STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD. STE 555
KAPOLEI, HAWAII 96707

APPROVED MINUTES
O'AHU ISLAND BURIAL COUNCIL MEETING

DATE: Wednesday, September 14th, 2016
TIME: 10:35AM
PLACE: Department of Land and Natural Resources
        Board Room
        Kalanimoku Building, 1st Floor
        1151 Punchbowl Street
        Honolulu, Hawaii 96813

Members: Chuck Ehrhorn, Chair
          Aulii Mitchell, Waianae Moku Representative
          Beverly Amaral, Large Landowner Representative
          Mana Caceres, Ewa Moku Representative
          Kali Fermantez, Koolauloa Representative

SHPD Staff: Susan Lebo, PhD., Archaeology Branch Chief
             Regina K. Hilo, Burial Sites Specialist, H&C Branch

Guests: Mildred Wong, Observer
        Lahela Hekekia, Public
        Kala Kaleikini, Descendant
        Christoper Oakes, Stanford Carr Development
        Paul Cleghorn, Pacific Legacy
        Kawika McKeague, G70
        Kaanohi Kaleikini, Descendant
        Michelle Bartell, American Savings Bank (ASB)
        Allen Kubota, ASB
        Lin Ann Chang, ASB
        Daniel Akiyama, Cultural Surveys Hawaii (CSH)
        Angus Raff-Tierney, CSH
        Andrew Soltz, CSH
        Danielle Yafuso, First Hawaiian Bank
        Matt McDermott, CSH
        Gerry Lam, Descendant
        Michelle Pammer, CSH
        Lani Maa Lapilio, Aukahi
        Kim Kuulei Bierney, Manoa
        Lois Yamaguchi, RUH
        Bill Haole, Kawaiahao Church
I. CALL TO ORDER
Meeting was officially called to order at 10:35 when quorum was achieved.

Items under VI. Inadvertents/Communication were taken from 10:25 to 10:35 AM prior to quorum; summary of discussion is provided under VI.

II. ROLL CALL/PULE
Ehrhorn asked Kaanohi Kaleikini to provide pule; pule from Kaanohi
The Oahu Island Burial Council introduced themselves in the following order: C. Ehrhorn, Large Landowner representative, OIBC Chair; Aulii Mitchell, Waianae Moku representative, OIBC Vice-Chair; Bev Amaral, Large Landowner representative; Mana Caceres, Ewa Moku representative; Kali Fermantez, Koʻolauloa Moku representative

III. APPROVAL OF MINUTES
RKH will change the manner of Council member Amaral’s representation from Koolaupoko Moku representative to Large Landowner representative following consultation with Boards and Commissions on all minutes.

A. Minutes from 04/13/2016
   Approval of minutes
   Motioned by: B. Amaral
   2nd: A. Mitchell
   Vote: 5 AYES, none opposed
   MINUTES APPROVED

B. Minutes from 06/08/2016
   Approval of minutes
   Motioned by: A. Mitchell
   2nd: B. Amaral
   VOTE: 5 AYES, none opposed
   MINUTES APPROVED

C. Minutes from 07/13/2016
D. Minutes from 08/10/2016
   Approval of minutes
   Motioned by: M. Caceres
   2nd: K. Fermantez
   VOTE: 5 AYES, none opposed
   MINUTES APPROVED

IV. BUSINESS

A. Discussion on Oʻahu Island Burial Council membership, roles, and responsibilities
   Information/Discussion: Discussion on the above items.
   Chair Ehrhorn read the above item onto the agenda.
   Summary of discussion follows, below:
   Chair Ehrhorn stated that he would like the audience to take an active role, as the previous chair, Hina Wong-Kalu, was strong on recognition procedure for testimony: raise hand, state name, offer testimony
   Vice-Chair Mitchell asked about Kahikolu Hale, will contact Bill Ailia; mentioned Yuklin Aluli – Emmett Aluli and Mitchell visit every 3 days to keep things pono
Member Fermantez stated the need to fill vacancies – Koolaupoko and Waialua – in order to have quorum.
Chair Ehrhorn stated that the accountability of the Council suffers when quorum is not met.
Vice-Chair Mitchell stated that Kona is still open.
Member Fermantez stated that Koolauloa will not be present at next month’s meeting.
Ehrhorn suggested cancelling the October meeting.

