

DAVID Y. IGE
GOVERNOR OF HAWAII



**HISTORIC PRESERVATION DIVISION
DEPARTMENT OF LAND AND NATURAL RESOURCES**

601 Kamokila Boulevard, Suite 555
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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
KAHO'OLAWA ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

DATE: Wednesday; September 08, 2021
TIME: 10:00 AM
PLACE: Zoom meeting via zoom technology

MEMBERS: (members present)

Kamana'o Mills, Large Landowner Representative, Chair
Chuck Ehrhorn, Large Landowner Representative, Vice-Chair
Lynette Cruz, Ph.D., Waianae Representative
Mana Caceres, Ewa Representative
Nanea Lo, Kona Representative
Diane Fitzsimmons, Waialua Representative

(members absent)

Brickwood Galuteria, Ko'olaupoko Representative

SHPD: Lesley K. Iaukea, O'ahu Burial Sites Specialist
Sheleigh Ka'ahiki Solis, SHPD Historian

GUEST: Bill Hā'ole
Alex Akau
Sheleigh's iPhone
Keala Norman
Angela Neller
Andrea Hall
Kaumakamanokalanipo Anae
Lani Maa Lapilio
Brendan Belby
Jeffrey
Kamuela Kala'i
Dianemasterson
Halealoha Ayau
Jean Ehrhorn
iPhone

dfilimoehala
Jon Tulchin
Suzanne Boatman
Kolealani (Skye Razon-Olds)
L. Makahilahila
Brbeaude
Bcrabbe
Kolea Fukumitsu

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 09082021 @ 0:08.00]

II. ROLE CALL/PULE

- a. Role call by Chair Mills. No pule given.

[Recording 09082021 @ 0:10.00]

III. ANNOUNCEMENTS

- a. Next meeting date: October 13, 2021 via zoom technology.

[Recording 09082021 @ 0:11.00]

IV. O‘ahu Island Burial Council Membership, Role, and Responsibilities.

- a. Training for the OIBC on Wednesday, September 22, 2021 from 9:00 a.m.–12:00 p.m. via zoom technology. Agenda to cover composition and responsibilities of the OIBC.

Discussion:

1. The Attorney Generals Office and the State Historic Preservation Division will be giving the council a training on their composition and responsibilities on September 22, 2021. Chair Mills would like to have Halealoha Ayau and Kai Markell give a training to the council on the same materials the Attorney Generals Office and the State Historic Preservation Division will be giving.
2. Chair Mills informs that the four new councilmembers need to abstain from voting for the minutes from August 2020 to May 2021. Those members are the following: Diane Fitzsimmons, Nanea Lo, Brickwood Galuteria, and Lynette Cruz.
3. Chair Mills asks if any councilmembers would be interested in being a part of the consultation for the project with the Homeland Radar Defense Program. Those interested are the following: Lynette Cruz, Chuck Erhorn, and Diane Fitzsimmons.
4. Chair Mills received an email from Kamuela Kala‘i to read in the meeting but seeming as Kala‘i is at the meeting she can speak instead.
5. Chair Mills followed up with the Ethics Commission regarding a current councilmember applying for cultural descendance for the projects that he is a paid consultant for. The Ethics Commission let Mills know that he is not part of a State agency and could not discuss his inquiry. Mills asked Burial Sites Specialist Lesley Iaukea if she could relay what was said in the advisory from the Attorney Generals office with her/SHPD and Iaukea said she could not respond because SHPD is not the complainant. The council will have to deal with this issue on their own.

[Recording 09082021 @ 0:16.00]

V. 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
- k. June 2021
- l. July 2021
- m. August 2021

Discussion:

- 1. Chair Mills wants the minutes to be tabled and carried over to the next month without discussion.
- 2. Chuck Ehrhorn makes a motion to pass the minutes from August 2020 to April 2021 but there is no second. Mills repeats having the minutes tabled and carried over to the next month.
- 3. There was no discussion on passing the minutes from June 2021 to August 2021. The council refuses to pass their minutes.
- 4. Kamuela Kala'i would like to know if she could review the minutes for accuracy before they are passed and Mills replies yes.

[Recording 09082021 @ 0:21.00]

VI. BUSINESS

- a. Cultural Descendancy Recognition for William Papa'iku Hā'ole III to Unidentified Human Skeletal Remains found at the Water System Improvements Project located at Kuhio Avenue and Ka'iulani Avenue Rights-of-Way, Waikiki Ahupua'a, Kona District, Island of O'ahu, TMK's [1] 2-6-005, 006, 015-029.**

Motion: (Chuck Ehrhorn) I move that we go with the departments recommendation to recognize William Papa'iku Hā'ole III for Cultural Descendancy for the Unidentified Human Skeletal Remains Found at the Water System Improvements Project located at Kuhio Avenue and Ka'iulani Avenue Rights-of-Way, Waikiki Ahupua'a, Kona District, Island of O'ahu, TMK's [1] 2-6-005, 006, 015-029.

Second: Diane Fitzsimmons.

Vote: Yes (Mana Caceres, Lynette Cruz, Nanea Lo, Chuck Ehrhorn, Diane Fitzsimmons, Kamana'o Mills)

No: None.

Summary: Cultural Descendancy is given to William Papa'iku Hā'ole III.

Discussion:

- 1. Halealoha Ayau would like to give his interpretation of what a "closed-session" is for the council and community.

[Recording 09082021 @ 0:31.00]

- b. Cultural Descendancy Recognition for William Papa‘iku Hā‘ole III to Unidentified Human Skeletal Remains found at the Water System Improvements Project located at Ala Moana Blvd. 24-Inch Main and Ala Wai Canal to Kalākaua Ave. Various Rights-of-Way, Waikiki Ahupua‘a, Kona District, Island of O‘ahu, TMK’s [1] 2-6-005 and 007-014.**

Motion: (Chuck Ehrhorn) I move that we go with the departments recommendation to recognize William Papa‘iku Hā‘ole III for Cultural Descendancy for the Unidentified Human Skeletal Remains Found Ala Moana Blvd. 24-Inch Main and Ala Wai Canal to Kalākaua Ave. Various Rights-of-Way, Waikiki Ahupua‘a, Kona District, Island of O‘ahu, TMK’s [1] 2-6-005 and 007-014.

Second: Diane Fitzsimmons.

Vote: Yes (Mana Caceres, Lynette Cruz, Nanea Lo, Chuck Ehrhorn, Diane Fitzsimmons, Kamana‘o Mills)

No: None.

Summary: Cultural Descendancy is given to William Papa‘iku Hā‘ole III.

[Recording 09082021 @ 0:39.00]

- c. Request from Kamuela Kala‘i for three burial sites and their immediate surrounding areas be designated as known burial sites. Five Iwi Kūpuna recovered on October 2020, two Iwi Kūpuna recovered on January 2021, and one Iwi Kupuna recovered in March 2021. Located at Kananelu, Ahupua‘a of Ka‘a‘awa, Ko‘olaupoko District, Island of O‘ahu, TMK [1] 5-1-011:051.**

Combined with agenda item d.

- d. Request from Kamuela Kala‘i to redesignate the eight Iwi Kūpuna in agenda item h from Inadvertent Discovery to Previously Identified. Located at Kananelu, Ahupua‘a of Ka‘a‘awa, Ko‘olaupoko District, Island of O‘ahu, TMK [1] 5-1-011:051.**

Discussion:

1. Halealoha Ayau would like to give his interpretation of the laws and thinks the OIBC should pass the two requests from Kamuela Kala‘i.
2. Chair Mills would like Ayau to describe inadvertent discovery and previously recognized for the council and community.

Motion: (Lynette Cruz) I make the motion to support Kamuela Kala'i requests to have the area designated as a known burial site and change the terminology from inadvertent discovery to previously recognized.

Second: Chuck Ehrhorn.

Vote: Yes (Mana Caceres, Lynette Cruz, Nanea Lo, Chuck Ehrhorn, Diane Fitzsimmons, Kamana'o Mills)

No: None.

