DRAFT MINUTES, pending OIBC APPROVAL
OAHU ISLAND BURIAL COUNCIL MEETING

DATE:       Wednesday, August 2nd, 2017
TIME:       10:41 AM
PLACE:      Department of Land and Natural Resources
            Kalanimoku Building
            Board Room, #132
            1151 Punchbowl Street
            Honolulu, HI 96813

Attendance:

Members:    Hina Wong-Kalu, Kona Representative
            Beverly Amaral, Koolaupoko Representative
            Danna Holck, Large Landowner/Developer Representative
            Kali Fermantez, Koolauola Representative
            Aulii Mitchell, Waianae Representative
            Mana Caceres, Ewa Representative

SHPD Staff: Regina K. Hilo, Burial Sites Specialist, History and Culture branch
            Kimi Matsushima, Oahu Lead Archaeologist, Archaeology branch

Guests:     C.H. Maunu-Hendrix
            David Au
            Kaanohi Kaleikini
            Steve Clark, PCSI
            Matt McDermott, CSH
            Carmen Delos Reyes, CSH
            Kalehua Caceres
            Makoa Caceres
            Kamaehu Caceres
            Hiehie Caceres
            Kamana Caceres
            Alex Akau
            Elaine Akau
            Lois Yamaguchi, Kawaiahao Church
            Morgan Davis, SCS
            Bill Haole, Kawaiahao Church
            Lani Maa Lapilio, Aukahi
            David Shideler, CSH

I. CALL TO ORDER
Meeting was called to order at 10:41 AM

II. ROLE CALL/PULE
Members introduced themselves: Bev Amaral – Koolaupoko; Danna Holck – Large Landowner/Developer; Aulii Mitchell – Waianae; Hina Wong-Kalu – Kona; Kali Fermantez – Koolauloa; Mana Caceres – Ewa

III. ELECTION OF A CHAIR and VICE CHAIR
Council discussion and vote

Motion: to elect Hina Wong-Kalu as Chairperson for the Oahu Island Burial Council
Moved by: Member Fermantez
2nd: Member Holck
VOTE: ALL IN FAVOR [5 YES: Holck, Amaral, Mitchell, Fermantez, Caceres; RECUSED: Wong-Kalu]

Motion: to retain current Vice Chair Mitchell as OIBC Vice Chair
Moved by: Member Fermantez
2nd: Member Holck
VOTE: ALL IN FAVOR [5 YES: Holck, Amaral, Wong-Kalu, Fermantez, Caceres; RECUSED: Mitchell]

Council elected Hina Wong-Kalu as Oahu Island Burial Council Chairperson
Council elected Aulii Mitchell as Oahu Island Burial Council Vice Chair

IV. APPROVAL OF MINUTES
All minutes, below, were approved and ratified by the OIBC

A. Minutes from 12/14/2016

Motion: to approve and ratify the minutes from the above meeting
Moved by: Member Holck
2nd: Member Fermantez
VOTE: ALL IN FAVOR [6 YES: Holck, Amaral, Mitchell, Wong-Kalu, Fermantez, Caceres]

B. Minutes from 05/10/2017

Motion: to approve and ratify the minutes from the above meeting
Moved by: Member Caceres
2nd: Vice Chair Mitchell
VOTE: ALL IN FAVOR [6 YES: Holck, Amaral, Mitchell, Wong-Kalu, Fermantez, Caceres]

C. Minutes from 06/28/2017

Motion: to approve and ratify the minutes from the above meeting
Moved by: Member Holck
2nd: Member Amaral
VOTE: ALL IN FAVOR [6 YES: Holck, Amaral, Mitchell, Wong-Kalu, Fermantez, Caceres]

V. Business
A. Discussion on Oʻahu Island Burial Council membership, roles, and responsibilities

Chair Wong-Kalu requested Executive Session with Deputy Attorney General Linda Chow
Vice Chair Mitchell blessed the food
Motion: to move into executive session to discuss OIBC roles and responsibilities
Moved by: Vice-chair Mitchell
2nd: [RKH to verify with recording]
VOTE: ALL IN FAVOR

