DAVID Y. IGE GOVERNOR OF HAWAI'I





# HISTORIC PRESERVATION DIVISION DEPARTMENT OF LAND AND NATURAL RESOURCES

601 Kamokila Boulevard, Suite 555 Kapolei, HI 96807

#### SUZANNE D. CASE

CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA FIRST DEPUTY

M. KALEO MANUEL

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'OLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

# APPROVED Agenda Minutes O'ahu Island Burial Council

DATE: Wednesday; Octoberber 13, 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

Brickwood Galuteria, Koʻolaupoko Representative Lynette Cruz, Ph.D., Waianae Representative

Mana Caceres, Ewa Representative Nanea Lo, Kona Representative

Diane Fitzsimmons, Waialua Representative

**SHPD:** Lesley K. Iaukea, O'ahu Burial Sites Specialist

Sheleigh Kaʻahiki Solis, SHPD Historian

Tamara Luthy, SHPD Ethnographer

Regina Hilo, O'ahu Burial Sites Specialist

Linda Chow, Deputy Attorney General, Supervisor

**GUEST:** Myrle Johnson

Dane Maxwell, MLIBC Chair Kamakana Ferreira, OHA

Samantha Damasco

Moehonua Cultural Monitoring

Andrea Hall

Lauren Morawski, OHA

Terry V.

Greg Johnson
Dianamasterson
Ian Masterson
Ron Cawthon
Elmer Kaai

Kai Markell, OHA

Mokihana Tachera

Jean Ehrhorn

Aeae Ishibashi

Johnnette K's iPhone

Christop

Kawaiahao Church

Kulani Hoohuli

Lori Buchanan

Aly

Owner

Kuupua Kiyuna

Jackie Hong

Christopher Oliveira

Nakai'elua

Iopaka

Kimeona Kane

Dylan "kiki"

Iopaka

Trisha Watson

Lani

Aly

Halealoha, Paukaa

**Edward Cashman** 

**Scott Mahoney** 

Raynae Fonoimoana/Koolauloa

Mapuana Lum

Lopaka Kapanui

Kolea Fukumitsu

Keala Norman

Kahu Kolo'olu – Hawaiian Church of Hawaii Nei

E ola kakou Hawaii

Colink

Hinakawaihi'ilei Keala

Mathew's iPhone

Suzanne Boatman

Donna Camvel

Annie Hoon

Antico

Princess Lehuanani Kumaewakainakalaomomona

LeeAnn Silva

Michelle Makalua Yee

Natasha Baldauf

Kimeona Kane

Kolea Fukumitsu

Akau 'Ohana

Maydell's iPhone

#### Paul Pam Aio

# **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

Koʻolaupoko 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 10132021 @ 0:06.00]

# II. ROLE CALL/PULE

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

[Recording 10132021 @ 0:08.00]

# III. ANNOUNCEMENTS

a. Next meeting date: November 10, 2021 via zoom technology.

[Recording 10132021 @ 0:08.00]

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

a. Linda Chow, Deputy Attorney General, Supervisor, can only be at the meeting for an hour. Therefore, the OIBC will skip to agenda item b and c under Business.

# [Recording 10132021 @ 0:10.00]

# V. MINUTES

- a. August 26, 2020
- b. September 09, 2020
- c. October 14, 2020
- d. November 18, 2020
- e. December 09, 2020
- f. January 13, 2021
- g. February 10, 2021
- h. March 10, 2021
- i. April 14, 2021
- j. May 12, 2021
- k. June 16, 2021
- 1. July 28, 2021
- m. August 11, 2021
- n. September 08, 2021
- o. September 22, 2021

# **Discussion:**

Mills: We are not voting on the minutes from August 2020 to May 2021. Is there a motion to vote for minutes from June 2021 – September 22, 2021?

# **Motion:**

Lynette Cruz: I make the motion to pass the minutes from June 2021 to September 22, 2021.

#### **Second:**

Chuck Ehrhorn

#### Vote:

Yes: (Nanea Lo, Mana Caceres, Chuck Ehrhorn, Brickwood Galuteria, Lynette Cruz, Diane Fitzsimmons)

No: None.

#### **Summary:**

In discussion, the minutes from August 2020 – May 2021 will not be voted on and no reason given as to not voting on them. The minutes from June 2021 to September 22, 2021 was approved.

[Recording 10132021 @ 0:11.00]

#### VI. BUSINESS

a. Soliciting Testimony for the Office of Hawaiian Affairs Burials Sites Working Group (BSWG) Regarding the Care, Management, and Protection of Unmarked Burial Sites.

If you have suggestions about how the DLNR or the State Historic Preservation Division are fulfilling their legal duties, how burial sites could be better protected, or how the Island Burial Councils could be better supported or improved, your mana'o is valued. The Burial Sites Working Group would appreciate hearing your suggestions, concerns, and specific examples that might guide their work of offering recommendations to the State Legislature.