Discussion:

1. Chair Mills requests to SHPD to have the update on the above recommendations on the October agenda.
2. Kamuela Kala'i asks what happens next to the OIBC recommendations?
3. Iaukea responds that the council can recommend anything they see fit. The recommendations will go back to SHPD for review. SHPD will see if the recommendations meet state law that can be found in the 6E statutes and Hawaii Administrative Rules (HAR). If the recommendations meet the statutes and HAR, the recommendations will move forward; and if the recommendations does not meet the statutes and HAR, the recommendations will go nowhere.
4. Kala'i requests for an answer at the next meeting and Iaukea agrees to give an update at the next meeting in October.

[Recording 09082021 @ 0:43.00]

- e. Introduction of Kamehameha Schools' Planned Punalu'u Habitat Bank and Stream Restoration Project and the Documentation of Site 50-80-06-8882, Makaua and Punalu'u Ahupua'a, Ko'olauloa Moku, Island of O'ahu, TMK [1] 5-3-011:001.**

PowerPoint presentation introduced by Jesse Fry and Jon Tulchin and presentation given by Darby Filimoehala.

Title: Punalu'u Stream Restoration Project: September 8, 2021
Punalu'u Stream Restoration
Proposed Project Design
Project Design Components
Project Construction
Punalu'u Stream Restoration Project Area
2021 Supplemental AIS Survey Area & 2016 AIS Survey Area
LCA Steam Restoration APE & LCA
Iwi Kūpuna Previously Documented Outside Project Area
Trenches on World Imagery Aerial
Stream Restoration Sites
Features & Trenches

Identification of Iwi Kūpuna
Iwi Kūpuna Within Site
Summary

[Recording 09082021 @ 1:30.00]

VII. REPORTS/UPDATES/REQUESTS

- a. 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.**
1. Per Mana, a pole was sent out for a meeting date. There should be an update at the next meeting.
 1. Chuck Ehrhorn makes four suggestions for Mana Caceres to share with the working group. They are as follows:
 - a. Define the geographical boundaries for Cultural Descendancy. Ehrhorn would like the boundaries defined a bit more.
 - b. Discuss inadvertent versus known finds. (i.e. Inadvertent Discovery vs. Previously Recognized).
 - c. A clear definition of a burial site.
 - d. Definition of encumbrance and how can it work for the landowner and community.
 2. Mills emailed Kai Markell if Lynette Cruz could attend the working group. Markell responded that Cruz can attend the zoom and be involved with the working group along with other community members that are not on the list.
 3. Halealoha Ayau would like to give his interpretation of the burial law under Act 306.

[Recording 09082021 @ 1:57.00]

- a. 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. Kawaiaha'o Church Trustee, Chair, Suzanne Boatman, discusses a rift amongst the descendants of the church. Because of this dynamic, Boatman believes there is no clear pathway forward.

[Recording 09082021 @ 2:20.00]

b. Request from Skye Razon-Olds to give an update on the Unidentified Human Skeletal Remains at a burial cave on Pupukea Rd., Pupukea Ahupua‘a, Ko‘olauloa District, Island of O‘ahu, TMK [1] 5-9-033:04.

1. No updates per Skye Razon-Olds.

[Recording 09082021 @ 2:23.00]

c. Request from Skye Razon-Olds to give an update on the project surrounding a burial site at the Marine Corps Base Hawaii Kaneohe Bay on Mōkapu Peninsula.

1. Per Skye Razon-Olds, the plan of preservation in place is finalized and occurring at this time.

[Recording 09082021 @ 2:31.00]

Adjourn @ 1232 p.m.

Motion: (Chuck Ehrhorn) I make the motion to adjourn.

Second: Lynette Cruz.

Vote: Yes (Mana Caceres, Lynette Cruz, Nanea Lo, Chuck Ehrhorn, Diane Fitzsimmons, Kamana‘o Mills).

[Recording 09082021 @ 2:32.00]

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 July 28, 2021 meeting, oral testimony for items listed on the agenda is limited to five minutes per person, per agenda item. Also adopted, meetings to start at 10am and end no later than 3pm, unless additional time is needed.

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 Kakuhiihewa 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.