OIBC moved into executive session with Deputy Attorney General Chow and Amanda Weston at 10:50 AM

OIBC moved out of executive session at 11:15 AM

Chair Wong-Kalu stated the meeting agenda for August 2, 2017 was nearly identical to the agenda from July 12, 2017.
Chow stated the OIBC did not have quorum at the last meeting, therefore the agenda from July 12, 2017 needed to be redone in compliance with Sunshine Law.
Chair Wong-Kalu stated she would go through the motions again, as a formality.
Chow stated that even without quorum, a board or commission can receive testimony; therefore, testimony given at the July 12, 2017 meeting can be used to affect decisions at the current meeting
Chair Wong-Kalu thanked Deputy AG Chow for her guidance and for attending the meeting.
Lois Yamaguchi (Kawaiahao Church) asked for clarification between the agenda posted online on July 27th and the [edited] agenda distributed today.
Burial Sites Specialist Hilo stated there was an omission of a word on several descendant recognitions, which was added to the agenda with the word ‘Edited’ and distributed to the audience today.

B. Department’s Recommendation to Recognize Paulette Kaanohi Kaleikini and ‘Ohana (names attached) as Cultural Descendants to Human Skeletal Remains Encountered at Kawaiahaʻo Church Multipurpose Building Renovation Project, Honolulu Ahupuaʻa, Kona District, Island of Oʻahu, TMK: [1] 2-1-032:017

Chair Wong-Kalu read the above agenda item onto record, and followed with the language for HAR 13-300-25(d), below.

Discussion/Determination: Discussion and determination to recognize the above individuals as cultural descendants 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.

Member Caceres recused himself from V. B, F, G, and H.
Vice-Chair Mitchell stated he works for CSH, though is not paid for any job on Oahu for CSH; state he would recuse himself.
Chair Wong-Kalu stated she would support the Vice-Chair’s decision to participate in his capacity as a council member.
Kaanohi Kaleikini stated she and her ‘ohana had been approved as lineal descendants at the July 12, 2017 meeting. Chair Wong-Kalu commented.
Deputy A.G. Chow stated the OIBC must stay within the parameters of the agenda; if lineal descendant recognition was being sought, the agenda would need to list the recognition as lineal. Chair Wong-Kalu commented.
Deputy A.G. Chow stated cultural descendant recognition is a different standard than lineal descendant recognition. Chair Wong-Kalu commented.

Motion: To move into executive session
Moved by: Member Fermantez
2nd: Member Amaral
VOTE: ALL IN FAVOR [Wong-Kalu, Holck, Amaral, Mitchell, Fermantez; Caceres recused and did not participate in the executive session]

OIBC moved into executive session at 11:25 AM

OIBC moved out of executive session at 12:00 PM

Chair Wong-Kalu read the item onto agenda, invited applicant to speak
Kaanohi Kaleikini stated she had submitted the descendant application for lineal recognition previously to the SHPD; the recognition done on July 12, 2017 was incorrect; requested to withdraw the item from the agenda and will submit an application for lineal descendant recognition
Hilo stated she looked forward to the application
Item was withdrawn from agenda

C. Department’s Recommendation to Alexander L. Akau, Elaine M. Akau, and J. Mahealani McClellan as Cultural Descendants to Human Skeletal Remains Encountered at Kawaiahaʻo Church Multipurpose Building Renovation Project, Honolulu Ahupuaʻa, Kona District, Island of Oʻahu, TMK: [1] 2-1-032:017

