Mills, which was interrupted by Kekahili and further interrupted by Kamuela Kala’i

Matt [referenced the previous agenda item – 1701 Ala Wai Blvd.]: “We spent a lot of time talking about this. I want to be sure you guys get a chance to respond to me with anything, an important consideration: the sample size that we did for the AIS which shows the location of the 11 test trenches that were done, sample size of 1.77%. Some of the cultural descendants have expressed that this was insufficient. We wanted to have a discussion about that and see if you had any input.”

Ehrhorn: “When you say some felt that was insufficient –“

Matt: “Some of the cultural descendants we spoke to on December 5th and 6th expressed that maybe this wasn’t sufficient. Others felt that is was sufficient. I just wanted to have that discussion with you folks.”

Keala: “Yes, my ‘ohana, me, specifically Makaoe Lane, our ‘ohana lived there.”

Chair Mills: “Gotcha. I gotcha.”

Keala: “Now we have – “

[overlapping voices interrupted the testimony]

Chair Mills: “Yeah, I totally, I totally feel, let’s stop this –“

Kekahili: “They gave us a percentage, like –“

[interruption, Chair Mills called the meeting into order]

Chair Mills: “Come on gang. I look forward to seeing the Burial Treatment Plan by all means. I’m sorry, I don’t mean to cut you folks off or anything like that, but I know where this is going. For many months we will be working on this case. It’ll come out in time, it’ll come out in time, it’ll come out in time – “

Kekahili: “We just want more test trenches, that’s all.”

Chair Mills: “Ok. Duly noted, thank you for that.”

Matt: “Ok.”

Chair Mills: “Mahalo.”

Matt: “Thank you, I appreciate it.”

Chair Mills: “And with that –“

Ehrhorn: “Thanks, Matt.”

Matt: “I’m the next item as well –“

Ehrhorn: “Oh no –“

Matt: “Sorry.”

Ehrhorn: “It’s always a pleasure.”

Schafer: “Is it necessary that we have to, if we just look at the past, say a hundred years ago, and then we come to today and what the burial site is, what

specifically we're looking at. [to Chair Mills] Is that something you'd be interested in?"

Chair Mills: "Yeah."

Schafer: "Ok. Kinda streamline it."

Matt: "Ok, I'll try to streamline it as much as I can."

[Note that the discussion from this point forward on the audio recording is for agenda item J as read onto record previously by Chair Mills]

- J. Update on the Block 6A Project, Kakaako, Honolulu Ahupuaa, Kona District, Oahu, TMKs: (1) 2-3-003:022 and 094.

[Audio_12_14_2022_11_03_44 recording at 1:27:16, though previously read onto record by Chair Mills at 1:24:48]

Matt (summary of testimony and presentation): Howard Hughes Block 6A project, located mauka of Queen Street, between Queen Street and Kawaiahao Street; CSH prepared an AIS plan, did a presentation to OIBC in January 2020, cultural descendant group had a presentation of the AIS plan at that time; AISP submitted to SHPD in Sept. 2020, SHPD did not review the AISP, and CSH completed the AIS as described in the AISP; SHPD acknowledged receipt of the AISP and that fieldwork would start; project description – industrial area, will either be a two-story light industrial building or a small to mid-rise residential building, final use undetermined; 0.46 acres project area, image shows a portion of the Diamond Head side which is an auwae coming down to Kewalo Basin from the former Ward Estate, previously disturbed as a storm drain was installed there; the area historically had fishponds and salt pans, 1817 Kotzbue shows Queen Street trail running through or close to the project area; salt pans makai and ewa of the project area; blue line shows the auwae from Ward Estate; 1927 aerial shows an area being filled in; 1950 Sanborn map shows warehouses and lumber for some of the businesses there at that time; historic properties in the area include the concretized auwae; no previous archaeological work in the vicinity; recent finds during installation of a water line at Queen Street for Howard Hughes, disarticulated and previously disturbed fragments adjacent to and makai of this project area; fieldwork summary – 6 AIS test trenches between 14 to 20 feet long, approximately 2.5 feet wide, testing footprint 1.54%. Types of archaeology found: two historic properties, and -7659 which is the auwae; found some undisturbed Kewalo wetlands, SIHP -6636; sand deposits, CSH 1, and structural remnants from historic structures; no iwi kupuna found during AIS; no indication of traditional Hawaiian landuse, only historic land use; will work on writing up the results, no iwi kupuna found

Chair Mills asked if the Council had any questions

Schafer asked about the testing percentage recommended previously by Halealoha

Matt: “What Halealoha has said at the meeting in November was that between 1 and 2% -“

Schafer: “And how much was this one?”

