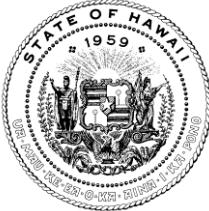




DAVID Y. IGE
GOVERNOR OF HAWAII



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

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON
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
KAHOOIAWA 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 MINUTES O'AHU ISLAND BURIAL COUNCIL MEETING

DATE: Wednesday, July 13th, 2016
TIME: 10:05 AM
PLACE: Department of Land and Natural Resources
Board Room
Kalanimoku Building, 1st Floor
1151 Punchbowl Street
Honolulu, Hawaii 96813

ATTENDANCE:

Members:

Charles 'Chuck' Ehrhorn, Large Landowner/Developer Representative;
Interim Chairperson, O'ahu Island Burial Council
C. Mana Caceres, Ewa Moku Representative
Beverly Amaral, Ko'olaupoko Moku Representative
Danna Holck, Large Landowner/Developer Representative
C. Aulii Mitchell, Waianae Moku Representative
Kali Fermantez, Ko'olaupoko Moku Representative

Staff:

Regina Hilo, History and Culture, Burial Sites Specialist
Susan Lebo, Archaeology Branch Chief
Sheleigh Solis, History and Culture, Cultural Historian

Guests:

Mike Lee, Cultural Descendant
Danielle Yafuso, First Hawaiian Bank
Gerry Lam
Lahela Hekekia
Lin Ann Chang, American Savings Bank (ASB)
Allen Kuneta, American Savings Bank (ASB)
Bob Rechtman, ASM Affiliates
David Crowell, ASM Affiliates
Kimo Steinwahl
Ralph K. Makaiau, Turtle Bay Resorts (TBR)
Alan Haun, Haun and Associates (HAA)
Dawn K. Wasson, Na Kupuna 'o Laie
Lani Maa Lapilio, Aukahi
Rick Stack, A&B
Pua Colburn, Kahuku Burial Committee (KBC)
Henry Fong, Kahuku Burial Committee (KBC)
Matt McDermott, Cultural Surveys Hawaii (CSH)

Hal Hammatt, Cultural Surveys Hawaii (CSH)

I. CALL TO ORDER

Meeting called to order at 10:05 AM by O'ahu Island Burial Council Vice Chair C. Ehrhorn

II. ROLL CALL/PULE

Vice Chair Ehrhorn called on Council Member Caceres to offer a blessing

Council Member Caceres offers blessing in Hawaiian

Council Members introduced themselves:

- A. Mitchell, Waianae
- D. Holck, Large Landowner representative
- B. Amaral, Koolaupoko
- M. Caceres, Ewa
- C. Ehrhorn, Large Landowner representative, vice chair, serving as interim chairperson
(Council member K. Fermanz arrived at 10:10 AM, after introductions had been completed)

III. APPROVAL OF MINUTES

Deferred to future OIBC meeting

- A. **Minutes from 04/13/2016**
- B. **Minutes from 06/08/2016**

IV. BUSINESS

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

(Item read onto record by Vice Chair Ehrhorn)

Ehrhorn: anyone on the board wish to comment on everyone?

Caceres: just a quick reminder for everyone, need to tweak the schedule a little bit and wait for Kali to arrive

Caceres recuses himself from Items B, C, D, E, F, and G and K

Once Kali arrives the OIBC will have quorum

Ehrhorn: Ok that's fine.

Summary of Ehrhorn's comments about the above item

Served on the OIBC since it was an interim board and council, in 1988

 took the necessary one year 'vacation' when necessary

 has appreciated the opportunity

Burial council needs consistency

 must be consistent in the decisions made and the decision-making process

 classic example many years ago:

 a Hawaiian trust had 15 acres of property in Ewa

 wanted to clear the land so they could sell it

 iwi were found on the land

 wanted to move the iwi 5 miles away to Kalihi Valley

 because they were a Hawaiian trust, OIBC's action was inconsistent

 w/ previous actions

 OIBC allowed them to move the iwi

 before we took the vote, I kinda gave scoldings to the burial council

 members that this was not consistent with our previous practices

 earlier in the day, we had come down hard on a developer who

 wanted to move iwi in his lot, about 200 yards away

 "We said, 'No, you don't have to do that. You can change the design of your house.'"

I pointed that out to the board members.

The vote was taken, it was split something like 4 to 3

It passed, and the iwi is now located 5 miles away

After the vote, the individual who made the motion came to me and was in tears, and said that we'd done wrong. I asked why, then, had he voted for it. He said that it was because he had made the motion. I said, "Just because you made a motion doesn't mean you need to vote for it. Things change."

Chuck mentioned the incident was from the mid-1990's

Since that happened, it's always been important about how we (the OIBC) runs our business here

If you discover iwi, then your first priority is to leave them in place

There are times when, [for example] the City is putting in a sewer line and you don't want them by the sewer line, so when you move them, you want to move them as close as possible to where they were discovered

That's my report for that, thank you for listening.

Comments to Mana: You have to recuse yourself from all of these items?

Mana: B, D, E, F, G, and K. Quite a bit.

Ehrhorn: Ok.

Holck: And I'll have to recuse myself on I.

Ehrhorn: Ok, on I.

So you would need Kali here for quorum.

Because of all the need to recuse various board members, let's go to item H.

B. Department's Recommendation to Recognize Michael Kumukauoha Lee as Cultural Descendant to Unidentified Human Skeletal Remains Encountered at American Savings Campus Project, Honolulu Ahupua'a, Kona District, O'ahu Island, TMK: [1] 1-7-026:004 and 016

(Item taken at 10:30 AM, after IV. H; descendant recognitions were deferred until arrival of a 6th council member due to Council Member Caceres' recusal from items IV. B, C, D, E, F, and G) (Council Member Caceres recused himself from the above vote)

(Vice Chair Ehrhorn read the above agenda item onto the record; also read were the HAR summary, below:

The council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever location or description of a Native Hawaiian burial site is under consideration. The chairperson, by concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

Chair Ehrhorn read the above item and applicable HAR onto the record

Mike Lee presented testimony

Summary of Mike Lee's testimony:

has been involved since January 2016 in consultation with Matt McDermott and the other cultural descendants, advocating for burial treatment plan; recognition process is a formality of law, a sticking point of administrative rules, new projects require project-specific recognition; been involved for years with Waikiki, Kakaako, HART rail project, been, responsibility is to iwi kupuna, kana kapu wai, continuation of advocacy, aloha means taking responsibility for the community, you don't let them go because they visit you in your dreams; can't move forward, can't let it go; asking for OIBC approval.

Motion: to accept the Department's recommendation to recognize Michael Kumukauoha Lee as Cultural Descendant to Unidentified Human Skeletal Remains Encountered at American Savings Campus Project, Honolulu Ahupua'a, Kona District, O'ahu Island, TMK: [1] 1-7-026:004 and 016

Motioned by: Bev

2nd: Danna

Vote: ALL IN FAVOR

[Council member Mana Caceres recused himself from the vote, as he and his 'ohana are recognized cultural descendants to the above unidentified human skeletal remains at the project parcel]

C. Department's Recommendation to Recognize Michael Kumukauoha Lee as Cultural Descendant to Unidentified Human Skeletal Remains Encountered at 4465/4469 Kahala Avenue, Waikīkī Ahupua'a, Kona District, O'ahu Island, TMK: [1] 3-5-003:003

Discussion/Determination: Discussion and determination to recognize the above individual as cultural descendant to unidentified human skeletal remains at the above project.

Chair Ehrhorn read the above agenda item onto the record

Mike Lee provided testimony

Summary of Mike Lee's testimony:

this area of Waikiki is dear because maternal grandfather took him fishing there and in Waikiki as part of limu picking; have been working with Group70 for the past 4 months advocating for the iwi kupuna and an appropriate burial location; family was recognized back to 1848 by family members who lived in this area; there is no time between the 2nd piko; you take responsibility for everything in your sight; Hawaiian cultural value of kokua is important, dead or alive

Motion: to accept the Department's recommendation to recognize Michael Kumukauoha Lee as Cultural Descendant to Unidentified Human Skeletal Remains Encountered at 4465/4469 Kahala Avenue, Waikīkī Ahupua'a, Kona District, O'ahu Island, TMK: [1] 3-5-003:003

Motioned by: Bev

2nd: Kali

Vote: ALL IN FAVOR

Ehrhorn commented that Mike has been coming to the council for a number of years, 5 to 10.

D. Department's Recommendation to Recognize Gerald N.Y.C. Lam as Descendant to Unidentified Human Skeletal Remains Encountered at American Savings Bank Campus Project, Honolulu Ahupua'a, Kona District, O'ahu Island, TMK: [1] 1-7-026:004 and 016

Discussion/Determination: Discussion and determination to recognize the above individual as cultural descendant to unidentified human skeletal remains at the above project.