Applicants Alex Akau and Elaine Akau presented testimony
Summary:
Alex Akau and Elaine Akau – names provided of individuals who were buried in the family’s plot included: Ioanei Ii, li, Stevens/Stephens, and others; provided photos of headstones for OIBC members to view
Member Fermantez asked if the applicants had consulted with the SHPD
Akau stated he only talked with Hilo yesterday; discussed Burial 95 in the walkway with the lane
Member Fermantez asked what happened to the headstones
Akau stated he did not know what happened, that applicants must now put a name to a number; descendants; Jane Lawler Trask, wife of Arthur Trask, who’s first husband was [Hilo to retrieve name from recording]; John Lipini Fern of the Davenport family from Kohala; Townshend and Wilson; Captain English of Fanning Island; Akau has information that he is related to individuals at Fanning Island; photos of headstones shared were taken in 2007
Chair Wong-Kalu stated the SHPD’s recommendation is for cultural descendant recognition
Hilo stated the division is working with the applicant
Chair Wong-Kalu suggested Akau consult with other individuals who are well-versed in recognition processes; option is to take the division’s recommendation or return later; taking
recognition now will afford consultation to the applicants; withdraw recognition request to pursue lineal descendant recognition and return later
Kaanohi stated the descendant came to the Council to be approved and shouldn’t be shamed in front of the Council and community
Chair Wong-Kalu stated the issue is better resolved between division and ‘ohana; important to communication between division and applicant; requested the division indicate to the SHPD on the appropriate recommendation
Akau asked if the same application could be used
Chair Wong-Kalu replied affirmatively; division needed to indicate the applicants wish to be recognized as a lineal descendant
Vice-Chair Mitchell stated he felt there was mistrust and/or miscommunication between the applicant and the SHPD
Kaanohi stated discussions with the SHPD were always in person; not the division’s kuleana to carry the applicant’s kupuna.
Chair Wong-Kalu stated Kaanohi’s comments had been noted.
Bill Haole (Kawaiahao Church) asked if the same information would be available to project proponents in order to support an applicant’s submitted information to substantiate a lineal claim
Chair Wong-Kalu disagreed; applicant can move into executive session to discuss with Council; it is at the applicant’s discretion and/or the public’s discretion to challenge a recognition; during consultation with individuals who are recognized, those sentiments can be shared; family may have information and may not wish to come to the Church; goes two ways; uncertain intentions; supports applicants’ initiative to come forward.
Bill Haole asked for clarification on lineal descendancy criteria being used to determine a lineal descendant standard has been met
Chair Wong-Kalu asked that when Kawaiahao’s Legal Counsel comes to the OIBC the Council be notified.
Bill Haole stated he believed that happened previously.
Comments from Member Amaral.
Lois Yamaguchi stated it would be more efficient to have information available ahead of time.
History and Culture branch chief, Hinano Rodrigues, stated Sunshine Law does not provide the division and the project proponents time to react to the agenda; cautioned everyone that genealogical information is not shared, is kept confidential; applicant can come before the Council and share their genealogical information in executive session.
Chair Wong-Kalu read HAR 13-300-25(d) onto record; genealogy is also protected by HAR 13-300-25; malama iwi kupuna falls under kanaka worldview; information does not preclude a project proponent’s ability to engage an applicant; follow the process as it is important.
Hinano stated the division will not provide genealogical information, as a lot of what the division does is based on trust.
Guest stated there is a box on the application
Hinano stated there is a box to allow sharing of information, near the signature line
Chair Wong-Kalu stated the applicant needed to ensure themselves that is what the applicant wished to do.
Kalehua Caceres asked a question about project proponents and cultural descendants
Chair Wong-Kalu requested the SHPD articulate to the rules that this is the practice.
Chair Wong-Kalu called Linda Chow at 12:50 PM; asked about HAR 13-300-25; section (d) addresses IBC confidentiality and descendant genealogy; 13-300-04(1) (C); Deputy AG Chow requested Hilo send an email requesting clarification

Bill Haole stated the question was regarding (sharing of the) name of the grave/burial being linked to (for lineal descendant recognition)
Deputy AG Chow stated the name being linked to should not be confidential; location of the burial should/can be confidential.
Kaanohi stated the name and location of the burial is important to know.
Deputy AG Chow stated the Church has a right to know.
Vice-Chair Mitchell asked why the Church does not go directly to the family/families
Bill Haole asked about lineal claim(s) to a project rather than a parcel
Kaanohi stated recognition is to those being disturbed within the footprint of the building, not those outside the footprint

