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HAWAII



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BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

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

**DRAFT
Agenda Minutes
O'ahu Island Burial Council**

DATE: Wednesday, August 11, 2021
TIME: 10:00 AM
PLACE: Zoom meeting via zoom technology

MEMBERS: (members present)
Kamanao Mills, Large Landowner Representative, Chair
Chuck Ehrhorn, Large Landowner Representative, Vice-Chair
Brickwood Galuteria, Ko'olaupoko Representative
Lynette Cruz, PhD., Waianae Representative
Diane Fitzsimmons, Waialua Representative
Nanea Lo, Kona Representative
Mana Caceres, Ewa representative

SHPD: Lesley Iaukea, O'ahu Burial Sites Specialist
Laura Chun, Deputy Attorney General

GUEST: Bill Hā'ole
Alani Apio
Andrea Hall
Angela Neller
Brandi Caceres
Dana Gusman
dianamasterson
Hal Hammatt
Ian Masterson
Kamaehu Caceres
Kamuela Kalai
Keala Norman
Kolea Fukumitsu
Lani Maa Lapilio
Lena
Lenette's iPhone
Lindsay Nakashima

Matt McDermott
Mitchelle Makalua-Yee
Sean Shigenaga
Skye Razon-Olds
Suzanne
T Onuma
Trisha Watson
Barry
Suzanne Boatman
Deanna
Allison's iPad
Barry U. BWS
Kahili Kawainui Norman
Scott B.
Deanna Gonda

Council Terms:

Waianae Representative: Lynette Cruz, Ph.D., Term expires June 30, 2024.

Ewa Representative: Norman Mana Caceres. Term expires June 30, 2024.

Kona Representative: Nanea Lo. Term expires June 30, 2024.

Waialua Representative: Diane Fitzsimmons. Term expires June 30, 2024.

Ko'olauloa Representative: VACANT

Ko'olaupoko Representative: Brickwood Galuteria. Term expires June 30, 2025.

Landowner/Developer Representative: William Kamana'o Mills, Chair. Term expires June 30, 2025.

Landowner/Developer Representative: Chuck Ehrhorn, Vice-Chair. Term expires June 30, 2024.

Landowner/Developer Representative: VACANT

I. CALL TO ORDER

a. Call to order by Chair Mills.

[Recording 081121 @ 0:00.00]

II. ROLE CALL/PULE

a. Role call by Chair Mills.

[Recording 081121 @ 0:04.14]

III. ANNOUNCEMENTS

- a. Next meeting date: October 13, 2021.

[Recording 081121 @ 0:07.50]

IV. MINUTES

- a. August 2020
- b. September 2020
- c. October 2020
- d. November 2020
- e. December 2020
- f. January 2021
- g. February 2021
- h. March 2021
- i. April 2021
- j. May 2021

Discussion on minutes from new council members with a concern on voting for minutes that they were not a part of. The concern is that they would like to know that everything that they vote on was done in a legal and proper form. Also, if the Attorney General's were at these meetings so that decisions were made with their guidance as oppose to without their guidance. Some council members would like the personal recordings to stay out of the minutes. Chair Mills concludes to not take a vote on the minutes.

[Recording 061621 @ 0:09.34]

V. BUSINESS

- a. **Cultural Descendancy Recognition Application for Kalehua Kamohali'i Caceres and 'Ohana (names attached below) to Unidentified Human Skeletal Remains found at the Alder St. Project located at 902 Alder St., Honolulu Ahupua'a, Kona District, Island of O'ahu, TMK [1] 2-3-012:19.**

Discussion: Councilmember Galuteria asks if Caceres 'Ohana is a paid consultant for this project above. Applicant answers "yes." A legal opinion on this matter was requested, along with a request for the Attorney General to be at this meeting to answer questions and give an advisory to the council.

Lauren Chun (Deputy Attorney General) answers questions for councilmembers. Chun addresses the law and replies that the law does not address this issue. The OIBC can only decide on the descendancy for this applicant. The OIBC can not do anything about this issue if the applicant is a paid consultant. The only issue would be ethically and the office to ask is the Ethics Commission which the Chair would entertain.

A discussion of re-defining the rules through the legislative process could possibly be considered in the future as this issue has to be addressed in the statute.