Matt: “This is 1.54 [percent].”

Schafer: “Ok, thank you.”

Ehrhorn: “The previous was 1.77 [percent]. Do you have any floorplans or footprint of the building?”

Matt: “No, it’s still hasn’t been decided exactly what they’re going to do. Howard Hughes may be selling the parcel, there’s just lots of things. They want us to get the AIS done, but it’s not real pressing as far as getting actual development done. They’re not sure what they’re going to do with the parcel.”

Chair Mills: “Ok, community members, any mana’o? Or sorry, Council members, any further mana’o? Community members, any mana’o? Let’s go with Kekahili, Keala, and then William.”

Kekahili stated they sat in the meeting with Howard Hughes, sat through the presentation provided; requested more trenches; the areas where Howard Hughes is developing in Kakaako have had iwi kupuna finds, not comfortable with inadvertent discoveries; would like to see more trenches, including exterior trenches, as interior trenches is different with tenants; additional test trenches under AIS as done for Ross would designate any iwi kupuna as previously identified

Keala supported Kekahili’s statements

William asked Matt what the east and west boundaries of this project parcel are; Matt stated Cummings is nearby, but it is the middle of the block, with Cummings on one side and Ward on the other; William stated his ‘ohana LCA – Kapapa – is nearby, would like to be informed and contacted of these project undertakings

Matt stated he would share William’s contact information with Howard Hughes

Schafer asked about additional testing

Matt stated he would take these comments back to Howard Hughes for their consideration

Ehrhorn stated he also has an issue with inadvertents too and doesn’t know what the best solution is; with regards to the law, it states that once construction is started and iwi kupuna are found, it’s an inadvertent, and that’s a problem for him; in any CSH BTP, Ehrhorn will be looking for a paragraph that will state what will be done if inadvertent discoveries are found on the property

Matt responded affirmatively and thanked the Council

Kekahili responded to Chuck that Hilo of SHPD should be able to respond to the question of how inadvertents are treated after construction has begun

Ehrhorn stated that his suggestion of having a good paragraph with input by the descendants would be sufficient

Kekahili stated that descendants have no say when they're inadvertents

Ehrhorn stated that that was his point

Chair Mills: "Chuck and I, we are allies in this disagreement with how SHPD recommends, how they handle it."

Kekahili: "That's just how I understand it. I dunno if we have any control over that. I don't know if even Matt has control over that."

Chair Mills: "Thank you."

Matt: "I have control over nothing."

[laughter]

Chair Mills: "You have control over the keyboard for the PowerPoint."

Matt: "Not very good, not very good –"

Kekahili: "We as descendants can say what we want, I don't know if they would be held to it. As it is, we made an expectation on a Burial Treatment Plan for The Park on Keeaumoku, and they aren't following that, either, so. And that's a legal document."

Chair Mills: "I hear you, Kekahili, I do. With that, mahalo, Matt."

Matt: "Thank you for your time, I appreciate it."

Ehrhorn and Schafer thanked Matt

V. REQUESTS FROM OIBC CHAIR, KAMANAO MILLS

- A. Update on the Office of Hawaiian Affairs Burial Sites Working Group's Work to Examine the Burial Sites Program Under the Department of Land and Natural Resources State Historic Preservation Division and Improvements to the Island Burial Councils

[Audio_12_14_2022_11_03_44 at 1:40:30] Chair Mills read the agenda item onto record

Summary of discussion: Chair Mills reached out in November 2022 asking OHA for an update, but the OHA member was not present at today's meeting to provide an update; Chair Mills asked if any Council members or community members had comments

Kamuela Kala'i: "I have a question: do we know if it's dead or alive? It's been a while."