Chair Ehrhorn read the above agenda item onto the record

Gerald N.Y.C. Lam provided testimony

Summary of Gerald N.Y.C. Lam's testimony:

provided detailed application to expedite review; aloha (supports) Mike Lee's earlier testimony about our care for each other and people today; Gerald represents the house of Palile who gave rise to this particular land court award, who's testimony stated that the family has been there since before Kamehameha 1; area is a key link of the settling priesthood of Lapawai over Konahuanui Lanihuli that split into Nuuanu; from the hula of Keaomelemele, and the mo'o and the angel moving out from Mooinanea; this is the representing of Palile as the royal genealogist and keeper of sacred knowledge. Gerald sits here because Roddy Akau is handling the Prince

Lot Hula Festival at Moanalua; having trouble with the old colonial interests to overcome; almost a face-up of what is going on, legally, last week; Roddy is also Palile from same side as Gerald. Materials given were huna; Roddy and Gerald are of the pi`o lineage; they have not visited the site, as they have not yet been invited and wish to respect the developers; project proponents have been forthcoming in providing information to Gerald at his request; some of the iwi may be significant based on their burial position as with Forbes Cave which was determined by Papa Henry Auwae before Eddie Ayau came into the picture, before he was even born. Eddie Kanahele had made mistakes on those bones. The burial positions of these bones are similar to Forbes Cave. Palile runs through Moanalua, the branches into 4 ahupuaa keepers, after Kalaekoa's house of bones after 1882; Moanalua konohiki had to keep this side according to Gerald's great grandmother the child recognized by Kamehameha the 5th, who set apart Pauoa, Nuuanu, where Papakolea came about from Gerald's great grandmother; those are the Shea's and Keopuhiwa's. Gerald holds all the genealogies.

Honolulu settlement expanded into these areas; our Hawaiians never had the mana`o that this kind of society would exist; kahuna are buried in the back; we are behind the 8 ball having to bear the burden; kind of kapulu; this is a serious this for everyone who wants to build, to go on. It's important that Roddy is down po`o to po`o on the other side.

Ehrhorn thanked Gerald for his sharing about Roddy, and reiterated the importance of having the applicant present at the meeting for the OIBC to speak with them. Ehrhorn recommends deferring Roddy's agenda item until Roddy can be present before the OIBC to explain his reasons for seeking recognition.

Gerald stated that would be good for him too.

Ehrhorn stated that Gerald and Mike could work with him.

Gerald stated that Roddy is the kahu of the valley, recognized by DLNR. Namakahelu is his grand aunt, and Malia Kau is his mother; Malia Kau's mother was the older sister and the authority over Namakahelu. That is who the Lake's learned from, Malia Kau. The gravesites at Moanalua were kept for the past 25 years, and Papa Auwae came to help. They are the moolono laau lapaau from Papa Auwae's side as well, which is a Pai line kahuna. Gerald stated he is Kupihea and Kaopulupulu, and Roddy is of the Kahikilaunani kahuna, both hanai for 7 years with Papa Auwae, and uniki.

Ehrhorn thanked Gerald for his testimony, then opened the floor for public comments/testimony. Mike Lee recommended Gerald N.Y.C. Lam. He is familiar with the moo kahuna, Kapele who was the granddaughter of Hewahewa Nui, the high priest of Kamehameha who were part of the moo kahuna. Mike Lee stated that there is a moo cave on this site, but is plugged up because the moo has not come through, the moo cleans the underground cavern below. Family lineage goes to Raiatea of the Olopaa clan for Mooinanea clan under Malia Tamatoa who came to Hawaii in 1836 at Mala Bay with her brother Taua, and is part of the Maui chiefs and Kalaniopuu and Queen Emma. Very familiar with the stories mentioned, and would say that they are accurate based on his own family stories. Would support Gerald's recognition and advocacy to bring their mana`o to add and assist.

Kali stated for the record that the requested descendant recognition is lineal.

Mike replied affirmatively.

Kali stated it is rare to be recognized for lineal, and asked what the nexus is.

RKH stated that a lineal descendant means, as defined in the law, "with respect to Native Hawaiian skeletal remains, a claimant who has established to the satisfaction of the Council direct or collateral genealogical connections to certain Native Hawaiian skeletal remains, or with respect to non-native Hawaiian skeletal remains, a claimant who has established to the satisfaction of the Department direct or collateral genealogical connections to certain non-Native Hawaiian skeletal remains."

Mike Lee stated that he had a retort because he didn't know it was lineal. In his lineal claim to the burial with two niho palaoa found in 2001, he was told that he needed to directly show who the name of that person was, the iwi. Was told by Pua Ai that there would need to be written

documentation that backed that. As Chuck has mentioned, for consistency purposes, what was put down for them April 16, 2010 was a very high bar: the iwi found there had to have a link somewhere either written in the Mahele, foreign or native testimony, foreign and native register, under rules of evidence, there was a seal of the government. Mike stated that Chuck was there in the Executive session. No problem with cultural descendants; but the bar set was huge. To meet the administrator's and the administrative law. Meeting with Kai Markell, Analu (Josephides), Coochie Cayan, on record. Asked for the equal treatment that the bar was set. Still looking for information to meet the standard. Asks the Council to apply the same standard. Lineal must have no doubt with rules of evidence and community standing. Believes cultural descendants can be met.

Ehrhorn stated that Mike is correct. Lineal descendants have come up in the past and has never really been approved because it is a difficult, high bar. Need to have a name for those iwi. The report is not recommending lineal descendants, but cultural descendants.

Ehrhorn read the SHPD's correspondence last paragraph onto record: "Therefore pursuant to Hawaii Administrative Rules [summarized], the SHPD recommends that the Oahu Island Burial Council recognize Gerald N.Y.C. Lam as a cultural descendant to the above unidentified human skeletal remains."

RKH restated that the applicant's request was for lineal descendants, and the SHPD recommendation is cultural.

Motion: to accept the Department's recommendation to recognize Gerald N.Y.C. Lam as Cultural Descendant to Unidentified Human Skeletal Remains Encountered at American Savings Bank Campus Project, Honolulu Ahupua'a, Kona District, O'ahu Island, TMK: [1] 1-7-026:004 and 016

Motion: Dana

2nd: Aulii/Bev

Vote: ALL IN FAVOR

[Council member Mana Caceres recused himself from the vote, as he and his 'ohana are recognized cultural descendants to the above unidentified human skeletal remains at the project parcel]

Ehrhorn thanked Mike Lee for his testimony. Ehrhorn stated that there was a lineal recognition to Walmart after an applicant provided a name for one set of iwi; the recognition was later overturned in the court after it was determined the high standard for lineal descendants recognition had not been met. OIBC rescinded the decision.

Gerald asked if Forbes Cave had happened the same way.

Ehrhorn stated that Forbes Cave was prior to that particular project.

Gerald stated that in Hilo, people were stating they were lineal descendants when they weren't.

Ehrhorn told Gerald to pass the appropriate information on to Roddy Akau for his recognition.

E. Department's Recommendation to Recognize Roddy Akau as Descendant to Unidentified Human Skeletal Remains Encountered at American Savings Bank Campus Project, Honolulu Ahupua'a, Kona District, O'ahu Island, TMK: [1] 1-7-026:004 and 016

Discussion/Determination: Discussion and determination to recognize the above individual as cultural descendant to unidentified human skeletal remains at the above project.

Deferred by the Council as the applicant was not present

F. Department's Recommendation to Recognize Brandy Kalehua Kamohalii Caceres and 'Ohana (see attached) to Unidentified Human Skeletal Remains encountered at Victoria Ward

Limited Block N East Project, 'Ili/Mo'o of Kaka'ako, Honolulu Ahupua'a, O'ahu Island, TMK: [1] 2-3-002:001 (por.), 067, 086, 087

Discussion/Determination: Discussion and determination to recognize the above individual and 'ohana as cultural descendants to unidentified human skeletal remains at the above project. See attached for 'ohana members.

Chair Ehrhorn read the above project onto the record

Chair Ehrhorn and Aulii read the ohana names onto record:

Brandy Kalehua Kamohalii Caceres

Norman 'Mana' Christopher Moor Kaleilani Caceres

Kekamamakoakailihou Kaleilani Kamohalii Caceres

Keahealaiinaikekamaehuokahikiku Kiekiekananiokuulelehua Kamohalii Caceres

Kekamakeuakauuikuhaoikalai Kalehuahiehie Kamohalii Caceres

Kahuakaokekamaakawai Kamanaokaopuulehua Kamohalii Caceres

Mana Caceres presented testimony

Summary of Mana's testimony: as blocks are being redesigned, his 'ohana wanted to ensure that they are recognized to the appropriate projects and TMKs to continue their participation in their kuleana to malama iwi kupuna

No comments from the OIBC

Mike Lee supported the applicants' recognition

Dawn Wasson, from Laie, introduced herself as a direct descendant of Kamakeekapu, the wife of Iolana Jonah Piikoi; family had land from Kewalo Basin to McKinley High School, to Thomas Square, 460 acres; RP Grant 1065 or 10645; lineal descendant. Stated she is making a claim as a lineal descendant to these lands in Kakaako and would like to participate as a lineal descendant. Ehrhorn stated that the process for becoming a recognized descendant is through SHPD. Ehrhorn stated that it has been a long time since he's seen her at the OIBC.

Dawn stated that it has been because she doesn't know who he is.

Ehrhorn stated that the last time he and Dawn had sat down together over food was around 1990, out a Kahuku. Ehrhorn recommended that Dawn contact RKH to get the appropriate paperwork. He referred to the OIBC's previous discussion regarding lineal descendants.

Dawn said she would like to exercise Section 12 Article 7, as bound by native tenant rights and cultural practitioners.

Ehrhorn stated that the application is filed for recognition to a particular set of human skeletal remains discovered at a project/site.

No other comments.

Motion: to accept the SHPD's recommendation to recognize Brandy Kalehua Kamohalii Caceres and 'Ohana to Unidentified Human Skeletal Remains encountered at Victoria Ward Limited Block N East Project, 'Ili/Mo'o of Kaka'ako, Honolulu Ahupua'a, O'ahu Island, TMK: [1] 2-3-002:001 (por.), 067, 086, 087

Motion: Bev

2nd: Danna

Vote: ALL IN FAVOR

[Council member Mana Caceres recused himself from the vote, as he and his 'ohana are seeking descendant recognition to the above unidentified human skeletal remains at the project parcel]

G. Department's Recommendation to Recognize Brandy Kalehua Kamohalii Caceres and 'Ohana (see attached) to Unidentified Human Skeletal Remains encountered at Stanford Carr Keauhou Lane Project, Kaka'ako Ahupua'a, O'ahu Island, TMK: [1] 2-3-030:051

Discussion/Determination: Discussion and determination to recognize the above individual and `ohana as cultural descendants to unidentified human skeletal remains at the above project. See attached for `ohana members.