Motion: to accept the Department’s recommendation to recognize Alex Akau, Elaine Akau, and J. Mahealani McClellan as Cultural Descendants to human skeletal remains encountered at Kawaiaha‘o Church Multipurpose Building Renovation Project, Honolulu Ahupua‘a, Kona District, Island of O‘ahu, TMK: [1] 2-1-032:017
Moved by: Member Fermantez
2nd: Member Amaral
VOTE: ALL IN FAVOR [6 YES: Holck, Amaral, Mitchell, Wong-Kalu, Caceres, Fermantez]

Chair Wong-Kalu suggested the applicants seek out the advice of others present at the meeting with experience

D. Department’s Recommendation to Wise Keliʻiaʻa Nicola as Cultural Descendant to Human Skeletal Remains Encountered at Kawaiaha‘o Church Cemetery, Honolulu Ahupua‘a, Kona District, Island of O‘ahu, TMK: [1] 2-1-032:017
Chair Wong-Kalu read item onto record
Applicant was not present; Chair Wong-Kalu requested the applicant attend the OIBC’s next meeting on Sept. 13, 2017
Summary:
Chair Wong-Kalu commented about Puu Kamalii
Bill Haole asked what the difference between the responsibility of lineal versus cultural descendant is
Hilo stated she would email Wise Keliiaa Nicola, to discuss: application; individuals mentioned previously in executive session; burial location/crypt
Hinano recommended the item be deferred
Member Caceres stated anyone who is a descendant of someone buried at the Church Cemetery should be afforded cultural recognition; anyone with ‘ohana buried at the footprint of the MPB Renovation Project should be considered for lineal descendant recognition

E. Department’s Recommendation to Donna Lee Kehaunani Perry Makaiwi as Cultural Descendant to Human Skeletal Remains Encountered at Kawaiahaʻo Church Multipurpose Building Renovation Project, Honolulu Ahupuaʻa, Kona District, Island of Oʻahu, TMK: [1] 2-1-032:017
Chair Wong-Kalu read the item onto record

Motion: to accept the Department’s recommendation to recognize Donna Lee Kehaunani Perry Makaiwi as Cultural Descendant to Human Skeletal Remains Encountered at Kawaiahaʻo Church Multipurpose Building Renovation Project, Honolulu Ahupuaʻa, Kona District, Island of Oʻahu, TMK: [1] 2-1-032:017
Moved by: Vice Chair Mitchell
2nd: Member Holck
VOTE: ALL IN FAVOR [6 YES: Holck, Amaral, Mitchell, Wong-Kalu, Fermantez, Caceres]

[OIBC took a short break at 1:26 PM; resumed meeting at 1:31 PM]


Moved by: Member Fermantez
2nd: Member Holck

VOTE: ALL IN FAVOR [Amaral, Mitchell, Fermantez, Holck]

G. Department’s Recommendation to Brandy Kalehua Kamohalii Caceres and ‘Ohana (names attached) as Cultural Descendants to Unidentified Human Skeletal Remains Inadvertently Encountered at Pacific Beach Hotel (Alohilani), Waikīkī Ahupua‘a, Kona District, Island of O‘ahu, TMK: [1] 2-6-026:020

Chair Wong-Kalu returned to meeting at 1:33 PM

Motion: to accept the Department’s recommendation to recognize Kalehua Kamohalii Caceres and ‘Ohana (names attached) as Cultural Descendants to Unidentified Human Skeletal Remains Inadvertently Encountered at Pacific Beach Hotel (Alohilani), Queen Liliuokalani Trust, Waikīkī Ahupua‘a, Kona District, Island of O‘ahu, TMK: [1] 2-6-026:020

Moved by: Vice Chair Mitchell
2nd: Member Amaral

VOTE: ALL IN FAVOR [Amaral, Holck, Mitchell, Wong-Kalu, Fermantez]


Chair Wong-Kalu read the above item onto record

Motion: to accept the Department’s recommendation to recognize Brandy Kalehua Kamohalii Caceres and ‘Ohana (names attached) as Cultural Descendants to Unidentified Human Skeletal Remains Encountered at the Ililani Project, ‘Ili of Kaka‘ako, Honolulu Ahupua‘a, Kona District, Island of O‘ahu, TMK: 2-1-051:011 and 012

Moved by: Member Caceres
2nd: Member Caceres

VOTE: ALL IN FAVOR [Amaral, Holck, Mitchell, Wong-Kalu, Fermantez]
Kalehua Caceres stated testimony had been delivered at the July 12, 2017 meeting, and stands on the previously delivered testimony.

