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

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

**DRAFT MINUTES
WRITTEN SUMMARY OF RECORDED MINUTES
OAHU ISLAND BURIAL COUNCIL**

DATE: Wednesday, December 09, 2020
TIME: 10:00 AM
PLACE: Zoom meeting via zoom technology

OIBC MEMBERS: (members present)
Hinaleimoana Wong-Kalu, Kona Moku; Chair
Aulii Mitchell, Waianae Mooku; Vice-Chair
Mana Caceres, Ewa Moku
Kamana Mills, Large Landowner Representative
Chuck Ehrhorn, Large Landowner Representative

SHPD:
Lesley K Iaukea, Oahu Burial Sites Specialist
Tamara Huffy, SHPD Ethnographer
Kaahiki Solis, SHPD Historian
Regina Hilo, Oahu Burial Sites Specialist

GUEST:
Keala Norman
Akau Ohana
Jean Ehrhorn
Skye Olds
Mapuana DeSilva
Kamuela Kalai
Diana Masterson
Andrea Hall
Melody McKenzie
Diane Fitzsimmons
Mana Caceres
Aulii Mitchell
Hina Wong-Kalu
Lauren Morawski

Michelle Makalua-Yee
Ipad-Lance Logan
Kamanao Mills
Kamakana Ferreira
Bill Haole
KathyK
Trisha Watson
Kualoa HR
Kai Markell
SB
Jean Mahealani McClellan
Kealapiko Paiko
Lani Maa Lapilio
Kanoelehua Nakata
Ty's iPhone
Noelani Hessler
Namaka (Regina Hilo)
Kaniaulono Hapai

COUNCIL TERMS:

Waianae Representative: Charles Aulii Mitchell, Vice-Chair. Term expired June 30, 2019 and is now on a HOLD-OVER status until an application is received by the Boards & Commissions, vetted by the Legislature, and approved by the Governor.

Ewa Representative: Norman Mana Caceres. Term expired June 30, 2020 and is now on a HOLD-OVER status until an application is received by the Boards & Commissions, vetted by the Legislature, and approved by the Governor.

Kona Representative: Hinaleimoana Wong-Kalu, Chair. Term expired June 30, 2020 and is now on a HOLD-OVER status until an application is received by the Boards & Commissions, vetted by the Legislature, and approved by the Governor.

Waiialua Representative: VACANT

Koolauloa Representative: VACANT

Koolaupoko Representative: VACANT

Landowner/Developer Representative: VACANT

Landowner/Developer Representative: Chuck Ehrhorn representing Campbell Estate. Term expired June 30, 2019 and is now on a HOLD-OVER status until an application is received by the Boards & Commissions, vetted by the Legislature, and approved by the Governor.

Landowner/Developer Representative: William Kamanao Mills representing the Kamehameha Schools. Term expires June 30, 2021.

I. CALL TO ORDER

[Recording 12/201209 @ 10:06 am]

II. ROLE CALL/PULE

Roll call

[Recording 12/201209 @ 10:07 am]

Kamuela Kala'i gave pule.

[Recording 12/201209 @ 10:10 am]

III. BUSINESS

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

1. Aulii Mitchell: "I just wanted to share with the board members that I was contacted by Maile Maldonado at OHA, she has received all of my applications. She's mentioned that legislation is moving really really slow right now because of the times so she doesn't know when this is going to happen but she did post, I believe it was yesterday, a email directing all of those in my position on the board to complete their applications/governor's applications. [12/201209 @ 10:12 am]"
2. Chuck Ehrhorn: "Are we aware of any legislature coming up this following year, this next year?" [12/201209 @ 10:12 am]"

Wong-Kalu: Let us defer this question to SHPD if there is anything from SHPD?

Iaukea: Hi, it's Lesley. No update. We haven't been updated about next year as of yet but I can go back to SHPD and ask for an update regarding the legislative session and get back to you all. Mahalo. But please put in your applications to the Boards & Commissions for those that have expired terms."

Wong-Kalu: "Mahalo."

Wong-Kalu: Kamana'o? Mana?

Caceres: I'm good.

3. Mitchell: I do. I have something. (waving hand) You know, sort of for me, an elephant in the room right now. I was hoping someone else might have brought it up but I want to know why we were cut off at our last meeting? We did not chose and make a motion to close to adjourn the meeting like normal. It was just cut off. And no explanation why. You know a simple hui e kala mai ahh I don't know. I left with this feeling of last meetings ending.

[12/201209@ 10:14 am]

Wong-Kalu: Mahalo, Vice Chair. Any other council member has any other comment towards this?

Mills: Yea, I do. I was quite concerned too because our previous meeting was simply cut off and we didn't follow the proper procedures we've been doing so we didn't have a chance to adjourn the meeting. Umm yea, I was concerned about that as well.

Caceres: I share the same concerns. I believe we were kind of midway through getting information when that happened or seeking information, so that's concerning.

Wong-Kalu: Chuck?

Ehrhorn: I have no real comment. I've heard everyone's concerns and I share them.

Wong-Kalu: I will defer this, this concern to SHPD.

Iaukea: Hi, it's Lesley. Umm, we re-heard the tape from the last meeting and at the end it did say that the next meeting would be December 9th and due to the nature of the meeting and hearing that you confirmed the next meeting, it was the usual time to end the meeting because you had said so. E kala mai I'll make sure at the end of the meeting we are all on the same page before cutting it off.

[12/201209@ 10:16 am]

Mitchell: E kala mai!! (Yelling) A'ole pono. Pono a'ole. Because it left us in such a feeling. I appreciate your apology but still yet it was personal. You took something personal because you felt it was enough to stop the meeting so I want to put that out there.

Iaukea: Mahalo. Mahalo for doing that and I want to put it out there that you allowed that meeting to continue as it did for 7 ½ hours. If you want to show disrespect, right now I am going to let you know that SHPD does not condone a hostile and toxic work environment. SHPD also does not condone threats and bullying. I do not answer to you. I don't answer to any of you, I'm here to help you. So if you are going to be disrespectful, let's just get right down to it, then respect is given where it's given.

Mitchell: There were no respect given, Lesley.

Iaukea: There was none given to me. Right, there was none given to me and I am not going to stoop down to this level like I did last meeting. And so if you want to complain, go ahead and complain. It's being recorded. Mahalo.

Mitchell: Don't level me done there. Don't put me down, that's leveling. I'm part of this board. Don't put me down like that. I have every right to ask what I'm right in here.

Mills: Madam Chair if I may? One of the things is ahh as a State worker and I've been there too Lesley. I worked at the Historic Preservation Division. One of the important things is that is that you apply HAR the administrative rules. Those administrative rules are the process in which you follow and it's a shield for you and so you don't have to take things personally. One thing with the ending of the meeting, following proper procedure the council moves and closes the ending of the meeting. The island burial council votes on the matter and then the meeting is closed. I know you felt it was a toxic environment but you cannot take that personally and just cut off the meeting. By doing so you didn't follow proper state procedure.

Iaukea: Mahalo, Kamanao, I respect your opinion. So mahalo, I hear you. But the proper process was followed.

Wong-Kalu: Speaking to your perceptions on what our last meeting involved. Very clearly indeed as one of the main proponents behind speaking very forwardly to you. The issues that prompted the things that were said in the last meeting, amongst this circle of people on this meeting, specific ones in particular, which we don't have to get into at this current moment, they were shared. And as the chair of this meeting, I brought it up. Now, the discussions that were held between myself and these individuals various times in their various context all pointed towards issues that surrounded your official capacities involvement our dealings in this meeting. And they were brought up to you very directly. Forgive me if I don't ummm if I don't have too much of a filter. And speak rather bluntly, however I feel the better way to go, if you perceived it as bullying, that's your perception of it. I'd rather have pulled no punches and cut to the chase and speak directly rather than beat around the bush. Ummm beating around the bush was something I was accustomed to years ago. I try not to do that now. I also did sat to you that if there were other reasons that precluded you from being able to executed from in the manner of, for not anyone on the council necessarily, but that was for the benefit of the iwi kupuna and the descendants surrounding these issues that it would have been a simple saying I'm really sorry. There is a lot on my plate and that is why there are all of these little issues. And you know, everybody on here who understands exactly what I am talking about, you don't necessarily have to be quite on this, ummm you know there are several of you who know, but if you choose, I'm directing my attention to everybody else, but you guys choose to remain silent on this that's up to you but I don't want to beat a dead horse even more dead. Ummm, for you Lesley, the engage with you over

the... these last several months has been a very interesting dynamic to say the less, oh the least, and ahh ummm, personally I'm sure you are a very nice person but in your capacity there is much to be desired when it comes to engaging with these people and the kind of level of engage that maintaining these relationships require. So ummm, if you feel that I've been hostile to you I apologise things that I've said because I've said it directly and outwardly. If you've perceived it as hostile, that's you. Umm, anyone of you, you included Lesley, want to turn around and tell me and confront me, that's fine. I would accept it. I would expect no less because as people that are charged with the responsibility we should be able to shoulder them and we should be able to be reached in what we do because we have availed ourselves. If I was not up to ahh this kind of meeting, was not up to these kind of issues, I would not be in this seat. And you as well, if you are not up to it you should not be in that seat. All of you. Council members the day you feel that this is not your kuleana to take on, the day you feel tired, the day you feel that you don't like it, you should leave immediately. Thank you for your time, you should go. Any members of the community, you feel like you don't want to be a part of these discussions, that this is taxing or tiring or whatever, you too. But because we're all here in this meeting I would assume that we have availed ourselves to the kupuna and with that said I'll move along unless either Lesley or any other council member has something to say.

Kamanao Mills: "As a State worker, can not take it personally. Personally for me, I am going through a divorce. But I also feel like I'm going through a divorce with you too."

Wong-Kalu: In speaking to Burial Sites Specialist Lesley Iaukea, "You should leave the job." As Wong-Kalu is upset at Iaukea for following the 6E Statutes & the Hawaii Administrative Rules 13-300 which governs the Burials Laws, process, and procedures; and the Sunshine Law which governs all state and county boards in their official business and conduct.

Wong-Kalu: I'm not on the same page as them. (Referring to SHPD).

B. Request from Kamuela Kala'i to discuss Inadvertent Discoveries and Previously Identified Native Hawaiian burials.

1. Chuck Ehrhorn (longtime OIBC member of over 20 years) says "excuse my ignorance, I didn't know Inadvertent discoveries existed until a month ago." Another OIBC representative, Kamanao Mills, agrees with Ehrhorn by saying "me too" and laughs about it. (Note: this terminology has been used on the Island Burial Councils since its inception in 1991)
2. Kamuela kalai wants to know how to be more involved.

Trisha Watson: Can I respond?

Kalai: I'd rather hear from the council.

Watson: Admits she had a discussion with Branch Chief, Hinano Rodrigues, to clarify the process and feels SHPD needs to change its rules.

Wong-Kalu: There's the law and then there's the application of the law.

Kai Markell: Should not be on public form. We have professionals. But kalai has a point.

Caceres: We have no quorum because Kamao left for 15 minutes.

Kalai to continue this conversation on next month agenda.

Wong-Kalu: Not to go against everything I just said, But this meeting has left me quite disenchanted by what we're up against.

Kalai: We should have SHPD as part of the solution.

Wong-Kalu: I'd like to go back to item A. Markell has a point. But wants herself, Vice Chair, and community to meet with SHPD in open session. Markell says it should happen in executive session but Wong-Kalu wants it in public but can not see it happening because the state workers are working from home. She wants to meet in person but has trust issues with SHPD.

[Recording 12/201209 @ 1132 am]

C. Request from OIBC Chair Hina Wong-Kalu for SHPD Administrator, Dr. Alan Downer and SHPD History & Culture Branch Chief, Hinano Rodrigues to attend December meeting to answer questions from the Chair.

Ehrhorn: We have passive resistance. SHPD doesn't work for the OIBC.

Mitchell: SHPD is not behind it's Burial Sites Specialist. She's here and no one is protecting her. Such a shame.

Wong-Kalu: Divorce is great! Are you all in or are you all out?!!

Keala Norman: I see her as a messenger from Ige. I feel sorry for her.

Michelle Makalua-Yee: I am against Hinano Rodrigues.

Wong-Kalu: I've heard SHPD has internal issues, so it is bigger than them.

[Recording 12/201209 @ 1245 pm]

D. 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.

William Haole: Thanks to Shideler, he completed the AIS report and submitted it to the church a couple weeks ago. The church is going through it now for a review. The burial treatment plan is lengthy and the trustees will be done with their review in the end of January because it is a big volume with six sections.

[Recording 12/201209 @ 1313 hrs]

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

[Recording 12/201209 @ 130 pm]

F. Update for Inadvertent discovery of human skeletal remains on November 11, 2020 located at the Turtle Bay Resort, LLC at 57-091 Kamehameha Hwy in Kahuku, Kahuku Ahupua‘a, Ko‘olaupoko District, Island of O‘ahu, TMK [1] 5-6-003:006.

The Chair skips agenda item E and wishes to discuss agenda item F instead.

Wong-Kalu and Ehrhorn are against where the Kahuku Community Committee and their wishes for where they’d like the iwi kupuna to be relocated.

Wong-Kalu mentions that the monitoring plan is against what the council wants and she is upset her decision is not seen in the SHPD determination for the Turtle Bay Resort case.

Wong-Kalu states that “SHPD needs to stay in their lane” as she refers to the council and their need to be making the arrangements for the archeological monitoring plans and not the Archeology Division at SHPD.

Markell: I think I am suppose to receive all of the permits/monitoring forms from SHPD and am confused why Dr. Susan Lebo (Archeology Division Branch Chief at SHPD) is not sending him everything. I also don’t get any emails from SHPD for the Inadvertent Discoveries. Mad that SHPD did not consult with OHA. But SHPD will always make the determination. They have to notify, look for descendants, etc for each case. If Ralph (President of the Kahuku Community Committee) and others didn’t say anything, then people need to have a lawsuit against SHPD and the State.

Wong-Kalu: It is not up to SHPD to determine that and that they need to stay in their lane. I have issues with the determinations for each case: Kaoahao, Pupukea, Lanikai, and Turtle Bay. I was told about two of these cases on my social media. Yes, I have anger management issues.

Ehrhorn: I like Ralph but I have a strong conflict of interest.

[Recording 12/201209 @ 130 pm]

G. Update for Inadvertent discovery of human skeletal remains on October 02, 2020 located at Kanenelu Beach in Kaaawa, Kualoa Ahupua'a, Ko'olaupoko District, TMK [1] 5-1-011:051.

Kamuela Kalai to continue asking questions on above item from November's OIBC meeting. Kalai sends an email prior to meeting with 10+ questions regarding Kaaawa.

Olds: (Skye Razon Olds) Would like SHPD to approach people not on the descendent list for consultation.

Ehrhorn: Request SHPD to respond to Kalai's questions.

Mitchell: Has SHPD always removed iwi from coastal places (Kaaawa, Kualoa) or have they ever let the iwi go in the ocean?

Markell: SHPD is always about recovery and retrieval.

Kalai: Wants to go back to agenda item B to discuss Inadvertent discoveries. She feels they should be classified as previously identified.

Olds: You should get the bridges preserved and then the iwi found won't be inadvertent discoveries. I think buildings are easy to get preserved.

[Recording 12/201209 @ 214 pm]

H. Descendancy Recognition Application for Melody Kapilialoha MacKenzie for Unidentified Human Skeletal Remains from 1229 Mokulua Dr., Ka'ohao, Kailua Ahupua'a, Ko'olaupoko District, Island of O'ahu, TMK [1] 4-3-008:051.

Discussion: Wong-Kalu does not recall certain definitions in the Hawaii Administrative Rules.

Motion: (Kamanao Mills) I make a motion that Melody Kapilialoha MacKenzie be recognized for the Unidentified Human Skeletal Remains from 1229 Mokulua Dr., Kaohao, Kailua Ahupua'a, koolaupoko District, Island of Oahu, TMK [1] 4-3-008:051.

Second: Mana Caceres

Vote: Yes (Mana Caceres, Kamanao Mills, Chuck Ehrhorn, Hinalaimoana Wong-Kalu)

(Aulii Mitchell recuse self)

Summary: There are four “yes” votes.

[Recording 12/201209 @ 1232 pm]

I. Descendancy Recognition Application for Mapuana De Silva for Unidentified Human Skeletal Remains from 1229 Mokulua Dr., Ka‘ōhao, Kailua Ahupua‘a, Ko‘olaupoko District, Island of O‘ahu, TMK [1] 4-3-008:051.

Discussion:

Wong-Kalu: is there anything else that needed to make it that didn't make it?

De Silva: Sent in one hardcopy application for herself through the mail. Can I add three members of my family to the application?

Ehrhorn: Request the agenda show “Cultural or Lineal” on agenda.

Mills: Sounds like a violation of DAGS that SHPD website didn't say to go online.

SHPD: the SHPD website does say online applications only. Because of COVID-19, staff is working at home and there is no one in the office to pick up mail, therefore online applications are the only way to turn in an application since April 2020 and the SHPD website says so.

*Wong-Kalu calls Deputy AG Linda Chow and asked if she could add 3 names to the list next to Mapuana Desilva. Chow informs Wong-Kalu that she cannot do that and the three names can be added to the January agenda when it is suppose to be on the agenda.

Motion: (Kamanao Mills) I make a motion that Mapuana De Silva be recognized for Cultural Descendancy for the Unidentified Human Skeletal Remains from 1229 Mokulua Dr., Kaohao, Kailua Ahupuaa, Koolaupoko District, Island of Oahu, TMK [1] 4-3-008:051.

Second: Mana Caceres

Vote: Yes (Aulii recuse self)

Summary: There are four “yes” votes.

[Recording 12/201209 @ 1245 pm]

IV. ANNOUNCEMENTS

A. Next meeting date: January 13, 2021 via zoom technology.

Meeting adjourns at 449pm.

Motion: (Kamanao Mills) I make a motion to adjourn November's meeting and December's meeting.

Second: Ehrhorn

Vote: Yes (Caceres, Ehrhorn, Mills, Wong-Kalu, Mitchell)

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 Kakuhihewa 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.