B. Department’s Recommendation to Recognize Paulette Kaanohi Kaleikini and ʻOhana (names attached) as Cultural Descendants to Unidentified Human Skeletal Remains Encountered at Continental Pacific, LLC Project, Keana Ahupua‘a, Ko‘olauloa District, Island of O‘ahu, TMK: [1] 5-6-002:016 (por.), 049

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

Chair Ehrhorn read the above agenda item and HAR onto the record.
Chair Ehrhorn read Paulette Kaanohi Kaleikini and ʻOhana names onto the record.
The Council made no comments.
Kaanohi Kaleikini stated that her and her ʻohana are already recognized to Koolauloa a short way from the project area.

Motion: to accept the department’s recommendation to recognize Paulette Kaanohi Kaleikini and ʻOhana as Cultural Descendants to Unidentified Human Skeletal Remains Encountered at Continental Pacific, LLC Project, Keana Ahupua‘a, Koolauloa District, Island of Oahu, TMK: [1] 5-6-002:016(por.), 049.
Moved by: Caceres
2nd: Amaral
VOTE: ALL IN FAVOR


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

Chair Ehrhorn read the above agenda item onto the record.
HAR and ʻohana names were previously read for Item IV. B.

Moved by: Fermantez
2nd: Amaral
VOTE: ALL IN FAVOR

D. Department’s Recommendation to Recognize Paulette Kaanohi Kaleikini and ‘Ohana (names attached) as Cultural Descendants to Unidentified Human Skeletal Remains Encountered at Kualoa Regional Park, Kualoa Ahupua’a, Ko‘olaulu District, Island of O‘ahu, TMK: [1] 4-9-004:001
Discussion/Determination: Discussion and determination to recognize the above individual as cultural descendant to unidentified human skeletal remains at the above project.

Chair Ehrhorn read the above agenda item onto the record
HAR and ‘ohana names were previously read for Item IV. B.
Applicant testimony, summarized:
Find a way to speed up reburial of the remains currently in curation

Motion: to accept the department’s recommendation to recognize Paulette Kaanohi Kaleikini and ‘Ohana as cultural descendants to unidentified human skeletal remains encountered at Kualoa Regional Park, Kualoa Ahupuaa, Koolaulu District, Island of Oahu, TMK: [1] 4-9-004:001
Moved by: Mitchell
2nd: Amaral
VOTE: ALL IN FAVOR

E. Department’s Recommendation to Recognize Michael Kumukauoha Lee as Descendant to Unidentified Human Skeletal Remains Encountered at Stanford Carr Development Keauhou Lane Project, Kaka’ako Ahupua’a, Honolulu (Kona) District, O‘ahu Island, TMK: [1] 2-3-030:051
Discussion/Determination: Discussion and determination to recognize the above individual as cultural descendant to unidentified human skeletal remains at the above project.

Chair Ehrhorn read the above agenda item onto the record
Chair Ehrhorn stated that the usual process at OIBC is for the applicant to be present
Kaanohi supported the applicant’s recognition
Gerald Lam supported the applicant’s recognition

Motion: to accept the department’s recommendation to recognize Michael Kumukauoha Lee as cultural descendant to unidentified human skeletal remains encountered at Stanford Carr Development Keauhou Lane Project, Kakaako Ahupuaa, Honolulu (Kona) District, Oahu Island, TMK: [1] 2-3-030:051
Moved by: Amaral
2nd: Fermantez
VOTE: ALL IN FAVOR

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

Chair Ehrhorn read the above agenda item onto the record
No comments from the Council members
Summary of discussion follows:
Opunui `ohana offered comments, Kahalaopuna Motoyama identified herself and stated that the Opunui `ohana defer to Kaanohi Kaleikini; the Opunui `ohana does not know Mike Lee
Gerry Lam spoke to the Opunui `ohana in support
Kaanohi offered comments about Mike Lee: Kolowalu has `ili in Kukulua`o, does have a direct link to Kolowalu; need more information and evidence that ties the applicant Mike Lee to the `ili
Council Member Fermantez stated that is a good reason for Mike Lee to be present
Ehrhorn stated the recognition would be deferred to November’s meeting