Motion: to accept the Department’s recommendation to recognize Brandy Kalehua Kamohalii Caceres and ‘Ohana (names attached) as Cultural Descendants to Unidentified Human Skeletal Remains Encountered at the Iilani Project, ‘Ili of Kaka‘ako, Honolulu Ahupua‘a, Kona District, Island of O‘ahu, TMK: 2-1-051:011 and 012
Moved by: Vice Chair Mitchell
2nd: Member Amaral
VOTE: ALL IN FAVOR [Amaral, Holck, Mitchell, Wong-Kalu, Fermantez]

Member Caceres rejoined the meeting
No project updates, per Hilo

J. Howard Hughes Corporation Projects – Multiple Blocks, Kaka‘ako, Honolulu Ahupua‘a, Honolulu (Kona) District, Multiple TMKs
Chair Wong-Kalu recused
No project updates, per Hilo

Chair Wong-Kalu read the item onto the record

Motion: to preserve-in-place the human skeletal remains encountered during AIS testing
Moved by: Vice Chair Mitchell
2nd: Member Fermantez
VOTE: ALL IN FAVOR [6 YES: Holck, Amaral, Mitchell, Wong-Kalu, Fermantez, Caceres]

Motion: to recommend the Department accept the BTP for Site 50-80-14-08038
Moved by: Member Fermantez
2nd: Members Holck and Amaral
VOTE: ALL IN FAVOR [6 YES: Holck, Amaral, Mitchell, Wong-Kalu, Fermantez, Caceres]

L. Kawaiaha‘o Church Multi-Purpose Building Renovation Project, Honolulu Ahupua‘a, Kona District, Island of O‘ahu, TMK: [1] 2-1-032:017
Chair Wong-Kalu read the above item onto the record
Summary:
Bill Haole requested notes from the July 12, 2017 meeting be transferred to the OIBC meeting on 2017-08-02; no project updates
Chair Wong-Kalu thanked the representatives of the Church for attending the meeting

VI. INADVERTENTS/COMMUNICATIONS

A. Inadvertent discovery of human skeletal remains on June 27, 2017 at Kualoa Regional Park, Kualoa Ahupua‘a, Ko‘olauloa District, O‘ahu, TMKs: [1] 4-9-004:001
Presented by Hilo
Summary, below:
Inadvertent on June 27, 2017, exposure due to high tides
Recovered and moved to the curation facility for reburial at a later time
Chair Wong-Kalu requested a member of Kualoa’s Recreation team attend the meeting

B. Correspondence from the United States Marine Corps, Marine Corps Base Hawaii, dated June 28, 2017, received (via email) on June 28, 2017, to Dr. Alan Downer, 5090 LE/078-17, Deputy State Historic Preservation Officer, DLNR, Re: Memorandum of Agreement (MOA) Between the United States Marine Corps and the Hawaii State Historic Preservation Officer, Regarding Military Operations Urbanized Terrain (MOUT) Training Facility at the U.S. Marine Corps Base Hawaii: Notice to Execute Installation of the MOUT Training Facility in the Former MACS-2 Compound Aboard Marine Corps Base Hawaii (MCBH), District of Ko‘olaupoko, Island of O‘ahu, TMK: [1] 4-4-008:001
Summary:
Chair Wong-Kalu requested a representative of MCBH attend the OIBC meeting in September to provide the Council and audience a general update

C. Correspondence from First Net First Responder Network Authority, dated June 2017, received at SHPD’s Kapolei office on June 30, 2017, Re: FINAL Programmatic Environmental Impact Statement for the Non-Contiguous Region
Summary:
Chair Wong-Kalu requested Hilo ask First Net First Responder Network Authority regarding the nature of their correspondence