Chair Mills: "It is alive because last month, Halealoha Ayau was here and he gave a good presentation about what was happening in the working group. And as part of that, we had recommended that somebody from OHA come before us to provide additional information. We're still working on that. I know Kai is ill, I'm not sure about Kamakana. Those are the two individuals I sent the request to."

Kamuela: "Mahalo."

Kekahili: "I would just like to make a comment again that I think it's really sad that OHA's supposed to be a representative of the Hawaiian people, don't take the time to be at this meeting, you know. We gave our mana'o to the work[ing] group testimony, and we have yet to hear anything from it. You have representation from the Burial Council, you know. Why isn't that person sharing with us what's going on? Why can't they? Now that Brickwood is there, I'm hoping for more and better, sorry Brickwood to put you on the spot. I voted for you, so I'm gonna tell you."

Galuteria: "I'm pretty sure we could do better."

Kekahili: "I think we should, you know. And my last mana'o for the day, you know, this is not about the western United States law, this is about being Hawaiian. You can talk 'olelo Hawaii but you need to conduct yourself as a kanaka maoli. You know. You don't do that to 'ohana. You don't do that to your people, you don't do that to your neighbors. You know. We pick, clean, shred, weave our lauhala ourselves."

Galuteria: "Let's go back to this --"

Kekahili: "So I just, that's my last --"

Galuteria: "With regard to OHA, the organization has been 're-org'ed and it is operating under a very deficient type of capacity if you will. And that, what little I know right now, has affected Kai's work. Those who are supposed to be coming down here. I'm not trying to defend the organization, I do know we're running about 40% --"

Kekahili: "I love Kai, I love him --"

Galuteria: "-- personnel, so --"

Kekahili: "-- but I don't make excuses for SHPD and I'm not gonna make excuses for OHA. I'm just expecting better, and I appreciate your sharing. Mahalo."

Chair Mills: "Yeah, mahalo. I'll keep working with OHA and perhaps in January we can have a representative from OHA provide a presentation."

- B. Update on the Kawaiaha`o Church Joint Burial Treatment Plan Implementation; Honolulu Ahupuaa, Kona District, Island of Oahu, TMK: (1) 2-1-032:017

[Audio_12_14_2022_11_03_44 recording at 1:43:49] Chair Mills read the agenda item onto record

Chair Mills stated he received an email from Suzanne Boatman who could not attend the OIBC as she was in a status conference with Judge Chang; Boatman requested there be no formal speaker from the Church to provide an update

Chair Mills asked if there were community members who wanted to express mana`o, otherwise the agenda item would be moved to January 2023

Keala stated the agenda item should be moved to January 2023 as the last update the descendants had received from Boatman was that the Church's attorney were speaking to those individuals on the lawsuit, whomever had a lawsuit with the Church. At that point, they had only heard from Kaanohi Kaleikini's lawyer and were waiting to hear about the other lawsuits and their attorney. Disturbing for her and her family, as they were verbally assaulted and accused of holding up the kanu. Now the kanu is being held up because of other people and their lawsuits. Waiting for permits too.

- C. Update on the Status of all Discoveries and Inventory of Iwi Kupuna in Kananelu

[Audio_12_14_2022_11_03_44 recording at 1:45:38] Chair Mills read the agenda item onto record

(Summary) Chair Mills apologized to Kamuela Kala'i and stated that was the best agenda item title he could provide to Iaukea for including on the OIBC agenda; shared that he reached out to Jiang Li Guo (HDOT) to provide a presentation at the OIBC, she was not able to, but also asked if there were updates; she emailed a response that HDOT had gotten all permits and were awaiting materials to arrive to start construction; Chair Mills asked if Kamuela Kala'i had any questions or comments

(Summary) Kamuela Kala'i couldn't recall at which OIBC meeting it was requested of the OIBC that they recognize the areas where iwi kupuna have been found be designated as known burial sites, believes the recommendation went through unanimously to SHPD; when she asked what the status was, there was a difference in opinion at the SHPD whether this was a known burial site or not; requested something in writing to state, officially, who made the decision; hasn't had any response from SHPD about that; would like to have this item agendaized for next month and have the OIBC address it; iwi kupuna in at least three areas at Kananelu, believes this needs to be taken seriously, shouldn't be allowed to go into SHPD purview and just stay there; OIBC made a recommendation based on testimony

Chair Mills: "We made a decision. I can even help clarify the decision because our stance has never changed. The Oahu Island Burial Council feels that the burials at Kananelu shall be classified as previously identified. And the SHPD feels it should be

classified as inadvertent discoveries. So, we've never changed our vote; our vote still stands, these are previously identified. But the State is saying it's inadvertent discoveries."