G. Department’s Recommendation to Recognize Kihei C. deSilva, Māpuana deSilva, Kahikina K. deSilva, and Kapalai`ula K. deSilva as Cultural Descendants to Unidentified Human Skeletal Remains Encountered at Kihapai Place Apartments Project, Kailua Ahupua`a, Koʻolaupoko District, Island of Oʻahu, TMK: [1] 4-3-058:047, 048, and 065
Discussion/Determination: Discussion and determination to recognize the above individual as cultural descendant to unidentified human skeletal remains at the above project.

Chair Ehrhorn read the above agenda item onto the record
Though the applicants were not present, there was discussion and a subsequent motion
Summary of the discussion follows, below:
Council Member Caceres stated that the applicants were not present, but are well-known
Gerald Lam supported recognition
Kawika McKeag stated he was part of the initial OIBC body that recognized the deSilva `ohana
CSH’s Hal Hammatt supported recognition

Motion: to accept the department’s recommendation to recognize Kihei C. deSilva, Mapuana deSilva, Kahikina deSilva, and Kapalai`ula deSilva as cultural descendants to unidentified human skeletal remains encountered at Kihapai Place Apartments Project, Kailua Ahupua`a, Koolaupoko District, Island of Oahu, TMK; [1]4-3-058:047, 048, and 065
Moved by: Fermantez
2nd: Amaral
VOTE: ALL IN FAVOR

(Council Member Caceres recused himself from Item H)

Discussion/Determination: Discussion and determination whether to preserve-in-place or relocate unidentified human skeletal remains at the above location. Council discussion and recommendation to the SHPD on the proposed burial treatment plan.

Chair Ehrhorn read the above agenda item onto the record
Council Member Caceres recused himself from this item, as he and his `ohana are recognized cultural descendants for the project
Updates provided by Lani Maa Lapilio – Aukahi; Lin Ann Chang – American Savings Bank; and Matt McDermott – CSH
Summary of testimony provided, below:
Majority of descendants agree on treatment
(RKH stepped out of the meeting at 11:19 to call SHPD Administrator Dr. Alan Downer)
BTP will be used to provide metes and bounds of preservation area to the Bureau of Conveyances
Questions: what are the protective measures for mitigating work vibrations?
(RKH returned to the meeting at 11:21 AM)
Project Engineer Michael Kuwaharada stated a solution has been implemented successfully before, at Waihonua, by installing a steel plate, which ensures the vibration will be minimal; Council Member Caceres, speaking as a recognized cultural descendant, stated an egg test was done successfully at Waihonua, implying that the proposed steel plate would work; Kuwaharada stated the ground is softer at ASB’s campus project, therefore less disturbance is anticipated.

Chair Ehrhorn reminded the Council that two votes would be needed, with the first to preserve in place or relocate the burials, and the second, to recommend acceptance of the BTP.

Council Member Caceres provided testimony as a Recognized Cultural Descendant to the project – BTP is everyone’s collective kuleana.

Chair Ehrhorn stated the Recognized Cultural Descendants are an important component of the BTP Development.

Landscaping extends 20’x18’, ceiling is 18’.

Council Member Fermantez asked if there was recognized cultural descendant consensus to preserve-in-place the iwi kupuna.

Gerald Lam stated that iwi kupuna burials are graveyards. Do not build above or around burials; spirit in the iwi, therefore move the iwi; provided written testimony which should be considered; speaking here as family; it does mean a lot as iwi kupuna as recognized by the burial position. Everyone has done a lot. Don’t build over graveyards and move the iwi.

Council Member Mitchell thanked Lam for bringing kupuna to come and support, stated that the Council has taken into consideration what has been written.

Comments from Kaanohi: Because this is for determination, need more clarification on behalf of the mana`o shared by Lam, from Lam or the kupuna with him. Construction has been around iwi kupuna before, this time the construction will be 18’ above. Plans to relocate? Where? When?

Council is taking/making a determination today.

Comments from Lam: speaking for kupuna; potential relocation sites available. Looked at all the work being done. Appreciative of everyone, not here to be obstructive, mana`o is to move. This is a new millennium. Physical aspect is different from spiritual aspect. Free agency is most important. Don’t get the wrong side of the spiritual choice, support others in their agency of free choice.

Kaanohi: What is written in the correspondence is offensive.

Lam: You don’t know me or my family. We can kuka.

Kaanohi: Offensive to the business as well. Offensive to family genealogy and connection to the `āina. [To Lam] If you feel you want to relocate as a ‘lineal descendant’, you need to move quickly. Hope you have something in mind.

Chair Ehrhorn: OIBC objective, first and foremost, is preservation-in-place. 2nd is moving as little as possible from the original location. Two examples of relocation and eventual desecration followed; building over or relocation; landscaping incorporated is an honorable way to address the iwi.

Vice Chair Mitchell: kanalua, using `oki or curse throws everyone into negativity, when we want to bring light to the iwi kupuna.

Mildred Wong: concerned that the burials be treated right here to decide on 3 choices; want to be sure we state our reasons; open air shaft all the way up, not covering the burials; do not want to iwi disturbed; do not want the iwi moved. Hawaiian culture calls for respect of burial sites.

Lam: Is just a messenger. Truth is uncomfortable.

Ehrhorn: heartfelt and needed statements.

Council Member Fermantez: Mantra has been preservation in place, malama.

Motion: to preserve in place the unidentified human skeletal remains, and relocate B7 to the preservation area created in preservation-in-place.

Moved by: Mitchell

2nd: Amaral

VOTE: ALL IN FAVOR (Council Member Caceres recused)
Motion: to recommend the SHPD accept the BTP for SIHP #50-80-14-7933 for the American Savings Bank Campus, Honolulu Ahupuaa, Honolulu (Kona) District, Oahu, TMK: [1] 1-7-026:004 and 016
Moved by: Amaral
2nd: Fermantez
VOTE: ALL IN FAVOR (Council Member Caceres recused)

Chair Ehrhorn called a 5 minute recess


Information/Discussion: Update on the above project.

Chair Ehrhorn reconvened the meeting at 12:23 PM
Chair Ehrhorn read the above item onto the record
Project was introduced by Danielle Yafuso – First Hawaiian Bank; updates provided by Matt McDermott – CSH

Summary of discussion and updates:
McDermott shared a PowerPoint presentation with the Council and meeting attendants; Kaahumanu Chapel and Cemetery; LCA, Kolowalu, previous archaeology; architecture information will be part of the AIS as an appendix; AIS predictive model, 7 trenches – AIS results; AIS in-house review, with BTP to follow; can preserve-in-place in a landscaped area, design is still in development; Section 106 consultation is ongoing with Native Hawaiian Organizations (NHOs) and new parties who have come forward; working with recognized cultural descendants, NHOs, project proponents
Kahala Motoyama: not able to dig around the existing structure; defers to Kaanohi; cemetery is so close; relocation would depend on if the state would allow burials in the cemetery which hasn’t been done since 1959
Agnes ‘Neki’ Kamana introduced herself; was born and grew up where Safeway now stands; Church was where Manoa Valley Theatre is currently; disturbance of iwi, shifting of soils due to rain; family as well as dogs and cats were buried in the cemetery; lots of burials, unmarked, in the cemetery; ‘Decoration’ Day; found iwi in caves, did not disturb as they were buried there for a reason, keep in place and respect the ground it is in
Kahala: When Kaahumanu gave the cemetery to her `ohana, she did so on the condition that they convert to Christianity; rocks were used as markers, but now the rocks have been moved; refreshment bar was built over great-grandmother’s grave; movement of iwi in the cemetery
Kim Kuulei Beirnie: past president of Malama Manoa, will be most interested in the historic sites and homes, haven’t taken a position on this issue as their board meeting is tonight; great-great grandparents lived in the valley; defers to the Opunui `ohana as this is where their `āina is; Great respect to Kaanohi, and in support.
Chair Ehrhorn: Kolowalu boundaries
McDermott referred to a PowerPoint slide.
Kim Kuulei Beirnie stated that Kaahumanu Cemetery was established in 1823, approximately 300+ burials were recorded by Nanette Napoleon.
Vice Chair asked about the puu located in the project area.
Kuulei stated that the stream runs down the East side, landslides that pushed the stream over; silty, good for agriculture
McDermott stated that he reached out to neighbors
Kahala stated that of the 13 heiau in Manoa, only one, Kukaoo, is left

Item J was taken next
J. Kālia-Fort DeRussy Wastewater System Improvements Project, Waikīkī Ahupuaʻa, Honolulu (Kona) District, Oʻahu, TMK: [1] 2-6-005:001 (por.) + Easements 
Information/Discussion: Update on the above project.

Chair Ehrhorn read the above agenda item onto the record.
Project updates were provided by Kawika McKeague - G70; and Matt McDermott - CSH.

Summary of discussion follows, below:
Kawika stated that, as of early September, the pipe portion is done.
Matt mentioned the Native American Graves Protection and Repatriation Act (NAGPRA) Programmatic Agreement (PA); followed state process and laws for inadvertent finds; 7 recognized cultural descendants part of NAGPRA POA, consulted with all. Preservation in Place options discussed, none of which were ideal; has come down to relocation; removal of sediment around pipe = 12 to 15 55 gallon drums; Neller Burial of Tapa Tower construction, sonotube treatment of in situ; inadvertent find under SHPD jurisdiction; in situ remains removed during the night; able to find a workable solution.

K. Hale Kewalo Project, Kakaʻako, Honolulu Ahupuaʻa, Honolulu (Kona) District, Island of Oʻahu, TMK: [1] 2-3-007:026 and 049 
Information/Discussion: Update on the above project.

Chair Ehrhorn read the above agenda item onto the record.
Project was introduced by Chris Oakes - Stanford Carr Development; and Matt McDermott – CSH.

Summary of discussion follows, below:
Chris Oakes stated the project has a long history, is under HCDA; permit dates from 02.1984, started in 1984; as of Sept. 2016, the permit has been submitted to the Department of Planning and Permitting (DPP); PowerPoint Archaeology PowerPoint presented by Matt – Housing and Urban Development project involving Section 106 consultation; 1884 Bishop map; Kukuluaeo LCA 387 American Foreign Missionaries; Kewalo Wetland Sediments is SIHP 50-80-14-6636; SHPD accepted AIS, AMP; needs Sec. 106 consultation; met with the Cultural Descendants, OIBC is NHO under 106; no concerns about sufficiency of the AIS.
Vice Chair Mitchell asked who the recognized cultural descendants were; McDermott stated the Waihonua cultural descendants are a large group, including Caceres, Kaleikini, MKLee, and Bill Haole.

L. Hauʻula Housing Development Project, Hauʻula Ahupuaʻa, Koʻolauloa District, Island of Oʻahu, TMK: [1] 5-4-001:044 
Information/Discussion: Discussion on the above project.

Chair Ehrhorn read the above agenda item onto the record.
Project was introduced by Paul Cleghorn – Pacific Legacy; and Adam Lee – landowner/project proponent.

Summary of discussion follows, below:
Discussion is for informational purposes only; project started 20 years ago – Rosendahl did AIS in 1996; Kennedy submitted AIS is 2003, accepted by the SHPD in 2006; BTP prepared in 2005. At this time, intent is preservation-in-place; appearing before the OIBC to brief Council members about the project’s history. Adam Lee stated the project is designed as being as flexible during the process, approaching issues with a lot of respect and how it should proceed.
Council Member Fermantez stated the word ‘respect’ is interesting. Across from the property is where Kali’s father was hanai; Uncle Cy Bridges is lineal. This is not respect. Looking to develop 8 properties. Rest in peace, what does that mean?

Adam Lee stated that he is seeking the best way to convey information to have this conversation. Council Member Fermantez stated that he couldn’t speak for Uncle Cy.

Adam Lee stated that the project proponents have had the property for 10 years; the original development plans were insensitive; do not want to move the iwi at all, rather is looking to record with the Bureau of Conveyances, preservation-in-place.

Council Member Fermantez asked if the 2006 AIS was adequate.

SHPD Archaeology branch chief Susan Lebo stated if the report were submitted today, it would not be accepted. Need to know what is being proposed, before SHPD finalizes what is required and needed. Looking at what can be designed includes many considerations that need to be worked out before anything is done.

Adam Lee stated that Bridges were the original owners.

Cleghorn stated the burial boundaries are unclear; how can one check without being invasive?

Adam stated the map provided is marked to indicate areas where verbally identified burials are located, as well as the tested burials.

Cleghorn stated the SHPD estimated, in 1996, 25 to 30 burials.

Chair Ehrhorn asked if these were discovered through scraping.

Cleghorn stated that Rosendahl must’ve done mechanical testing.

Ehrhorn suggested a clause in the covenant that states the building will be done around the iwi and the iwi will not be relocated; either as a copy in the covenants or within the Burial Treatment Plan.

Cleghorn stated the person that purchased the land bulldozed the Church and the cemetery, this happened very early on in the process.

Adam stated that he didn’t like the original plan.

Council Member Fermantez asked if Adam has talked to Uncle Cy.

Adam stated that he would love to.

Chair Ehrhorn asked what the blue markings on the map indicated.

Cleghorn stated the blue markings document the identified historic properties.

Susan explained the difference between scraping and trenching – scraping is the removal of layers at a time so as to find outlines of buried features without removing the entire feature, therefore stopping before it is impacted; covenants and Bureau of Conveyances – covenant would like to deal with disclosure, have assurance about what is there; a lot owner/purchaser needs to know ahead of time.

Adam asked if it was ok to set a portion of the property aside for a preservation area.

Ehrhorn stated the OIBC didn’t like to do that. Stated that the OIBC want the iwi to be protected.

Council Member Fermantez stated that the mana`o of cultural descendants is considered, whereas the mana`o of lineal descendants carries even heavier weight.

Item M was taken next.


Information/Discussion: Update on the above project.

Chair Ehrhorn read the above agenda item onto the record.

Project updates were provided by Bill Haole – Kawaiahao Church.

Summary of discussion follows, below:

Bill stated that there was no progress report at this time; the Church met today and hope to have a plan to present to the OIBC in November.

Kaanohi asked what was approved by the SHPD.
Susan stated the AISP was accepted.
Bill introduced Lois Yamaguchi, the attorney for the Church.

VI. INADVERTENTS/COMMUNICATION

A. Inadvertent Discovery of Human Skeletal Remains at Kualoa Regional Park on September 5, 2016, Kualoa Ahupua‘a, Ko‘olauloa District, O‘ahu, TMK: [1] 4-9-004:001

Information/Discussion: Discussion about the above find.

Update provided by Regina K. Hilo

B. Letter from the University of Hawaii West O‘ahu Campus, dated August 30, 2016, received on September 6, 2016, Re: National Historic Preservation Act Section 106 Consultation, Area of Potential Effect, University of Hawaii West O‘ahu Campus, Nursing Simulation Lab and Wellness Center Renovations, ‘Ewa District, Island of O‘ahu, TMK: [1] 9-1-16:022

Information/Discussion: Discussion about the above correspondence.

No discussion.


Information/Discussion: Discussion about the above correspondence.

Discussed early under Business Item IV.I

D. Burial Registration Application and supporting materials from Michael Kumukauoha Lee for Burials at the Location of the Ho‘opili Train Station Location, Hono‘uli‘uli, Island of O‘ahu, TMK: [1] 9-1-17:004

Information/Discussion: Discussion about the above correspondence.

Deferred as applicant was not present

VII. ANNOUNCEMENTS

A. Next meeting date is scheduled for Wednesday, October 12th, 2016 at 10 AM.

Meeting adjourned at 2:11 PM

Approved and ratified at the Oahu Island Burial Council’s meeting on May 10th, 2017
Respectfully submitted by Regina K. Hilo, Burial Sites Specialist, History and Culture Branch, on 05/11/2017