<u>Background:</u> In response to House Resolution 113 (HR 113) and Senate Resolution 171 (SR 171), the Office of Hawaiian Affairs (OHA) has convened a Burial Sites Working Group (BSWG). One representative from each Island Burial Council serves on the BSWG alongside other members from the State Historic Preservation Division (SHPD, the law school, Huliaupa'a/Kali'uokapa'akai Collective, and the larger Hawaiian community. The BSWG is tasked to do the following:

- a. "Study and analyze the allegations of mismanagement by the Department of Land and Natural Resources' (DLNR's) State Historic Preservation Division" (SR171);
- b. "Determine a recommended course of action to address and resolve the allegations of mismanagement by the Department of Land and Natural Resources' State Historic Preservation Division" (SR171);

- c. "Review and recommend improvements to the workings of the Island Burial Councils, which are administratively attached to the State Historic Preservation Division, and how to implement them" (HR113);
- d. "Determine ways to strengthen protections and improve resources for Native Hawaiian burials" (HR113);
- e. "Examine ways to improve the implementation of the Island Burial Councils' duties and responsibilities and to better understand and determine their relationship to the State Historic Preservation Division and its management" (HR113);
- f. "Review existing statutes and administrative rules pertaining to the Island Burial Councils and ways to develop their implementation" (HR113); and
- g. "Provide recommendations on the development of a statewide survey and inventory that documents historic properties where burial sites exist or may exist, including properties owned by the State or the counties" (HR113).

In light of this kuleana, the burial council is soliciting input and testimony (written and/or oral) from lineal and cultural descendants and other interested persons on the above matters. Your testimony will be included for the BSWG to review and make findings and recommendations to the legislature in time for the 2022 legislative session.

Testimony One: Ron Cawthon.

[Recording 10132021 @ 1:27.00]

Testimony Two: Christopher Oliveira.

[Recording 10132021 @ 1:38.00]

Testimony Three:Edward Chapman.

[Recording 10132021 @ 1:38.00]

### **Summary:**

Three testimonies were given for this agenda item.

[Recording 10132021 @ 1:25.00]

b. Update on the Recommendation from the OIBC to Redesignate Three Separate Burial Sites and Their Immediate Surrounding Areas as Known Burial Sites & to Redesignate Eight Iwi Kūpuna from Inadvertent Discovery to Previously Identified Burials Located at Kanenelu Beach, Ahupua'a o Ka'a'awa, Ko'olauloa District, Island of O'ahu, TMK [1] 5-1-011:051.

#### **Discussion:**

Linda Chow, Deputy Attorney General, Supervisor, informs the council that the above recommendation does not follow the Hawai'i Administrative Rules 13-300 process and therefore, can not move forward.

[Recording 10132021 @ 0:13.00]

c. Status Update and Plan of Action for Re-internment of Iwi Kūpuna Located at Kanenelu, Ahupua'a of Ka'a'awa, Ko'olaupoko District, Island of O'ahu, TMK [1] 5-1-011:051.

#### Discussion:

Linda Chow, Deputy Attorney General, Supervisor, informs the council that the above recommendation does not follow the Hawai'i Administrative Rules 13-300 and therefore, this agenda item cannot happen.

Chair Mills would like this agenda item to remain on the agenda.

[Recording 10132021 @ 0:34.00]

d. Informational Update by the Office of Hawaiian Affairs to the OIBC on the Reburial Effort for the 21 Iwi Kūpuna that were Returned from Cambridge University (United Kingdom) in February 2020.

Chuck Ehrhorn: I make a motion to take this agenda item in to closed-session.

Diane Fitzsimmons: Second.

#### Vote:

Yes: (Kamanao Mills, Mana Caceres, Nanea Lo, Brickwood Galuteria, Diane Fitzsimmons, Chuck Ehrhorn, Lynette Cruz).

No: None.

# **Summary:**

OHA gives a written request to exclude Mana Caceres from the closed-session. Caceres joins the closed-session.

OIBC goes in to closed-session for a discussion from 12 p.m. – 12:50 p.m. Attending closed-session: Diane Fitzsimmons, Mana Caceres, Nanea Lo, Chuck Ehrhorn, Kamanao Mills, Brickwood Galuteria, Lynette Cruz, Kamakana Ferreira, Kai Markell, Keala Norman, Halealoha Ayau.

[Recording 10132021 @ 2:00.00]

Council goes back to the community zoom at 12:50 p.m.

Mills: Any recommendation?

Kamakana Ferreira: Is there a recommendation made? Or leave iwi where they are?

Mills: You are correct.

### **Summary:**

No recommendation given for this agenda item.

[Recording 10132021 @ 2:50.00]

e. Cultural Descendancy Recognition for Carolyn Keala Norman and 'Ohana (names attached below) to Unidentified Human Skeletal Remains Found at 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.

#### Discussion:

Mana Caceres asks if the 17 family members attached to this application is present at the meeting. Norman replies that it was not required. Caceres asks Fitzsimmons if her family was denied when her family was not present at an OIBC meeting when seeking descendancy and Fitzsimmons replied yes.

#### **Motion:**

Chuck Ehrhorn: I make the motion to defer this agenda item until next month.