Motion: (Lynette Cruz) I move to recognize Kalehua Kamohali'i Caceres and 'Ohana (names attached below) as Cultural Descendants to the Unidentified Human Skeletal Remains found at the Alder St. Project located at 902 Alder St., Honolulu Ahupua'a, Kona District, Island of O'ahu, TMK [1] 2-3-012:19.

Second: Nanea Lo.

Vote: Yes: Lynette Cruz, Nanea Lo, Chuck Ehrhorn, Diane Fitzsimmons.
Kanaloa: Brickwood Galuteria.
No: No opposition.
Recuse: Norman Mana Caceres (applicant).

Summary: Motion passes.

[Recording 081121 @ 0:14.01]

b. Update on the Kūhiō Avenue and Ka'iulani Avenue Water System Improvements Project, Waikīkī Ahupua'a, Honolulu District, O'ahu, TMKs: [1] 2-6-005, 006, 015–029, and Kūhiō Avenue and Ka'iulani Avenue Rights-of-Way.

Alani Apio introduces project. Matt McDermott gives the presentation.

Title: Kuhio/Ka'iulani Ave. Water Systems Improvement Project Consultation
GIS of Location
Soil Types Within and Around Project Area
The Project
Inactivate Waterline & Installation of Mains
Existing Utilities & Proposed Water System Improvements Exhibit
Existing & Proposed Utilities, 'Ewa Side
Existing & Proposed Utilities, Lē'ahi Side
Archaeological & Cultural Consultation
Aerial Imagery of Location (2013)
1817 Kotzebue Map (Detail)
LCAs in the Project Area ('Ewa Side)
LCAs in the Project Area (Lē'ahi Side)
1855 LaPasse Map
1881 Bishop Map
1893 Wall Map (Details)
1910 US Coast Guard/US Engineers Map
1920 Monsarrat Map (Detail)
1933 US Army War Dept. Fire Control Map (Detail)
1969 Waikiki Aerial Photograph (UH SOEST)

1914 Land Court Application Map
 Previous Archaeology in Project Area (‘Ewa Side)-Kalākaua/Kūhiō Split to Ka‘iulani Ave.
 Study/Results for Kalākaua/Kūhiō Split to Lewers (West to East)
 Study/Results for Royal Hawaii to Ka‘iulani (West to East)
 Previous Archaeology in Project Area (Lē‘ahi Side)-Ka‘iulani Ave. To Kapahulu Ave,
 Study/Results for Ka‘iulani to Kapuni (West to East)
 Study/Results for Lili‘uokalani to Kapahulu (West to East)
 Historic Properties in Project Area (‘Ewa Side)-Kalākaua/Kūhiō Split to Ka‘iulani Ave.
 Historic Properties in Project Area (Lē‘ahi Side)-Ka‘iulani Ave. to Kapahulu Ave.
 Next Steps
 BWS Map of the Existing Utilities & Proposed Kūhiō‘Ka‘iulani Ave. Water System Improvements Exhibit

[Recording 081121 @ 0:30.14]

c. Update on the Ala Moana Boulevard 24-Inch Main, Ala Wai Canal to Kalākaua Avenue Project, Waikīkī Ahupua‘a, Honolulu District, O‘ahu, TMKs: [1] 2-6-005 and 007–014 (various Rights-of-Way).

Alani Apio introduces project. Matt McDermott gives the PowerPoint presentation.

Title: Ala Moana Blvd. 24-Inch Main; Ala Wai Canal to Kalākaua Ave. Project Consultation
 GIS Map of Location
 Soil Types Within & Around Project Area
 The Project
 Existing Utilities & Proposed Ala Moana Blvd 24-Inch Main
 Graphic Scales of 1715 Ala Wai Blvd.
 Graphic Scales of Ala Moana Boulevard (City)
 Replacement of 8, 12, & 24-Inch Lines
 USGS Topographic Map, Honolulu (1996) Quadrangle: Project Area, Land Commission Award
 LCSs in Vicinity of Project Area (‘Ewa Portion)
 LCSs in Vicinity of Project Area (Lē‘ahi Portion)
 1800/1920 Waikiki Ponds Map
 1855 LaPasse Map
 1881 Bishop May (Detail)
 1901 Monsarrat Map
 1912 Dove Map
 1919 US Army War Dept. Fire Control Map (Detail)
 1927 Kakaako Coast Aerial Photo (UH SOEST)
 1927 Sanborn Fire Insurance Map
 1959 USGS Aerial Photograph (UH MAGIS)
 USGS Topographic Map, Honolulu (1998) Quadrangle: Project Area,