Kamuela Kala'i: "But who makes the call?"

Chair Mills: "That is the actual question."

Kamuela Kala'i: "But who makes the call when you folks have the actual purview over burials?"

Chair Mills: "And that is the reason why we almost cancelled today's meeting, because the lack of an attorney general's representation to guide us through these types of situations. We're existing in this nebulous, I mean – we could agendize it but it wouldn't change the fact that we still feel that they're previously identified and the State still feels they're inadvertent discoveries. And we cannot come to an agreement on that."

Kamuela Kala'i: "So I would like it to be agendized, I would like an attorney general to make the call on who gets to make that decision."

Chair Mills: "That's a good idea. If we have an AG next month, that would be the perfect time to do that."

(Summary) Kamuela Kala'i stated SHPD has records, one of the kupuna that was kanu had been in SHPD's care since 1980, unacceptable, needs to be addressed and fixed; the kuleana that the OIBC has needs to be taken seriously; we know more kupuna will be coming out, the roadside is caving in, which is why Kala'i wanted HDOT present; emergency permit, over 6 months ago; kupuna tumbling out of their graves

(Summary) Ehrhorn had two thoughts to share; first, he stated the construction of the highway needs to be handled the same way like how Howard Hughes handles theirs – have someone from the agency come to the OIBC and do a presentation; second – he stated that if there was no AG at the meeting in January 2023, it would be cancelled

Kala'i stated there was a CIA in OHA for the shoreline mitigation in that area, hopes people will come forward with comments, but also hopes this will not delay the roadway work; dire situation

Chair Mills asked Hilo if there were any updates from SHPD

Hilo stated that all the kupuna in SHPD's care from Kanenelu have been kanu several months ago, and this will be an ongoing commitment as there is a dedicated space nearby; Hilo also stated she is not aware of when HDOT's work on the roadside mitigation would commence, has been asking for 2 years

Chair Mills stated that the designated space ensures timely kanu

Kala'i stated this isn't because of anything SHPD did, rather it was the community; stated that the danger is that people like Trisha Watson and her company demand that iwi kupuna be turned over to them to dump them in the ocean; that request was made twice and Kala'i stated Trisha would have to go through her first; whomever is making those decisions is doing so behind closed doors; damned if anyone, let alone Trisha Watson and her company be turned over so they can be dumped in the ocean; people go caught in the middle of that

Ehrhorn asked who Trisha Watson was

Kala'i stated Trisha Watson is a consultant for HDOT, and a menace

Keala wanted to know if OIBC would still handle descendant recognitions even if there was no AG or deputy AG present

Hilo stated the request for an AG or deputy AG would be made directly to Downer

Kekahili stated she would want a deputy AG at every meeting

[Audio_12_14_2022_11_03_44 at 1:56:34]

Chair Mills asked if there was a motion to close the meeting

Motion: to close the meeting

Moved by: Ehrhorn

2nd: Schafer

VOTE: AE – Caceres, Cruz, Schafer, Ehrhorn, Fitzsimmons, Galuteria, Mills

Meeting adjourned at 11:59 AM

MEETING MINUTES in DRAFT FORM [VERSION 002.2024-08-29, see document footer] for OIBC consideration, review, and approval; meeting date for OIBC approval TBD.

Minutes respectfully and accurately prepared by Regina K. Hilo, Burial Sites Specialist, History and Culture Branch, State Historic Preservation Division, dated 2024-08-29.

Note that verbatim minutes are represented by quotations after an individual's name – e.g. Kekahili: "....." whereas summaries are occasionally represented before an individual's name – (Summary) Matt: