

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
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

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

DATE: Wednesday, June 16, 2021
TIME: 10:00 AM
PLACE: Zoom meeting via zoom technology

- MEMBERS:** (members present)
Aulii Mitchell, Waianae Representative; Chair
Mana Caceres, Ewa representative
Kamanao Mills, Large Landowner Representative
Diane Fitzsimmons, Waialua Representative
Nanea Lo, Kona Representative
- SHPD:** Hinano Rodrigues, SHPD History & Culture Branch Chief
Lesley Iaukea, O'ahu Burial Sites Specialist
Kaahiki Solis, SHPD Historian
Chris Ikaika Nakahashi, SHPD Historian
Linda Chow, Deputy Attorney General, Supervisor
- GUEST:** Andrea Hall
Dane Maxwell, MLIBC Chair
AAG1395's iPad
Angela Neller
Akau Ohana
Keala Norman
Skye Razon-Olds
Ian Masterson
Diane Masterson iPhone
Lynette Cruz
Keale Fukumitsu
Kamuella Kala'i
Bill Haole
Lani Ma'a
Foster Ampong
Kai Markell

Matt McDermott
iPad
Halealoha Ayau
Michelle Makalua-Yee
Lauren Morakawa
Kanoelehua Nakata
iPhone
iPad
Kawaihāo Church

Council Terms:

Waianae Representative: Charles Aulii Mitchell, Chair. Official resignation June 30, 2021.

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: VACANT

Landowner/Developer Representative: VACANT

Landowner/Developer Representative: VACANT

Landowner/Developer Representative: William Kamana‘o Mills representing the Kamehameha Schools. Term expires June 30, 2025.

I. CALL TO ORDER

- a. Call to order by Chair Mitchell.

[Recording 061621 @ 0:10.00]

II. ROLE CALL/PULE

- a. Mana Caceres not present. No quorum for meeting to start.
- b. Chair Mitchell asks Deputy Attorney General Linda Chow what to do. Chow advises that due to no quorum to take a break.
- c. Mana Caceres attends OIBC meeting at 11:28 a.m.
- d. Chair Mitchell calls the meeting to order at 11:28 a.m.
- e. Chair Mitchell does role call at 11:28 a.m.
- f. Chair Mitchell gives pule at 11:30 a.m.
- g. Chair Mitchell asks why the chat is not on. Deputy AG Chow answers that the AG office has advised SHPD to not have the chat function because there is no recording and everything has to be recorded.

- h. Chair Mitchell requests for time limits for testimony to be on July's agenda.
- i. Mana Caceres recuses self on agenda item c. under IV. Business.

[Recording 061621 @ 1:28.00]

III. DISCUSSION

- a. **Compliance with HRS § 6E-43.5(a).**
- b. **Clarification of the appropriate process of nomination to an island burial council pursuant to HRS § 6E-43.5 and HAR 13-300-21(b).**
- c. **Clarification of the process of removal from an island burial council pursuant to HRS 26-34(d) and HAR 13-300-23(b) relating to the status of OIBC members Hinaleimoana Wong-Kalu and Charles Ehrhorn.**
- d. **Compliance with the procedures for replacing a board member in accordance with HRS § 26-34(b) and HAR 13-300-23 involving the status of OIBC members Hinaleimoana Wong-Kalu and Charles Ehrhorn.**

Chair Mitchell combines III. DISCUSSION, a, b, c, & d together for questions.

Deputy Attorney General, Supervisor, Linda Chow, answers questions from the council:

- 1. Mitchell wanted to know why Chuck Ehrhorn was not put back on the council. Per Chow, Ehrhorn was on a hold-over status. He had a problem with putting in his application on time.
- 2. Mitchell wanted to know if SHPD gave a list to the Boards & Commissions Office with possible names for the OIBC seats. Chow replies that SHPD gave Boards & Commissions a list. That list was turned in to the Governor's office. SHPD followed the process.

*The OIBC takes a 25 minute break for Chair Mitchell to receive a delivery.

- 3. Mitchell asks why Hina Wong-Kalu is no longer on the council. Per Chow, Wong-Kalu was on a hold-over status and did not turn in an application. Because of no application, Wong-Kalu was replaced by Nanea Lo. Lo turned in an application.

[Recording 061621 @ 2:20.00]

IV. BUSINESS

- a. **Pursuant to HRS § 6E-43.5(f)(4); HAR § 13-300-24(e), the council shall elect a chairperson and a vice-chair person.**

Mana Caceres and Aulii Mitchell agree to not hold an election until Wong-Kalu returns to the council and is the chair again. The council agrees.

[Recording 061621 @ 3:15.00]

b. Update to Burial Treatment Plan for the Lilia Waikiki Project, Waikiki Ahupua‘a, Kona District, Island of O‘ahu, TMK [1] 2-6-021:100 & TMK [1] 2-6-021:144.

Matt McDermott, Cultural Survey Hawai‘i, gives the presentation:

Title of PowerPoint: Lilia Waikiki Project: Addendum Burial Treatment Plan
GIS map of area
Project description
Timeline with construction and monitoring on going
Structures/Features
Original planned burial preserve from BTP (2019) with original project design
New burial preserve based on project redesign
Inadvertent Burial Find, description, long-term treatment
Consultation with cultural descendants and SHPD
Pre-excavation
Pre-excavation of new burial preserve site
Stratigraphy of pre-excavated burial preserve site (NE wall)
New burial relocation area; Details carried over from 2019 BTP
Next steps

[Recording 061621 @ 1:52.00]

Nanea Lo goes offline at 12:11 p.m. or 2:22.0 on the recording.

c. Cultural Descendancy Recognition Application for Carolyn Keala Norman and ‘Ohana (Names attached) to Unidentified Human Skeletal Remains found on 03/08/2021 at the Adler St. Project located 902 Adler St., Honolulu Ahupua‘a, Kona District, Island of O‘ahu, TMK [1] 2-3-012:19.

Mana Caceres recuses himself from the vote. Deputy AG, Linda Chow, says there is no quorum and therefore no vote can be taken today.

Nanea Lo goes offline again at 1:39 p.m. and does not come back to the meeting. Three council members remaining and therefore, not enough members to vote for this recognition application. Application will be put on the July agenda.

[Recording 061621 @ 1:36.14]

V. REPORTS/UPDATES

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

Caceres requests for Wong-Kalu to be included in the agenda review each month along with the rest of the council. The response is that the review is sent out only to

the Chair and Vice-chair of the OIBC, not the rest of the council and community members.

[Recording 061621 @ 3:27.06]

b. 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.

Bill Haole updates on the completed erosion mitigation in which the grounds have been cleaned.

Kamuela Kala‘i ask Bill Haole if the church is continuing to contest the descendancy applications. Haole replies that the church is not against the genealogy but questions the process and if it was done correctly by the OIBC. Mitchell says that cultural/lineal descendancy is not what Hawaiian people call the connection to Iwi kūpuna. Halealoha Ayau agrees with Mitchell by showing his descendancy case as an example in which he proceeds to say that SHPD denied his lineal application for descendancy at Kawaihāo Church because he could not prove it and so instead, the OIBC approved it for him.

[Recording 061621 @ 3:46.00]

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

No updates from the Fukumitsu’s.

[Recording 061621 @ 4:24.30]

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

Olds informs OIBC that she and two other descendants want the reburial to happen at Mōkapu but without the military.

[Recording 061621 @ 4:12.34]

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.

No update from community members, Diane Fitzsimmons and Skye Razon-Olds.

[Recording 061621 @ 4:34.01]

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

Kamuela Kala‘i wants the inadvertent discoveries to be seen as previously recognized and also wants the area to be designated as a known burial ground.

Kala‘i discusses why Ian Masterson recovered an inadvertent discovery a month ago and that it was approved by Chair Mitchell and herself. Honua Consulting, Trisha Kehaulani Watson, becomes concerned with the OIBC Chair Mitchell allowing a non-kanaka to take possession over the Iwi Kupuna over her own kanaka husband who is a cultural descendant to the district. Watson is concerned with the OIBC not applying the rules across the board and that the chair did not report the finding of the inadvertent discovery to SHPD. Chair Mitchell replies that it was okay to give the Iwi Kupuna to a non-kanaka and felt it was the thing to do at that moment. A long discussion on these issues ensues.

Watson asks the council why are the rules are not followed for Kamuela Kala‘i. She questions why the need to obtain permits and follow the process if other people do not have to do that.

Per Kai Markell, a solution is to put this item on the agenda and have the council vote to recommend to SHPD to recognize Kananelu Beach as a burial site. Also, to have another item on the next agenda for the OIBC to recognize the inadvertent discoveries at Kananelu beach as previously identified burials.

[Recording 061621 @ 4:40.56]

VI. MINUTES

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

Council does not want to accept the minutes because of detailed transcripts that showed personal conflicts. Chair Mitchell requests council to read all of the minutes and be ready for a vote in the July meeting.

[Recording 061621 @ 5:06.10]

VII. ANNOUNCEMENTS

a. Next meeting date: July 14, 2021 via zoom technology.

Meeting ends @ 3:34 p.m.

[Recording 061621 @ 5:34.10]

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.