Archaeological Study Area
USGS topographic Map , Honolulu (1998) Quadrangle: Project Area, Burial Site,
Historic Property

Next Steps

BWS Map of Existing Utilities & Proposed Ala Moana Blvd 24-Inch Main

[Recording 081121 @ 1:25.19]

Lynette Cruz leaves meeting @ 12:28 p.m.

d. Update on the Kalaeloa Seawater Desalination Facility Project, Honouliuli Ahupua‘a, ‘Ewa District, O‘ahu, TMKs: [1] 9-1-031:001 (por.), 028 (por.), and ‘Ōla‘i Street Right-of-Way.

Alani Apio introduces project. Scott Belluomini gives the PowerPoint presentation.

Title: Board of Water Supply: Kalaeloa Seawater Desalination Facility Project: TMK: [1]9-1-031:001 (por.), and 028 (por.)

Map of USGS Topographic Map: Ewa (1998) Quadrangle: Project Area

Project Description & Related Ground Disturbance

BWS Draft

Consultation

US Department of Agriculture Soil Survey Geographic Database and Soil Survey Data, Foote et al. (1972)

1906 Donn Hawaii Territory Survey Map of Oah with Land Use & US Army War

Department Fire Control Map Barbers Point (1919) Quadrangle

Map of Ewa Plantation Co. Project Area

USGS Topographic Map: Ewa (1963) Quadrangle: Project Area

1976 kalaeloa Coast Aerial Photography (UH SOEST): Project Area

1993 NOAA Kalaeloa Coast Aerial Photograph (UH SOEST)

Tuggle & Tomonari-Tuggle 1997, Barbers Point Naval Air Station Study Area

USGS Topographic Map: Ewa (1998) Quadrangle: Project Area, Burial Site, Historic Property

Previous Archaeological Studies in the Immediate Vicinity

AIS Fieldwork & Results

AIS Results-Pedestrian Inspection

Overview of Off-site Improvements Area, Drainage Canal, & Project Area

Overview of Previously Graded Area & Graded Road Following Removal of Fill

1 of 3 BWS Wells Installed & SW Portion of the Project Area

Examples of Exposed Karst within the Project Area

Habitation Complex

Human Burial

2013 Aerial Imagery: Project Area

AIS Results – LiDAR Survey

AIS Result – GPR Survey

AIS Results – Subsurface Testing

AIS Results – Subsurface Testing

Stratigraphy & Feature
Close-up of Stratigraphy of Feature & Profile of Feature
Next Steps

[Recording 081121 @ 1:42.20]

e. Update on the Kailua Beach Park District Operations Base Station Project, Job No. 20-P-01, Kailua Ahupua‘a, Ko‘olaupoko District, O‘ahu, TMK [1] 4-3-009:002.

Hal Hammatt, Ph.D. gives the PowerPoint presentation.

Title: AIS for the Kailua Beach Park District Operations Base (Ocean Safety Building) Project
Proposed Project
Proposed Building Specifics
Project History
Archaeological Literature Review & Field Inspection Area
Soils in the Project Area
Two Proposed Test Trenches
Next Steps & Summary

[Recording 081121 @ 2:22.36]

VI. REPORTS/UPDATES

a. Update on O‘ahu Island Burial Council membership, roles, and responsibilities.

1. Is the AG available for the OIBC meetings? Deputy AG Chun responds that there are three Deputy AG's to advise the IBC's but they do not have the capacity to attend every meeting and the entire meeting. However, if the council has a question to let Lesley know and she'll get the answers from the AG's and/or request the AG to attend during a specific time to answer the questions. Councilmember Galuteria says it is a good idea to ask questions in the beginning of the meeting and it is not unreasonable to ask for the Deputy AG's to attend during that time. Deputy Chun will see if that is a possibility and get back to Lesley with the answer. Councilmember Ehrhorn adds that he learned as Vice-Chair he'll be part of the agenda review and during that time can flag an item and have a discussion with Lesley about it.
2. Councilmember Fitzsimmons and Lo asks if the new members should approve the back minutes and is it legal to do so? Deputy AG Chun will check if there was an issue with Quorum that the minutes were not approved. Councilmembers remind her that the minutes have not been approved for a year. Deputy AG Chun will look into it and get back to Lesley.

3. At the last minutes, the council requested again for a representative from the Boards & Commissions to attend the next meeting to answer questions regarding Hina Wong-Kalu and Charles Auli'i Mitchell. Chair Mills reads a statement from the Boards & Commissions answering to those questions. Nanea Lo requests for a representative from Boards & Commissions to attend the next meeting to answer more questions.
4. The Office of the Attorney General and SHPD created a curriculum for the IBC's in the State to have a training session on the 6E Statutes and Hawaii Administrative Rules 13-300. Chair Mills asked the OIBC for their availability and September 22, 2021 from 9am – 12 pm was confirmed for the training.

[Recording 081121 @ 2:31.16]

b. Update on the Office of Hawaiian Affairs Burial Sites Working Group as per the Hawai'i State Legislature (Senate Resolution 171 & House Resolution 113) 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.

Mana Caceres has not received a reply from OHA yet and therefore, has no updates. Community member Kamuela Kalai asks if Lynette Cruz can attend the working group with Mana Caceres. Iaukea replies that only the people identified to be on the working group in the resolution can attend.

[Recording 081121 @ 2:48.01]

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

1. Suzanne Boatman and the Kawaiahao Church will host a kukakuka on August 21, 2021 between the descendants and themselves.
2. A question about accessing the AIS records was questioned. The OIBC deemed the AIS sensitive and therefore only the church and the OIBC could see the AIS. Boatman has received requests from a couple of descendants to see the final AIS and was wanting the OIBC to approve allowing them to see it. Boatman also wanted to seek approval to show the final AIS on a case-by-case basis and per requests. The OIBC did not know how to respond and asked the AG for guidance. Deputy AG Chun advises that if it is up to the church then it is okay to allow access. Others offer another understanding of the laws by saying if the AIS was approved then it becomes public record and therefore anyone is able to request for the record. A solution was offered that at the church's kukakuka they will put this item on their agenda to discuss and seek approval of all descendants to seek a record of the final AIS.

3. Kamuela Kalai asks Boatman if the church is continuing to contest the lineal descendancy cases. Boatman replies that she has answered this question many times and does not feel the need to answer them again.

[Recording 081121 @ 2:51.44]

d. Update for burials located at 49-051 Johnson Rd., Hakipu‘u, Ko‘olaupoko District, Island of O‘ahu, TMK [1] 4-9-003:002.

1. No updates per the Fukumitsu’s. Chair Mills asked if the Fukumitsu’s would like to continue being a standing item on the agenda and they responded no, it is okay. However, if they would like to give a presentation to let Lesley know and they can be on September’s meeting to present.

[Recording 081121 @ 2:51.50]

e. Update on Unidentified Human Skeletal Remains at a burial cave on Pupukea Rd., Pupukea Ahupua‘a, Ko‘olaupoko District, Island of O‘ahu, TMK [1] 5-9-033:04.

1. Per Skye Razon-Olds, she is waiting on the City to seal the caves.

[Recording 081121 @ 1:20.56]

f. Request from Skye Razon-Olds to discuss Iwi Kūpuna and the project surrounding a burial site at MCBH Kaneohe Bay on Mōkapu Peninsula.

1. No updates given.

[Recording 081121 @ 3:22.30]

g. Request from Kamuela Kala‘i to discuss Inadvertent discovery of human skeletal remains on October 02, 2020 located at Kanenelu Beach in Ka‘a‘awa, Ahupua‘a of Ka‘a‘awa, Ko‘olaupoko District, TMK [1] 5-1-011:051.

1. Kamuela Kalai says Regina Hilo determined to keep the human skeletal remains in place.

[Recording 081121 @ 1:28.00]

h. Request from Kamuela Kala‘i for three burial sites and their immediate surrounding areas be designated as known burial sites. 5 iwi kūpuna recovered on October 2020, 2 iwi kūpuna recovered on January 2021, and 1 iwi kupuna recovered in March 2021. Located at Kanenelu, Ahupua‘a of Ka‘a‘awa, Ko‘olaupoko District, Island of O‘ahu, TMK [1] 5-1-011:051.

1. Agenda item h and I are combined in this agenda.

2. Kamuela Kalai would like to change the inadvertent discovery to previously identified. Kalai would also like the area to be considered a burial site.