Chair Ehrhorn read the above agenda item onto record

Mana Caceres provided testimony

Summary of Mana's testimony: ohana is recognized to iwi on all surrounding parcels where the latest find occurred; action reflects the ohana's continued vigilance and commitment to the iwi as a lifelong action

No comments from OIBC

Mike Lee supports recognition

Motion: to accept the Department's recommendation to recognize Brandy Kalehua Kamohalii Caceres and 'Ohana (see attached) to Unidentified Human Skeletal Remains encountered at Stanford Carr Keauhou Lane Project, Kaka'ako Ahupua'a, O'ahu Island, TMK: [1] 2-3-030:051

Motion: Aulii

2nd: Kali

Vote: ALL IN FAVOR

[Council member Mana Caceres recused himself from the vote, as he and his 'ohana are seeking descendant recognition to the above unidentified human skeletal remains at the project parcel]

Dawn restated that she is a lineal descendant to Kakaako and would follow up appropriately.

H. Burial Treatment Plan for SIHP Site 4082 Located on Proposed Lot 2-E in the Marconi Mauka Subdivision, Kahuku Ahupua'a, Ko'olauloa District, Island of O'ahu, TMK: [1] 5-6-005:013

(Item taken at 10:11 AM, first on Business)

Ehrhorn read the above agenda item onto the record

Project introduced by Bob Rechtman, ASM Affiliates

Summary of Rechtman's testimony:

Presented here last month

Came before the council last month with the burial treatment plan, which hopefully everyone still has

at that time, we voted to preserve in place

was asked by the council to do some further consultation

we did some additional consultation, more phone calls

info from that additional consultation will be included in the Final version of the burial treatment plan that gets converted into a preservation plan – a burial site component of a preservation plan when it gets submitted to SHPD on that level

subsequent to the previous OIBC meeting, the OIBC and ASM Affiliates had a discussion about restacking of the walls that were concealing the open areas of the bluff where the burials were placed

Kaleikini ohana, along with myself and some of my staff, and Kali was there restacked

looks really good

back to what the original [would have] looked like

completed for all 3 of the features of this site, features B, C, and G

all restacked and reconcealed

had a meeting on the [July] 11th, on site

[Council member] Danna was present

Regina was present

members of the Kahuku Burial Committee were there as well
the three folks who were there are all present at the OIBC today
[Bob] won't speak for them, they can speak for themselves
Agreement on the draft preservation plan by all consulted parties
Henry Fong and family may come forward as lineal descendants

BTP addresses one preservation area to include all parts of the bluff within this one parcel and extensive buffer zones mauka, access by descendants

Ehrhorn asked if there were plans for developing the 25 acre parcel

Rechtman replied that the parcel is for a single residence

Ehrhorn asked about the original wall

Rechtman showed photographs of the wall and bluff, and indicated where burials and reburials were located, for more information about the reburials an executive session is needed

Walls were stacked protecting the burials, which are now pulled down in areas

Ehrhorn stated that he was familiar with the area from his time with Campbell Estates, and had worked with Joe Kennedy to prepare the EIS; Joe had discovered the burials before a wall protecting them was built; Eddie Ayau, Aunty Rose requested to visit the site and Chuck and wife accompanied them; Billy Fields came and closed the wall with Eddie Ayau; Chuck suggested Bob contact Joe.

Rechtman let Ehrhorn know that Joe passed away.

Ehrhorn suggested Bob contact Eddie.

Rechtman stated that he'd contacted Eddie, and Eddie was unwilling to share information about the area. Rechtman talked to someone else who was there, the rock walls were not there when the sites were archaeologically recorded by Kennedy, but even before Kennedy, Paul Rosendahl had recorded some of these, which came up as part of the reburial practice that took place

Ehrhorn expressed interest in the walls and their destruction

Bob replied that some had collapsed and others looked like they were pulled apart

Ehrhorn stated there were a lot of kids, and that's how they are

Rechtman replied that the walls have all be put back now

Aulii asked about the reburial

Ehrhorn said that Kunane Nihipali was instrumental, and came back in 1988, the same year, as Eddie and some of the other people that did the ceremony. Following that, Ehrhorn was asked to sit on the interim burial council in 1989.

Rechtman stated that he had other information in addition to the others that were there, that perhaps this was an area people returned to since others were there.

Ehrhorn stated that Kunane and his group consolidated the burials. Ehrhorn seemed to recall that in 2000, there were discoveries of iwi elsewhere on the property, and the bluff was an area that was clear and secure.

Rechtman said that individuals stated [some of the iwi] came from somewhere more makai.

Ehrhorn said they may have come from mauka.

Ehrhorn opened the floor for comments.

Danna stated that individuals who were at the site visit at Marconi.

Kali said he was onsite on the 25th, and asked if there were additional.

Rechtman said the farthest location was a feature of the site, which is walled off.

Kali commented that if Ralph is involved, concerning consultation, then it is good.

Ralph Makaia introduced himself; he shared that Kalaeokahipa bluff was a primary burial location, but geologically the west side is unstable and the east side is buffeted by weather. He stated that on the Marconi side, makai of Kamehameha Highway, the water level is too high for families to inter. Marconi's Kamehameha Highway corner, under 10 acres, had over one hundred LCAs. Reclaim of that land has come up empty. Only 9 lots are left in deeper Marconi with kuleana claims. Unfortunate when the density of that area is considered. The bluffs provided the internment site. Feels that, for the BTP submitted, the preservation zone is very important, because that's where people had the option for burial. There were three sites, but two are

unstable, for future reference. It is important to create the safe zone, consideration of others who want to participate because of the makai land. It's appropriate as a place to harbor and rest. The sun is there, there is desecration, the edge of that property garners attention. A part of a bigger picture of Hawaiian culture, iwi and iwi's single story.

Ehrhorn thanked Makaiao for his comments.

At the previous OIBC meeting, the OIBC voted to approve preservation in place of the human skeletal remains addressed in and by the BTP.

RKH stated that the motion for this meeting would be OIBC recommendation for acceptance of the BTP.

Motion: to recommend the SHPD accept the BTP for the above project and parcel

Motion: Aulii

2nd: Danna

Vote: ALL IN FAVOR

Cultural descendant recognitions, starting with Item B, followed this item.

I. Burial Treatment Plan for the Turtle Bay Resort Sites 7288 and 7289 and Isolated Human Remains from Site 4488; Oi‘o, Ulupehupehu, Hanaka‘oe, and Punalau Ahupua‘a, Ko‘olauloa District, Island of O‘ahu, TMK: [1] 5-7-001:001, 013 and 020

Discussion/Determination: Discussion and determination whether to preserve in place or relocate human skeletal remains at the above location.

Chair Ehrhorn read the above agenda item onto record

Presented by Alan Haun, Haun and Associates; Scott McCormack, Turtle Bay Resort; and Ralph Makaiao, Turtle Bay Resort and the Kahuku Burial Committee

Summary of testimony provided by Haun and McCormack:

BTP prepared for two burial sites: Site 50-80-02-7288 at Hanakaoe, TMK: [1] 5-7-001:020; and Site 50-80-02-7289 at Punalau, TMK: [1] 5-7-001:001; an isolated human bone form 4488 in Oio, TMK: [1] 5-7-001:013;

Iwi were identified during a supplemental AIS in 2011 and 2012, identified 39 sites, including subsurface sites, traditional Hawaiian occupation, and historic era Marconi communications associated sites. Site 4488 is makai of the resort; burials in the vicinity of 4488 were identified in 1991 and 1996, remains were found during sand mining and relocated to a burial preservation site on the seaward side of Kamehameha Highway in the makai area of the resort property. Site 4488 is a single toe bone identified on the surface; consultation with SHPD and Kahuku Burial Committee, the bone is curated at the Turtle Bay Resort office, and may be from the burials in the vicinity location previously. Site 7288 is an in situ burial on the Kawela side of the resort in an open, landscaped area next to the horse stables and corrals. Burial was found during subsurface testing as part of the AIS work, and had evidence of prior disturbance. SHPD and Kahuku Burial Committee was consulted; remains were reburied in the same location. Site 7289 is a cultural deposit containing remains near the old stream drainage; burial was found during subsurface test excavation; SHPD and the Kahuku Burial Committee was consulted and the remains were reburied in their original location. Descendant search/burial notification was posted in Honolulu Advertiser in 2012, as July 2012 edition of Ka Wai Ola. Proposed treatment of all three sets of remains is relocation to the burial preservation site situated on the property, which has historic graves in it, including those burials recovered [during sand mining] near 4488, and others recovered during data recovery work done in conjunction with an earlier attempt to develop hotels on the property in the 1980's, roughly a total of 24 or 25 remains have been relocated and are in this burial preservation site. 7288 is an active use area, and the plan is mass

grading of the area for development of a hotel. 7289 situated on the Kahuku side of the resort, originally proposed preservation in place thinking the area would be used as a park; subsequent sub-division of the property was for development, and the resulting usage would NOT be as a part, which was previously proposed. Makaiao has consulted with the Kahuku Burial Committee, composed of descendants from this area, and they agree that relocation is the most respectful treatment of the remains.

Ehrhorn opened the floor for discussion.

Aulii asked that the date on page 15 be changed to '2012'.

Haun thanked him.