D. Correspondence from the State of Hawaii Department of Transportation, dated July 3, 2017, received at SHPD’s Kapolei office on July 3, 2017, RE: HWY-DD 2.4557, National Historic Preservation Act, Section 106 Consultation; Kamehameha Highway Resurfacing, Laiewai Bridge to Waipuhi Bridge, District of Koolauloa, Island of Oahu, Ahupuaa of Laie, Kaipapau, Hauula, and Makao; Federal-Aid Project No. NH-083-I(080), TMKs: [1] 5-4-00, 5-4-01. 5-5-00. 5-5-01
Summary:
Resurfacing work only

E. Mokapu/Marine Corps Base Hawaii, Kāne‘ohe Ahupua‘a, Ko‘olaupoko District, Island of O‘ahu, TMK: [1] 4-4-008:001
Summary:
Hilo stated she would request a member of the Cultural Resources office of MCBH attend the next meeting

VII. ANNOUNCEMENTS

A. Next meeting date is scheduled for Wednesday, September 13th, 2017, at 10:30 AM

Motion: to adjourn the meeting
Moved by: Member Fermantez
2nd: Members Caceres and Amaral
VOTE: ALL IN FAVOR [6 YES: Amaral, Holck, Mitchell, Wong-Kalu, Fermantez, Caceres]

Meeting adjourned at 1:48 PM

DRAFT MINUTES submitted to the Oahu Island Burial Council members for consideration by Regina K. Hilo, Burial Sites Specialist, History and Culture Branch, on 09/05/2017
‘Ohana Kaleikini
For recognition at the August 2nd, 2017 Oahu Island Burial Council meeting,
agenda items below:

V. Business

B. Department’s Recommendation to Recognize Paulette Kaanohi Kaleikini and ‘Ohana (names below) as Cultural Descendants to Human Skeletal Remains Encountered at Kawaiahaʻo Church Multipurpose Building Renovation Project, Honolulu Ahupua‘a, Kona District, Island of O‘ahu, TMK: [1] 2-1-032:017

Moani Umiaimoku Kaleikini
Tuahine Kanekapolei Kaleikini
Kala Waahila Kaleikini
Kalahikiola Mahikeahi Keliinioi
Kilinahe Ialuamokuohikiau Keliinioi
Aliikaua Keawenuiaumi Kaleikini
Noeau Keliilumilani Kaleikini
Haloa Kekoo Namakaokalani Kaleikini
Mahiaimoku Kekaulike Kaleikini
Moehonua Keaweamahi Kaleikini
Piilani Keonealoha Kaleikini
Kahekilioniahumanu Ulukou Kaleikini
Heulu Kuaialii Kaleikini
Lawakua Huanuikalalailai Kaleikini

[attachment for OIBC agenda for August 2nd, 2017 listing ‘Ohana Kaleikini members for descendant recognition consideration regarding the above agenda item]
'Ohana Caceres
For recognition at the July 12th, 2017 Oahu Island Burial Council meeting,
agenda item below:

V. Business


G. Department’s Recommendation to Recognize Brandy Kalehua Kamohalii Caceres and ‘Ohana (names below) as Cultural Descendants to Unidentified Human Skeletal Remains Inadvertently Encountered at Pacific Beach Hotel (Alohilani), Queen Liliuokalani Trust, Waikīkī Ahupua‘a, Kona District, Island of O‘ahu, TMK: [1] 2-6-026:020


Norman ‘Mana’ Christopher Moore Kaleilani Caceres
Kekamamakoakailihou Kaleilani Kamohalii Caceres
Keahealaianiiikekamaehuokahikiku Kiekiekananiokuuleilehua Kamohalii Caceres
Kekamakeuakaiuhaiokalai Kalehuahiehie Kamohalii Caceres
Kahuakaokekamaakawai Kamanaokaopuuulehua Kamohalii Caceres

[attachment for OIBC agenda for August 2nd, 2017 listing ‘Ohana Caceres members for descendant recognition consideration regarding the above agenda items]