[Recording 081121 @ 1:29.00]

- i. **Request from Kamuela Kala'i to redesignate the 8 iwi kūpuna in agenda item h from inadvertent discoveries to previously identified. Located at Kanenelu, Ahupua'a of Ka'a'awa, Ko'olaupoko District, Island of O'ahu, TMK [1] 5-1-011:051.**

[Recording 081121 @ 1:29.00]

- j. **Request for additional information on the Inadvertent Discovery of Iwi Kupuna on 6/11/2021 at Kualoa Regional Park, Kualoa Ahupua'a, Ko'olaupoko District, Island of O'ahu, TMK [1] 4-9-004:001.**

No Updates.

[Recording 081121 @ 3:45.00]

- k. **Request for additional information on the Inadvertent Discovery of Iwi Kupuna on 6/2/2021 near Pier 60, Honolulu Ahupua'a, Kona District, Island of O'ahu, TMK [1] 1-2-023:027.**

No Updates.

[Recording 081121 @ 3:45.00]

- l. **Request for additional information on the Inadvertent Discovery of Iwi Kupuna on 5/19/2021 at Kokololio Beach Park, Laiemaloo Ahupua'a, Ko'olaupoko District, Island of O'ahu, TMK [1] 5-5-001:002.**

No Updates.

[Recording 081121 @ 3:45.00]

- m. **Request for additional information on the Inadvertent Discovery of Iwi Kupuna on 05/03/2021 and 05/4/2021 at the 902 Alder St. project, Honolulu Ahupua'a, Kona District, Island of O'ahu, TMK [1] 2-3-012:019.**

No Updates.

[Recording 081121 @ 3:45.00]

- n. **Request for additional information on the Inadvertent Discovery of Iwi Kupuna on 04/16/2021 near the Hawaii Polo Club, Auku'u Ahupua'a, Waialua District, Island of O'ahu, TMK [1] 6-8-003:017.**

No Updates.

[Recording 081121 @ 3:45.00]

- o. Request for additional information on the Inadvertent Discovery of Iwi Kupuna on 04/16/2021 at Kalaeloa, Honouliuli Ahupua‘a, Ewa District, Island of O‘ahu, TMK [1] 9-1-013:081.**

No Updates.

[Recording 081121 @ 3:45.00]

Motion to adjourn: (Chuck Ehrhorn) I move to end the meeting.

Second: Mana Caceres.

Vote: Yes: (Diane Fitzsimmons, Nanea Lo, Mana Caceres, Chuck Ehrhorn)

[Recording 081121 @ 3:50.00]

Pursuant to §92-3 HRS, all interested persons shall be afforded an opportunity to present oral testimony or submit data, views, or arguments, in writing on any agenda item. Additionally, pursuant to a policy adopted by the Oahu Island Burial Council at its September 14, 2005 meeting, oral testimony for items listed on the agenda is limited to three minutes per person, per agenda item.

Pursuant to sections §92-4, §92-5(a)(8), and §6E-43.5, Hawaii Revised Statutes (HRS), and upon compliance with the procedures set forth in section 92-4, HRS, the council may go into a closed meeting to consider information that involves the location or description of a burial site.

A request to be placed on a burial council meeting agenda must be made with the Burial Sites Program staff at least two weeks preceding the scheduled meeting date. In addition, the request must be accompanied by all related documents. Failure to comply with this procedure will delay the item to the following month's agenda.

Materials related to items on the agenda are available for review at the State Historic Preservation Division in room 555 of the Kakuihewa Building located at 601 Kamokila Boulevard, Kapolei, Hawaii 96707.

Individuals requiring special assistance or auxiliary aids or services (e.g., sign language interpreter, wheelchair accessibility, or parking designated for the disabled) at the BLNR meeting, please contact staff at least 72-hours prior to the meeting at (808) 587-0404 so that arrangements can be made.

Brandy Kalehua Kamohali‘i Cáceres ‘Ohana:

Norman “Mana” Kaleilani Cáceres

Kekamamakoaa Ka‘ilihou Kaleilani Kamohali‘i Cáceres

Keahe‘āla‘iianiiekekamaehuoKahikikū Ki‘eki‘ekananioku‘uleilehua Kamohali‘i Cáceres

Kekamakeuākau‘iikūha‘oikala‘i Kalehuahiehie Kamohali‘i Cáceres

KahuakaokekamaaKawai Kamanaoka‘ōpu‘ulehua Kamohali‘i Cáceres