#### **Second:**

Diane Fitzsimmons.

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Yes: Mana Caceres, Chuck Ehrhorn, Nanea Lo, Lynette Cruz, Diane Fitzsimmons.

No: None.

Brickwood Galuteria left meeting.

# **Summary:**

OIBC decided to hear this agenda item next month so that other family members on this item can be present at the meeting.

[Recording 10132021 @ 12:52.00]

f. Cultural Descendancy Recognition for Carolyn Keala Norman and 'Ohana (names attached below) to Unidentified Human Skeletal Remains Found at 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).

#### **Discussion:**

This agenda item is connected to agenda item E.

#### **Motion:**

Chuck Ehrhorn: I make the motion to defer this agenda item until next month.

#### **Second:**

Diane Fitzsimmons.

#### Vote:

Yes: Mana Caceres, Chuck Ehrhorn, Nanea Lo, Lynette Cruz, Diane Fitzsimmons.

No: None.

Brickwood Galuteria left meeting.

# **Summary:**

OIBC decided to hear this agenda item next month so that other family members on this item can be present at the meeting.

[Recording 10132021 @ 2:52.00]

g. Cultural Descendancy Recognition for Carolyn Keala Norman and 'Ohana (names attached below) to Unidentified Human Skeletal Remains Found at 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.

#### **Discussion:**

SHPD takes this item off of the agenda. There was a confusion over what project the applicant was applying for.

[Recording 10132021 @ 3:10.00]

# VII. UPDATE/CORRESPONDENCE/REQUEST

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

#### **Discussion:**

Suzanne Boatman: Continuing to work to kanu. They will be having a joint meeting soon.

[Recording 10132021 @ 3:10.00]

b. Letter & Email Correspondence Dated September 29, 2021 by Cy Kamuela Harris, Titled Letter to OIBC re-Kapu on Moʻokapu, Regarding the Mōkapu Burial Site Located at the Marine Corps Base Hawaiʻi in Kāneʻohe Bay, Ahupuaʻa o Kāneʻohe, Koolaupoko District, Island of Oʻahu, TMK [1] 1-4-4-008:001.

#### **Discussion:**

Chair Mills reads the correspondence from Cy Kamuela Harris.

Cy Kamuela Harris and Skye Razon-Olds not at meeting. Chair Mills reads Harris' letter. Donna Camvel would like to talk but instead item b. c. and d are deferred until November meeting because there is no one to offer more context to the letter.

[Recording 10132021 @ 3:18.00]

c. Request from Skye Razon-Olds to Give an Update on the Mōkapu Burial Site Located at the Marine Corps Base Hawai'i in Kaneohe Bay, Ahupua'a o Kāne'ohe, Koolaupoko District, Island of O'ahu, TMK [1] 1-4-4-008:001.

#### **Discussion:**

Connected to agenda item b. Skye Razon-Olds is not at meeting. Item is deferred until November meeting.

[Recording 10132021 @ 3:24.00]

d. Request from Skye Razon-Olds to Discuss Unidentified Human Skeletal Remains at a Burial Cave on Pupukea Rd., Ahupua'a o Pupukea, Ko'olauloa District, Island of O'ahu, TMK [1] 5-9-033:04.

#### **Discussion:**

Skye Razon-Olds is not at meeting. Item is deferred and taken off of the agenda.

[Recording 10132021 @ 3:24.00]

#### **Discussion:**

Chair Mills gives an oli.

# **Motion:**

Chuck Ehrhorn: I make a motion to adjourn.

#### **Second:**

Mana Caceres.

#### Vote:

Nanea Lo, Lynette Cruz, Diane Fitzsimmons, Chuck Ehrhorn, Mana Caceres.

# **Summary:**

Meeting was adjourned at 1:26 p.m.

[Recording 10132021 @ 3:26.00]

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 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.

# Carolyn Donna Kealaonapua Norman's 'Ohana:

- 1. Eileen Kekahiliokamoku Kawainui Norman
- 2. Debbie Paulette Kekahiliokamoku (Norman) Kini
  - a. Puahone Kawahineuiokeanuenue (Kini) Lopes
    - i. Kamahao Samuel Leialoha Kini-Lopes
  - b. Nalani Kekahiliokamoku (Kini) Gasper
- 3. Carolyn Donna Kealaonapua Norman
  - a. Justin Kepo'ohunaikeaouli Keli'ipa'akaua
  - b. Chase Kaiolohia Ialua Keli'ipa'akaua
    - i. Joey Melehiwahiwa Chiemi Keli'ipa'akaua
    - ii. Brook Holopono Koji Keli'ipa'akaua
- 4. Theodore Robert Kekuailiahi Norman
  - a. Kaleo Kekuailiahi Norman
  - b. Keli'inui Keaweamahi Norman
- 5. Kimberly Kananionapua (Norman) Suzuki
  - a. Nicole Kawaileleonuuanu (Suzuki) Peyton
  - b. Ashley Wahineilikea (Suzuki) Silva
  - c. Cara Kamakanikailialoha Arcalas