Kali relayed an experience from his and Danna Holck's confirmation hearing, in which Clayton Hee asked Danna if a case involved the Turtle Bay, she would recuse herself. Kali also stated that he had visited the site with Dawn Wasson and Ralph Makaiao. He has been to the sites himself.

Bev asked if the 24 or 25 set were partial or complete.

Haun stated that they were mostly reasonably intact burials.

Bev asked if the 24 or 25 were reinterred with the approval of the Kahuku Burial Committee.

Haun clarified that they were reinterred with the approval of the Oahu Island Burial Council.

Ehrhorn asked what the approval was for.

Haun stated that those were recovered primarily from Kawela Bay as well as the 8 remains previously identified at the 4488 site.

McCormack stated that was in the 1990's.

Haun clarified that the data recovery work was from the 1980's, associated with a developer trying to put in a hotel at Kawela Bay. Haun worked for another firm at that time, Rosendahl.

Kali said that was when it was Kuilima Resort.

McCormack stated that is was the Japanese developer trying to develop a hotel there.

Haun clarified it was Asahi.

McCormack stated that [concrete] piles were put in, but then work stopped because the money ran out.

Haun stated Rosendahl did the data recovery for that area and monitored construction; he also said that one or two of the burials came from monitored construction. The area was mass graded, piles installed, then abandoned.

Ehrhorn asked about the one or two burials Haun referred to in his previous statement.

Haun stated that it was 24 or 25 from the data recovery for this project done by Rosendahl and approved by the OIBC, including remains from several different sources. Recovered burials from the 4488 site; recovered burials during data recovery in the 1980's associated with the development at Kawela Bay; and other inadvertents possibly encountered.

Ehrhorn opened the floor for discussion.

Dawn Wasson asked Haun for confirmation that Hanakaoe was mentioned. She stated that Hanakaoe is on the federal register, and she accessed the area. The man there called the police on her and said she was trespassing. She stated it is a sacred site, and was threatened with arrest several times. She said that, when someone comes to the board to ask for their approval, if they [the project proponents] do not recognize native tenant rights to go to sacred sites, she does not think they will do anything to protect the iwi kupuna. She stated that 'they' need to 'clean up their act regarding access.' Religious Freedom Act, state law, sacred sites are open to practitioners. Dawn Wasson can claim lineal descendant to the area. The kupuna group did not go and recognize the kuleana landowners below Hanakaoe. Hanakaoe had a cave that went underground to Waipahu. The windmill promised they would never develop the area and lied. People make promises and continue to break them. Does not have a problem with people moving iwi because the spirits of the ancestors go after the developers. Does have a problem with the living who made these decisions. Watching the house where graves are located that the new owners graded. They don't care about the cultural practices of the people of the land. Will not make money off the iwi kupuna of this land. Developers are not exempt. Their ancestors and

descendants will answer to this. Do not mistreat the iwi of this land. Hanakaoe is a wahi pana, a sacred site. Do not let them desecrate this place.

Ehrhorn asked if there were any other comments.

Aulii stated the BTP consultation was insufficient. Recommended a table showing who was contacted and who was spoken with. Recommend continuation of consultation with others in the community with ike, knowledge of the lands and practices.

Bev acknowledged to Chair Ehrhorn that Ralph Makaiau wanted to comment.

Ralph Makaiau introduced himself again and stated that he respected everything Dawn Wasson said. Stated they are close in family and service; wanted to comment on the history of the iwi as far as he is aware of. The collection of iwi recorded by SHPD and previous archaeologists as the property was evolved, held in SHPD for a very long time. SHPD had difficulty and lacked regulatory establishment to rebury. SHPD recommended the current reinternment site which had been registered; SHPD asked Ralph for assistance to reinter. There was a Christian burial at the site, with a headstone and the name Pa`o on it. The name is registered in the Mormon registry and is one of Makaiau's ancestral descendants. He was married to the Kaina family of Marconi; he was not buried in the Kaina family plot, but was buried at the reinternment. Makaiau agreed to have the reinternment site where his family [Pa`o] is, to host the reinternment. Makaiau was at peace when it was dug. The only requirement was the role of Kahuku Burial Committee would assist, to respectfully place the iwi back in the ground so they could move on, in the absence of any lineal descendants coming forward on behalf of the iwi. Kahuku Burial Committee was if nobody claimed, then they would help the process. Not sure all the iwi from SHPD were returned, but Makaiau participated in the first reinternment adjacent to Pa`o's grave. Also participated, as a supervisor, in the archaeological survey that was voluntarily done. Research done in 400 acres of property; the only criteria was agreement to SHPD's map and the proposed areas of testing, and to go down to bedrock or water. The last 3 discoveries were shallow compared to bedrock and water. Makaiau looked for cultural deposits in the ground indicative of the timeframe; all three did not have, and showed disturbance. Beach park was actually a flood land; Makaiau recalls that from his younger days. Thinks that the three burials were in an area that was previously disturbed and would continue to be disturbed due to the shallow depths at which they were discovered, shallow graves in drift sand, therefore recommended that if no claims on the iwi came forth, they would be taken to the reinternment location. Still working with the owners to make an official preserve; noted by the SHPD, but not recorded. Makaiau asked the ownership to set up locations for descendants to come to. Makaiau respects the activity Wasson is alluding to, and agrees that there was stronger activity on the mauka side. Makaiau stands by the recommendations made by the Kahuku Burial Committee. Adjacent to where Wasson speaks of is private property, sold separately; the reinternment of Pa`o is on Turtle Bay land. Left in vegetated area, unimproved, but protected. Makaiau wants the area to be comforting and natural. That is where the recommendation rests.

McCormack asked Makaiau to speak about the outreach the resort tried to do to lineal descendants and the publicity to reach out and try to find them.

Makaiau stated that the Rosendahl effort/activity in the 1970's included many lineal descendants from Waialua to Kaaawa involved with Kuilima ongoing development. More descendants were part of the land. More kuleana, when the LCA sign-up for the more than 100 on less than 10 acres of land, no one claimed it. Family came, too much money. Family didn't reclaim the LCAs in the 10 acres. 9 [kuleana claimants] are left; 2 are present at the meeting today. Sam Ah Quinn still has land at Marconi. They didn't come back, that's unfortunate. Makaiau's explanation to Scott's statement is there are less of us [claimants]. Makaiau considers himself and youngster to that knowledge.

Kali asked of Sam was on the mainland.

Makaiau replied that he's still there [on Marconi]. Makaiau has worked at Turtle Bay for 46 years, has always been involved in the relationship with the reinternment site. Cannot say he is a lineal descendant, nor has he applied as cultural or lineal descendant to those iwi, but he knows

Pao; his perspective [on Pao's burial and the established burial preserve] is that he is hosting people who need to be reburied.

Beverly asked how far along the resort is on the preservation plan.

Makaiau stated that, under the resort, metes and bounds need to be recorded. The resort ownership has been agreeable to the legacy of the property for that particular purpose. Resort has always said the sale of that particular parcel needs to be protected. The resort has been very cooperative in doing that. The area still takes maintenance to be protected and respectful.

Ehrhorn summarized Makaiau's recommendation is to relocate two iwi plus a bone fragment to the established preserve because the iwi are in areas that will be developed. Ehrhorn asked if there is any immediacy to the relocation.

McCormack stated the resort is in development of their conceptual master plan, and development is imminent.

Ehrhorn stated his concern, including people not present at the meeting who would support Ehrhorn's comments; he reiterated his comments at the beginning of the meeting, talking about developers who would free up the land to develop so it would be more valuable to a potential buyer, at the cost of relocating the iwi 5 miles away. Cannot propose relocating any iwi to a burial preserve when the project proponents have not shown him how and why the iwi need to be moved. If a sewage treatment plant were going there, he'd be the first to advocate for relocation. Priority has always been leave it in place unless there are circumstances in which they need to be removed. According to the archaeologists, there are two sets of mostly in tact, in situ burials, not part of fill.

McCormack stated that one set of iwi is separated out in different places. McCormack stated that the plans for the area are already drawn, with the civil drawings complete and looking to start the development in the next 18 months.

Ehrhorn stated that w BTPs, typically the Council gets plans drawn in relation to where the iwi is. Ehrhorn requested to see this.

Mike Lee commented that there was a time, when Van Diamond was chair, that he never met an iwi he didn't mind moving. Those were the days, and that thought process was in effect. He would request that, if there is a mandible, if it is a rocker. Mike Lee stated the only Polynesians are rockers, and that is precontact. He stated that if it is precontact, the iwi remain because of the kapu kanawai. Kapukapu ceremony must be done when you break the sacred space. Puhiumi is done, chant, weaving the aka shadow web. We who are kahunas know what that means. You bring misfortune when you break the kapu kanawai, the natural flow, both in the spiritual world connected through these people. The knowledge that has come from opening books and treasure boxes, found out that the old, keep-it-hidden kapu doesn't protect what the law allows us to protect, and treasures get blitzed including iwi. When the laws allow to protect, it is put on the table. You don't put your iwi out in the sun, you don't share that. But we need to now [to accommodate] the new way of thinking. To comport with Hawaiian value sets, to protect what is important to the people at the mookuauhau, the piko; the akua in past and present, and our future generations in the la'i. It is important therefore to the check the bones and see if it's a rocker because that's precontact. That means comport with kahiko, the time frame, children of Hina, of Paliuli, chant one of Wakea mating with that segment of the ocean, apart of Kumulipo what is the land. 2000 years ago is what is put on the table, the kapu kanawai, the kapukapu. In the true thinking of the aka cord. The heavens comport with what is on earth. Complete, otherwise you oki the kapu kanawai and cause upset in the other world with people who don't even know they are connected because their mookuauhau wasn't told to them. The ike and olelo, the Organic Act because they were told to stay away from them when it is truly us. What Chuck stated is important.

Ehrhorn stated that, as an architect, he treats the presence of iwi as he would any other site constraint, a stream, a cliff face, a rock outcrop. All are important. A good architect, given this info ahead of time, can design the building to avoid the iwi. Jurisdiction. Can adjust a building layout to protect iwi. Ehrhorn stated that he hopes their architect can do that.

McCormack stated the architect's name [inaudible], and added that the architect is Hawaiian. Ehrhorn continued that the architect should have this information and consider it as part of the site constraints and design around it. Cases like WholeFoods, we agreed to move them because the building couldn't be built without structural supports, but they were moved to a location as close as possible to their original location, not 5 miles away. Something that Ehrhorn has seen and experienced for many years, as the original burial location was special to that person and his or her family. Ehrhorn would like to see more info for the need to relocate a quarter mile away. Not sure why they can't be left on the site.

Mike Lee commented that the Princess Kaiulani is a perfect example of how the building and its support loads around it incorporated landscaping so that you couldn't tell, which is preferred. Do not want to attract attention to the area, but ensure the sacred space is held with integrity. No upset with the iwi kupuna and uhane who reside there as a component.

Makaiao stated that he agreed with all that Mike Lee shared. Having been involved in the archaeological survey, Makaiao knows that the youth disturbed there was previously disturbed, by recognition you can see it is not the original site. He felt that as much as could be recovered should be recovered. Because there are development concepts of it. Left the single bone when probably moving the others previously. The third location, considered to be a park but identified as a possible roadway was the result of a conservation easement delineation status that was concurred this year. In an area that is flood prone and drainage is an issue. For those reasons and logics, the iwi would be impacted by, not necessarily the construction, but definitely by flooding and drainage. That was how the recommendation stands. Makaiao stated the iwi had been identified four years ago, and they have sat on it. The reaction is to wait on it more, but Makaiao is looking that, especially for the young child, that the iwi has been waiting a long time. Makaiao hopes that the Council can consider, in the best interest, that they can be put in a restful place so they can further their process. Hoping that the Council can consider that moving forward.

Ehrhorn stated that, moving forward, he will be seeing the resort again. And hopes that the resort can consider allowing the iwi to remain in place.

Ehrhorn said the Council is in favor of moving the iwi when it is absolutely necessary, and hasn't heard anything presented which convinced him of that need.

Mike Lee said Ewa is in a flood plain, to sell it fill material eleven feet high was used. The City and DPP have laws that prevent building in a flood plain. Building ten feet up to get out of the flood plain can allow preservation in place and architectural components should not be excavated there [in the vicinity of the burial]. Also need substantial drainage for the health and safety of tenants there. 1927 Oneula Beach Park, part of Kingdom School Land. Fill was brought there which contained iwi kupuna. Same thing on the table: take it to Hoakalei Cultural Preserve or burial in site. Consistency was burial in site. Sacred ceremony. Paulette and family was present. Iwi bird came from the ocean, surrounded the site, and started going to the leina a ka uhane. At the conclusion of the acceptance of the kanu of the iwi. The right thing was done, you could feel it. A lot of burial finds are brought from fill material, take the same concerns and consistency.

McCormack asked Makaiao about the condition of the youth iwi and if there was a pre-construction risk of disturbance.

Makaiao has control over the area, and it stays inactive, because he has marked it. Has marked all of the iwi and ensures that they've remained inactive. Has taken the burial committee, and under the direction of Richard Paglinawan and the pa [Pa Ku`i a Lua] has gone to each site and blessed the ground. Oli, sandalwood. Have done as much as allowed in place; same at the reinternment property for dialogue and involvement. At this point, there would be major activity within the three sites. Committee understands it and made the recommendation in lieu of any lineal claims.

Mike Lee commented that most people who are not Hawaiian don't understand; the intent is [inaudible] lepo. They think the integrity of the bones are there forever. Concrete vaults are

bottomless to allow iwi to go lepo. Chinatown provisions to make encapsulated crypts. Intent is to go lepo, back to where we were placed, be one again with Papa Nui.

Ehrhorn mentioned the development plans. He shared that the Council has approved relocation before, removing iwi from the ground and placing it on a shelf until construction is almost complete. Flood zone location, bringing fill in, Council can work with that to preserve the iwi in place.

Ehrhorn thanked Mike Lee and Dawn Wasson for their comments.

Kali commented: 'A`ole pau ka ike i ka halau ho`okahi; not all knowledge is found in one school. Koolauloa has operated differently than urban, developed areas. Classic case would be Hauula burials, a long drawn-out process that went on for years before they got them back in the ground. Kali commented that Makaiau could be recognized.

Makaiau said he knows where it goes.

Kali stated that precedent is important. Pictures would be good, and more details about the conditions of the iwi, how disturbed they are. Lot of disturbance; have never operated as it has to stay in place or it has to move; determination is contextual. Not convinced in the plan as to why they have to be moved. Need to know who has been involved in consultation.

Aulii stated the key is the hale ike, our house of knowledge and how they are seen. Kapu, kapu kanawai, our methodologies.

Mana commented that, because the iwi was found under a supplemental AIS, he would have preferred options, not just relocation. Different designs, case-by-case basis.

Kali stated architectural plans with the footprint of the buildings would be good.

McCormack and Haun thanked the Council.

Kali asked if Dawn has been involved.

McCormack stated that Dawn [Chang] has been involved, and been consulting with her.

J. Burial Treatment Plan for SIHP #50-80-14-7930, 413 Seaside Avenue, Waikīkī Ahupua`a, Kona (Honolulu) District, Island of O`ahu, TMK: [1] 2-6-021: 056, 057, 062, 065

Information/Discussion: Update on the above project.

Item read onto agenda by Chair Ehrhorn

Presented by Rose Thurman, Honua Consulting

Summary of testimony:

Rose presented twice before; AIS in Feb. 2016, found buried cultural layer and intact wetland sediment designated Site 7930; site contained previously disturbed, disarticulated human skeletal remains and traditional Hawaiian and historic artifacts

Consultation, burial notices, two OIBC meetings, two consultation letters, two onsite meetings AIS accepted by SHPD on April 11th, 2016; presented at the OIBC on April 13th, discussed different burial treatment options; relocation to onsite vault; updating the Council that there was a change in onsite vault location, consultation with descendants and landowners found a new appropriate reinternment option

Kali asked if the issued previously was an oil/grease trap

Rose responded affirmatively; the new vault location is approximately 30 feet from the location where the remains were found, within the walls of an existing building courtyard; secure area; notified RKH about change in location, submitted an addendum letter and revised BTP reflecting the new location of the onsite vault submitted to SHPD; remains were disinterred and reinterred the same day, May 29th, 2016; placed w/in concrete cast on clean sand, covered, boulders place on top; OIBC requested a mock-up of the proposed landscaping for the burial location, Rose provided info and photos with the reinternment location

Monitoring plan for the project has been accepted by SHPD, monitoring is ongoing, excavation proceeding, monitoring plan states that inadvertent finds can potentially be reinterred in the onsite burial site

Ehrhorn asked about the new location and the rationale for changing the vault location. Rose stated that, shortly after the BTP was presented at the OIBC and a determination was made at the OIBC meeting, the project engineer came to Honua Consulting with the specific project constraint that the original vault location would not be suitable.

Danna asked if the electrical box could have gone elsewhere.

Rose stated that it could not have gone elsewhere, and concluded that she wanted to provide the updates to the change of vault location to the OIBC members, and had reinterred the iwi on site as determined by the OIBC.

Ehrhorn thanked her for the presentation.

Mana stated that he met Honua Consulting on site the day they found out about the electrical box; he said that the new vault location is more protected being within the courtyard and in a landscaped area; although the first option was already approved, there were concerns about the approved area being exposed and on a corner with people walking around Waikiki at night; the second and final burial area was preferred as it was protected.

Beverly commented that the location was not next to the road anymore [as it was previously approved in the BTP].

Aulii asked if the iwi were in brown paper bags.

Rose stated they were reburied.

Mana stated, in Hawaiian, that they were reburied.

Ehrhorn commented about brown paper bags and shared that, in the 1990's, the Council did a visit to the SHPD and saw about 75 sets of remains, [each of which was] in brown paper bags.

Aulii stated that, in seeing from the iwi kupuna perspective, he would not want to be surrounded by that [brown paper bag]; commented on pg. 8, Kaluaokahi is mentioned at the bottom but the map shows Kaluaokau.

Rose stated she had researched that and she recalled that.

Aulii also requested that the name provided in the report, Kaahumana, be changed to Kaahumanu.

Ehrhorn called a brief 5 minute recess

K. American Savings Bank Campus Project, Honolulu Ahupua'a, Honolulu District, O'ahu, TMK: [1] 1-7-026:004 and 016

Information/Discussion: Update on the above project.

Chair Ehrhorn read the above item onto the record

Update provided by Matt McDermott, Lin Ann Chang from American Savings Bank, and Lani Maa Lapilio, Aukahi

Summary of McDermott's testimony:

project has been before the council 4 times in the past 6 months; wanted to provide update on the BTP, in DRAFT form, which were distributed to the Council members; recognized descendants Mana Caceres and Kaanohi Kaleikini and their ohana; recognitions from today: Mike Lee and Gerald Lam, and potentially Roddy Akau; current BTP was developed by project proponents, recognized descendants, and the SHPD; AIS under SHPD review with timeline to present BTP for determination in August 2016.

ASB Campus project located mauka of Aala Park, project is currently a paved over parking lot; 11 story building, bottom floor will be parking w bank mezzanine and office buildings above; PowerPoint presentation provided overview of previous consultation meetings; June 8th meeting presented proposed treatment of relocation with preservation in place; LCA 731 to Palile which discussed burials on the property; possible to preserve in place; isolated fragments that were previously disturbed will be placed with the burials to be preserved in place; reinforced concrete barrier between structural foundational elements and the burials; buffer of 8 inches; idea is for no

disturbance of the burials; surface treatment would be landscaping and pohaku landscaping as the light zone diminishes; will request a determination at the August OIBC pending acceptance of the AIS, McDermott quickly thanked Susan; mitigation documents include monitoring plan; new descendants will be consulted in the BTP

Ehrhorn complimented ASB by re-doing design of the building to preserve in place

Lin Ann shared that one of the bank's core values is doing the right thing, had a meeting with team members and shared the story of this project, having to stop construction and move forward with [the consultation and BTP development], and ultimately doing the right thing; definitely the right thing to do

Ehrhorn opened the floor for comments

Mike Lee stated that the descendants deliberated long and hard; fragments recovered at HART were moved away from the highway; the cranial fragments at ASB would be moved a few feet; massive cave underneath this area, from Punchbowl and lined up to Punchbowl, with springs; moo kahuna know that when the calling to the moo is done, the light shaft pulls the moo in, it clears the path, and the debris clears out and the springs reopen; Kumulipo Chant one, the male bridge which is the ana cave where the freshwater is and the magic of life begins. These things are related, to the Mooinanea family, chose to be buried there. Take the kahiko-ness of the site into consideration.

Gerald asked if the skulls are still in the burials.

Matt stated that with AIS there is a fine line between basic documentation and determining orientation, sex, and maybe ethnicity without exposing all the remains. Burial 7 fragments is poo. Burial 4 only exposed the trunk. Burial 2 was flexed and had the poo, an adult male.

Gerald stated that he didn't realize some of the information Mike Lee shared was information that people knew. Uluhaimalama, the Queen's Gardens. Burial configuration is the same as in the Lanikaula internments, same as the Forbes cave. Ke kai and kalani, aloha aina, cannot built above the burials. Recognition of the federal government long ago of the petroglyph rock long ago at Moanalua. Considerations of burials are aina, alona aina considerations, the whole spiritual space itself. Entombing iwi does not allow it to go back to the aina, which is hewa.

Mike Lee stated that there is no tomb part, that the bottom is open to the ground. Cap on top and sides allow the iwi to go back to the aina. Kumulipo chant eleven, niaupio of Tutu Pele. Two shark god caves, protecting from the rail. Embrace of hina and return to paliuli. Bottom is never encapsulated, to go back to lepo.

Kali asked if there was room for a kukui tree.

McDermott said maybe.

Kali stated that it would be a good tie to Lanikaula, traditional to modern.

Gerald stated the rim of the kukui is lama.

Mike Lee stated that all descendants needed to work on a new draft of the BTP.

McDermott thanked the cultural descendants for coming forward.

Ehrhorn thanked ASB for the added effort.

L. First Hawaiian Bank East Mānoa Road Branch Project, Mānoa Ahupua‘a, Honolulu (Kona) District, O‘ahu Island, TMKs: [1] 2-9-013:036, and [1] 2-9-022:025

Information/Discussion: Update on the above project.

Chair Ehrhorn read the above agenda item onto the record

Presented by Matt McDermott, CSH; Danielle Yafuso, First Hawaiian Bank

Summary of testimony:

McDermott: new project, AIS just starting today, field crew in Tyvek suits; architectural concerns; PowerPoint presentation; project area is a natural knoll; FDIC is a federal agency that needs to approve the movement of the bank; federal involvement requires Section 106 consultation, OIBC is a Native Hawaiian Organization; state 6E and HAR13-284; 3 residential buildings, 2 commercial buildings; APE is two TMKs; historic use agricultural and alii

residences; auwae; AIS focuses on subsurface exploration; predictive model from precontact to early historic: irrigated agriculture, religious significance, dryland agriculture, habitation; 1900's East Manoa road was a trail which became a road, 1870's residences along the trail; AIS sampling strategy incorporated trenching and shovel test pits; testing of soils around residential structures for soil contaminants; saw cut through the asphalt; not testing the 3 story building as the building is remaining and will be renovated; sampling throughout; section 106 consultation process which has included the SHPD architecture branch; section 106 consultation opened to NHOs via letter; all included in the AIS report as record of Section 106 compliance; working with FDIC, possibly ACHP involvement; SHPD, FHB, any Sectioin 106 consulting parties Aulii asked about public meetings

McDermott stated that this is one of the public meetings, though NHOs and architect firms may want a separate meeting

Ehrhorn stated that the two-story building is historic, as the Chair used to get his hair cut there
McDermott stated that they were testing that barbershop right then, and will probably find some of Chuck's hair

Danielle stated that two people have relocated across the street; second floor tenant has relocated to Kapahulu

McDermott stated that the OIBC is being consulted as a NHO

Ehrhorn asked if Malama Manoa is on the list; McDermott replied affirmatively

Manoa Heritage Center was suggested

Aulii suggested Aunty Kehaulani Lum

McDermott stated that they'd be back in August

M. Lau Hala Shops project, A & B Properties Inc., Kailua, Ko'olaupoko District, Island of O'ahu, TMK: [1] 4-2-038:035

Information/Discussion: Update on the above project.

Ehrhorn read the above item onto the record

Hal Hammatt, Cultural Surveys, and Rick Stack, A&B, presented

Summary of Rick and Hal's testimony:

Rick: update; Lau Hala Shops is the old Macy's in Kailua, named after Lau Hala lane around the corner; A&B acquired most of the core Kaneohe Ranch properties in Kailua, roughly 50 acres, 23 shopping centers, 8 commercial properties, and about 20 other properties that are ground leased. LauHala is the first of several A&B redevelopment projects in Kailua. Looked at history of cultural resources in Kailua and the work of Kaneohe Ranch in developing a relationship with the cultural descendants, learn about best practices, and learn about cultural descendants' protocols and their expectations of A&B as a landowner and land steward. Initial meeting with descendant group was great; requested minimization of ground disturbance: above grade loading docks, above grade utilities, reuse existing elevator shaft and utility trenches. Solar powered lights, which will not need excavation. Met with descendants prior to meeting with SHPD to develop plan before submitting to SHPD for review.

PowerPoint presentation

AIS testing strategy presented by Hal

Need for additional footings fronting the shops to expand outward required

Commentary by Mike Lee and comparison with Target

Alani Apio provided comment that the footings would be load bearing and need to go deeper, a different situation from Target

Ehrhorn moved to the next item.

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

Information/Discussion: Update on the above project.

[Verbatim record of discussion]

Ehrhorn: Item N. Anyone gonna be here from Kawaiahao?

MKLee: I have a request as a cultural descendant for you on this, for the group, I have a request for a letter. To be generated. To be voted and acted upon. Because we don't know the integrity of the iwi kupuna. I was recognized to one of the original sixty-nine, um, and, it's about time that Burial Council, the lineal and cultural descendants, have a site visit. The curation. Are there spiders? Are there roaches laying eggs, are there geckos making eggs? It's been years. We do not know the integrity plan of the long-term curation process. And if they have a long-term curation process, what is their plan for lineal descendants and cultural descendants to come and to pray, what is that plan? Will it be thirty, forty years like Mokapu? And because of the monetary situation, they are like \$22 million in debt, there needs because we are advocates with iwi kupuna. It doesn't seem that the Church is a very transparent through this entire process. And on our behalf, for the purpose and need of finding out what is their curation plan, long term. What is their plan for cultural and lineal descendants to come and pay respects, that there be a site visit of the Burial Council, the lineal and cultural descendants, Paulette Kaleikini is a descendant to the footprint. In the footprint which can never, because of the lawsuits, there's an abeyance at this moment. So, the proper care of the iwi that is being stored, where? How? Under what conditions? It's very important for the advocates that came to this table, consistently showed up, to ask about this, at this point, and at this juncture, there needs to be a site visit and a meeting which, this has been placed. For years now. And no one has showed up. And it's about time they respond to, statutorily, 6E, I can bring the statute and the verses about their responsibilities as the landowner is. For Paulette, she has equal say to the landowner and was part of the original hooponopono session that took place. But, this is unacceptable. That we place it on the agenda and there's no follow up. We need to see the condition to make sure there are no spiders, no spider webs, no, no eggs laid by moo's. Um, that roaches are not laying eggs. That it's in an area that's well ventilated, that there's no mold destroying everything. And the Burial Council was tasked by Section 6E with advocating for our position under, um, the Section 6E rules, and administrative rules we adhere to. And if that CC letter to Administrator Downer, and to Hinano Rodrigues, who is the Cultural Specialist for all islands, as well as our Cultural Specialist for Oahu, Regina Hilo, be sent. And to all recognized, from the 69 descendants and of course Paulette who is the only one, I believe, that is recognized as a lineal descendant. That this letter go out. Um, generated by our request to you, to be voted on, to draft the letter for that intention, so that we can advocate for the right, the pono thing.

Ehrhorn: Ok, uh, you're getting a little ahead of me.

MKLee: I hear you.

Ehrhorn: We're talking about Item N on the agenda, Kawaiahao Church. Everything that Mike has said is a pretty good historic summary of what has been going on or what has not been going on. Uh. Sending a letter, uh, who do you think, who do you see writing the letter?

MKLee: Um, well it would be from, on....see, you advocate for us. That's statutorily why you are here for all cases. So the Interim Chair can work within. See, I'm not a good writer. See, I look to people who are good writers, because that's their gift. To, to come up with a draft. The sentiment has been spoken to the condition of the iwi, what is the long-term plan for the curation of the iwi, what is their plan for allowing cultural and lineal descendants to make site visits? That's all 6E statutes that could be Section (c) 100-3-2 type of thing. Um, but, SHPD, by law, has the first jurisdiction of curation. No matter who is given disposition of the iwi. Forever into perpetuity, SHPD is in charge of curation. Even if it's sealed in the mountain somewhere, someone violates that, it's statutorily SHPD's under Section 6E. So it's just not a one-way street, we've tried this before with the Church, and they go, "La, la, la, la, la, we never got it." So I would recommend a return receipt so that they can't say it got lost in the mail. And that Mr. Downer and Hinano Rodrigues, who is the head of the Cultural Specialists, tasked to be the person and Ms. Regina Hilo who is Oahu and then her boss is Hinano and then Hinano's boss is Downer. And then we have to do one more, Dr. Susan, yeah, because she's the boss of them all.

They're statutorily supposed to protect us. So, it's like you're given due notice with due care and due time, all principle parties get off the dime. Ok? Otherwise, we're recommending a letter to the Attorney General that our rights are being violated. We don't want to do a lawsuit, we doing this lowball. And we want a determination from the Attorney General if these people consistently be deaf, we want action for the State to enforce their laws, otherwise we have to go under the Attorney General principle passed four years ago by the Legislature. If the Attorney General's not gonna do the job and we do the 'suit. Which I pro-sayed my own suit to the State Supreme Court, and the State's gonna pay me for rep, uh, um, recompense for doing its job. Which, the State doesn't need to pay me to do its job, but we are aware [inaudible] of what the laws allow us to do. Under statute, Hawaii revised. So, that's the blueprint. But it needs to be done 'cause this is depraved indifference under section 6E.

Ehrhorn: Regina, you have any reaction to that?

RKHilo: I have no comment.

Amaral: I got a question. So, the pastor of Kawaiahao, doesn't he have a say in this? Other than the Board?

MKLee: The Board has, the Executive Board is the one who really pulls it, and the pastor's at the behest of the Board. So the pastor's usually the nice, sweet guy. But it is the Board and the Chair of the Board that make the tough [sic] decisions. So, the Board.....Kawaiahao has evolved into a, how do I put this nicely...

Amaral: Corporate.

MKLee: Into a corporate community entity that has really no roots outside of the historical realities. Which means they come from all over the place. Who are the existing parish, that does not have, like, a big kanaka presence.

Amaral: Right.

MKLee: However, traditionally, historically, it's the mother church. All kanakas everywhere recognize it, to their tutus and everything, the invisible presence that they are still there because their ancestors are present there. So you have this dichotomy going on there. And it is the Board that runs everything, which has changed. And it's about time they revamped and paid attention to this. Out of sight, out of mind. We need to put a document on the table that they have to address. And they have been remiss in any indication in the past to come here. And then they get very belligerent, when we who are supposed to advocate by law to do this to make sure everything's good with the iwi. They go, "La, la, la, la, la, and we can't get through."

Mitchell: I know they began with the Na Iwi, Na Iwi Committee...

MKLee: Exactly.

Mitchell: ...which was to advocate, to be proactive...

MKLee: Right.

Mitchell: ...for that. Is that still established?

MKLee: No, it, it diminished and the chair became the ruling council chair who comes here sometimes. But that was abolished after it got really heated in the battle of lawsuits.

Amaral: Yeah, they forget why they're there.

MKLee: Exactly. They're supposed to be a harbor to protect, but it's become a money-making thing with Japanese weddings to bring in finances....

Amaral: Revenue.

MKLee:yeah, for the church.

Caceres: I know a few years ago, maybe even three or more years ago, I know, um, Hina and Vice Chair Schueuer, I think they did a site visit?

MKLee: Yes.

Caceres: To see the disposition of, to check the curation out. Would that be, possible, something for me to request, Regina? To request, um, OIBC site visit to the curation...

RKHilo: We could.....

Caceres: At the very least, if they're not gonna....

MKLee: Exactly.

Caceres: At least that gives us something....

MKLee: Exactly.

Caceres: ..to address your concerns.

MKLee: Yes. And we would like to be part of that with the OIBC.

Fermantez: Was that just the two of them, or was that the Council?

MKLee: No, we actually had the entire Council there.

Fermantez: That's what I

Ehrhorn: Yeah, but what Mana was....

Fermantez: Was that before us?

Holck: It must've been, yeah.

Ehrhorn: What Mana is referring to is.....

MKLee: Well, I was there. I was there when we went. And Hina actually conducted a full meeting there.

Fermantez: So it's been a full four years about, because...

Holck: Yeah.

MKLee: Yeah.

Fermantez: Yeah, or maybe about four years because it was right around when we came on...

Holck: Because we've been on for a little over four [years].

Ehrhorn: So, yeah, the thing Mana is referring to was done after that trip that we had.

Fermantez: Oh, it was subsequent to....

Ehrhorn: He has....

Fermantez: Well, I know, the other thing that I was going to say was I think we've had it agendized. And only once or twice, well, since I've been here, when I was at the meeting[s]. It was, William Haole, right?

MKLee: He was initially the president of that advocacy group. And.....

Fermantez: It was a pretty intense exchange between him and Hina, as I recall.

Holck: Yeah.

Fermantez: And I think it involved....

Holck: Responsibility.

Fermantez: Yeah. And I think that it was at an impasse. I don't know what happened with that.

Ehrhorn: So one of the reasons we haven't heard, weren't they supposed to be doing some kind of....

MKLee: It was an EIS.....

Ehrhorn:report?

MKLee:report that was supposed to come from, um, um, SHPD. You know? Because they had to put truncated lines through to that Queen Street or whatever. They had to go to the street adjacent to it. But, I think they ran out of money? Money is the cash flow project, the spine of it, and the lawsuit was like \$20-something million, protracted? And I think they just don't have the money to continue, but they have the big hole. And, the last time we visited was three, four years. For cockroaches, and spiders, and what have you to get in all that stuff.

Ehrhorn: Well, are you saying then that the project's not even going to move ahead?

MKLee: Uh, there's, it, uh. There's nothing going on there. Uh, um, you can ask Susan Lebo, did she approve the plan, the document?

RKHilo: The AISp has been approved by the SHPD.

MKLee: Ok. So my question is, how come, there, we have not been contacted, you know, for the truncated lines and things that are supposed to go through. You know? And like we said, it's been four years since the last site visit. And we're concerned, that's why we advocate, actively.

Ehrhorn: Well, instead of us writing a letter like you originally suggested, because I don't think any of us is a real good writer....

MKLee: Ok.

Ehrhorn: How's about SHPD just contacting them and asking them to come here with their consultant and talk about that AISp?

MKLee: That would be great.

Ehrhorn: And then that would be the starting point.

MKLee: That would be the starting point.

Ehrhorn: That opens up the.....

MKLee: But remember. We are not here to make everybody convenient.

Amaral: Um hm.

MKLee: We're a militant. And the militancy is, we're the voice of the, those iwis that are saying, "Not enough." And we're saying, "That's not enough." We can walk and chew gum at the same time. And that's what we're advocating for.

Ehrhorn: Ok, well I think what would be good is if we had, like, you know, we heard from Hal Hammatt and....

MKLee: I agree.

Ehrhorn: ...about these reports, these archaeological reports. I think we need to have someone explain this archaeological report to us.

MKLee: I agree, but the condition is very important to....

Ehrhorn: I think that would come up.....

MKLee:the condition is very important.....

Ehrhorn:I think that would come up in the discussion.

MKLee:if it's agendized. See? It has to be agendized or you can't bring it up under Sunshine Law.

Ehrhorn: Well, it's agendized right here.

MKLee: The condition of the iwi?

Ehrhorn: The Kawaiahao Church.

MKLee: Yeah, but that's general. To be able to bring....

Ehrhorn: Well, I think that's broad enough to include questions on the condition of the iwi. And...

Amaral: Put on the agenda.

MKLee: I, I feel comfortable if they know in advance. It's called discovery, that we're not pulling any punches here. And the reason why we do this on our own time is we advocate. And part of the advocating is being honest, do the right thing, for the right reason. For God's sake. Now, the Western world is in opposition to God and the truth. And, what I see, is the great competition here is for people to force their way, through deception. And what we're asking for, unabashedly, is to put the truth. And if they can't accept the truth, my question is, "Why?" You know? That's all we're asking for. It's not asking for much, but just asking for the truth. And if it's uncomfortable and inconvenient, again, I ask the question, "Why?" Because we're supposed to do the right thing for the right reason, on both sides.

Ehrhorn: Well, Mike, I think....let's not draw this out too long, but I think if we have someone here talking about the AISP, part of that should be, what are they doing with the iwi?

MKLee: Yeah. And I would....

Ehrhorn: And what is the condition of that?

MKLee: Yeah, and....

Ehrhorn: It should all be in that report.

MKLee: I love you, Chuck. And one of the reasons why I say that is, we took a long time with these other issues. This is the mother church. And this is iwi kupuna, over five hundred iwi kupuna pieces that are there. And we didn't spare any time for these big, luxury places. So time should not be an element here. Of consideration, number one. If we're doing the right thing, for the right reason. In integrity. Number two, we cannot be dismissed out for letting them know, prepare. We want to be prepared, I don't want to get a answer, "You know, we didn't have time to prepare, so we don't have that with us right now. We don't have the person, the staff person who works on that." We want the ducks lined up so they bring all the people who are working on the curation to that meeting because it was agendized. And we don't have to wait another four years. That's what I'm saying, Chuck.

Ehrhorn: Can we put that on the agenda?

Mitchell: Can the Board make a rec[ommendation].....

RKHilo: I would have to talk to the AG about that, to see if something like that.....

Ehrhorn: Because of this lawsuit....

RKHilo:something of this nature can be placed onto the agenda.

Fermantez: My impression was that something was stopping the engagement.

MKLee: And understand what our role is. To be advocate. Even if it makes everybody inconvenient, even if it if there's a lawsuit. That voice has to go singing out there, even if it hits a wall of separation, at least the iwi know this and, "I can hear you guys, I can hear that advocating us at Burial Council." At least it gives them hope that somebody gives a rat's behind.

Ehrhorn: Well, I agree with you.

Amaral: Yeah, a hundred percent.

Ehrhorn: These iwi should not be left on shelves to get dust on them. All the rest of them.

Fermantez: So, is that an AG question then? What teeth do we have to actually force the issue?

Do we.....

MKLee: I believe what you do is you request...

Fermantez: ...do we recommend.....

MKLee:you add your voice.....

Mitchell: We recommend to SHPD that we'd like to have a site visit....

MKLee:yes.

Mitchell: ...along with the cultural and/or lineal descendants that are interested in the conditions of the iwi and the entire thing to do with Kawaiahao Church....

MKLee: ...and if...

Fermantez: Well, that's the thing. It seems that it's been agendized and there's been a closed door over there...

MKLee: ...but, see....

Fermantez: ...and I think, so. I think the question is what kind of, what can we legally do to....

MKLee: ...well the thing is....

Fermantez: ...to force the issue but....

MKLee: ...lend your, lend your voice...

Fermantez: ...we can write all the letters we want but...

MKLee: ...lend your voice, no matter what the wall does. They may go, "La, la, la, la, la." But the process is you're doing your job. We're doing our job, and kahuna on them, from the iwi, for not listening to you, me, and you back here. That's the way the process works....

Fermantez: But I would argue that's in place regardless of what we do, from a.....

MKLee: It is not.

Fermantez: ...legal perspective.

MKLee: It is not. I wouldn't be here, taking time, using my voice and my brains to articulate, right here, right now, time and space, if that scenario was true. And I've been here, doing that, before you guys were on the Board, and Chuck can verify that. So the thing is, I want everybody to do their jobs despite what Caesar washes his hands. How many times he washes his hands is between God and the iwi kupuna.

Fermantez: That's what I'm talking about. I'm not talking about Caesar.

MKLee: Well, I don't care about Caesar. I care about....my advocacy is for the iwi kupuna. Caesar can wash his hands until the skin comes off to his iwi kupuna. That's his task. Mine, my task is to advocate, no matter what, again and again. Whether they're deaf ear or not, it counts. Because we're all gonna be iwi kupuna someday. And the one judge that's gonna judge us one day. And he's gonna ask us, "Did you stand up and say anything, or did you allow, you know, the Adolf Hitler thing is, I was doing what they told me to do." And my thing is, all we can do is lend our voice to it. They don't have to want to hear us, they don't have to want. There's a greater judge that is the principal that I care about. And that's my conscience. And so, I'm operating on a conscious level. I won't....I do care what the Attorney General comes up with

because we do want to take care of the iwi the proper way. But we gotta make a noise, and we gotta put it on the table, otherwise they have nothing to look at....

Ehrhorn: Ok, ok....

MKLee:and nothing to respond to.

Fermantez: This is something that has been echoed....

MKLee: Guess what? For all the months that.....

Fermantez:consistently.

MKLee:I've been here, I haven't lend my voice to it. And it hasn't happened. Now I'm pushing for it, you know I could do a lawsuit right now, took down the billion dollar marina, went up to the State Supreme Court. And they de-funded Deutsche-Belle, you don't see Ewa Marina. I....

Fermantez: You're not the only one that has a voice.

MKLee: Yes, guess what? That's what I'm asking you.

Fermantez: We've been consistently involved, as a Council, by what our kuleana is within the.....

MKLee: That's why you're advocating for me. I'm shouting for you to act....

Fermantez: ...that's the question that we need to put...

Ehrhorn: Ok, um....

Fermantez: ...that's what I would say.

Ehrhorn: I think what we ought to do is, number one, if SHPD could do it, go to the AG, find out what is the limit of us pushing this issue? And number two, invite the AG down here next month so we can hear mono-a-mono....

MKLee: I agree.

Ehrhorn: ...as to what we can and cannot do under the present court situation, having to deal with this....

MKLee: Realize that I understand that if I never showed up today, you couldn't do that on your own because you have to advocate for us. That's one of the reasons why I showed up today.

Ehrhorn: Yeah, we could've, we just....

Fermantez: We can advocate for us.

MKLee: Ok good, well then please do, without us.

Ehrhorn: But is that something you could do, Regina?

RKHilo: Yes.

Ehrhorn: And then give me a call? And we can talk about it?

RKHilo: Sure, I'll talk to the AG. It's, it, um....

Ehrhorn: We haven't had a visit from the AG for months.

RKHilo: Since I've been here.

Ehrhorn: Really?

RKHilo: Yeah.

Ehrhorn: That's years.

RKHilo: Almost, getting to two years

Ehrhorn: Ok, is that fair?

MKLee: That is perfect. I, um, I....Kala ma'i au, in the exchange I didn't mean to hurt anybody's feelings. You know.

Amaral: That's how things work.

Mitchell: (in Hawaiian, inaudible)

MKLee: I love you all....

Fermantez: Just for the record....

Ehrhorn: Mike, I want you to know I'm a very sensitive guy.

(laughter from the Council and audience)

MKLee: Yeah, I know, that's why. I wanna make sure that....

Ehrhorn: Ok, can we move on? I don't want to keep all these people waiting.

Amaral: Mahalo.

Fermantez: I have a point. Just for the record, when someone from my moku comes over here and says, "It's all about the money, and the developers." You know, I'm losing money coming over here, I'm leaving work, I catch the bus. So...

MKLee: Thank you.

Fermantez: ...and time. So....

MKLee: We appreciate you.

Fermantez:I appreciate your advocacy.

MKLee: Today, and with all of you we wouldn't have a quorum, so I really thank every single person. You're all important to this.

Ehrhorn: Who are we missing today? Tom?

RKHilo: Tom.

Ehrhorn: He's the only one?

RKHilo: Um. Yes.

Ehrhorn: Ok. If we may, let's go on down to Point O. Section 106 Consultation.

O. Section 106 Consultation, National Memorial Cemetery of the Pacific at Puowaina (Punchbowl): Expansion and Improvement Project, Pauoa and Makiki Ahupua'a, Honolulu District, O'ahu, TMK: [1] 2-2-005:001 (por.), 002 (por.) and 005 (por.)

Ehrhorn: (summary) talked with RKHilo
item not like Kawaiahao

Take the item off the agenda, updates can be added to agenda as necessary
RKH agreed that the ground disturbing work is nearly complete and project updates were sporadic, therefore the item would be listed and updates presented when available

V. INADVERTENTS/COMMUNICATION

A. Inadvertent Discovery of Human Skeletal Remains at Kalia-Fort DeRussy Wastewater System Improvements project on May 5, 2016, Kalia, Waikīkī, Kona District, O'ahu, TMK: [1] 2-6-005:001 (port.) + Easements, Kalia Road Right-of-Way

RKH presented on the discovery, summary of testimony:

Find is in ROW, consultation as to disposition is ongoing; strongly advocating for preservation in place if it is a viable option; found during monitoring of the utilities excavation for the traffic signal

Mike Lee asked if it was NAGPRA

RKH replied that it isn't because the iwi are in the ROW

Ehrhorn moved on to the next item

B. Inadvertent Discovery of Human Skeletal Remains at Central Pacific Bank Project on May 18, 2016, Kailua Ahupua'a, Ko'olaupoko District, O'ahu, TMK: [1] 4-3-057:073

Information/Discussion: Discussion about the above find.

RKH provided a brief overview

Summary of RKH testimony:

find occurred on May 18th, proposed treatment is preservation in place

Alani Apio provided updates, representing the bank and the descendants

Inadvertent occurred almost at the end of the project, during landscaping, shallow in situ burial approximately 16 inches below the surface; consulted immediately with the descendant group as to treatment; modified the landscaping and put a concrete cap on top, and a pohaku at grade level between the grade and concrete cap; site was blessed; descendants were asked to

bless the building as well; the workers embraced the burials and took the kuleana of looking over the burials

Ehrhorn asked about the treatment

Alani stated that there were the iwi, then 6 inches of sand on top, then a 2'x2' concrete slab 4" thick, dirt, then pohaku; area is very exposed, is the most exposed burial site; bus stop attracts a lot of people; no signage

Mike Lee mentioned that the shallowness of the burial suggests the 'watcher', that everything that happened was meant to happen, and that everything done was meant to be done the way that was planned

VI. ANNOUNCEMENTS

A. Next meeting date is scheduled for Wednesday, August 10th, 2016 at 10 AM.

Closing comments:

Ehrhorn requests that election of a Chair and Vice Chair should be on the agenda.

Kali stated that he is not certain of his availability for next month's meeting.

Aulii stated that a Kona rep was needed.

RKH stated that the Kona position will not be filled by the next meeting and is unsure about Tom as he has ongoing medical issues. Nominations for interim appointments go to Boards and Commissions and stay on the Governor's desk.

Meeting concluded at 2:16 PM.

Approved and ratified at the Oahu Island Burial Council's meeting on April 12, 2017

Motion: to approve the minutes from 07/13/2016

Motioned by: B. Amaral

2nd: A. Mitchell

Vote: 6 AYES, none opposed

Motions and Council actions are underlined

Testimonies are summarized unless indicated otherwise