



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION

MINUTES OF THE OAHU ISLAND BURIALS COUNCIL

DATE: Wednesday, JUNE 9, 2010

TIME: 10:00 A.M. to 1:20 p.m.

PLACE: DEPARTMENT OF LAND AND NATURAL RESOURCES

DLNR Board Room, 1151 PUNCHBOWL STREET, ROOM 132, HONOLULU, HAWAII 96813

- I. CALL TO ORDER.** Chairman McKeague called the meeting to order at 10:05 a.m.
- II. ROLL CALL.** A quorum was established with the attendance of six commissioners – McKeague, Falemei, Quiteves, Kruse, Greenwood, and Keliikoa. Note: Mr. Mahi arrived at 10:10 a.m.

III. INTRODUCTION OF COUNCIL MEMBERS & STAFF.

OIBC Members in Attendance:

Kawika McKeague	Hinaleimoana Falemei	
Leimaile Quiteves	Andy Keliikoa	Aaron Mahi
Kehaulani Kruse	Alice Greenwood	

OIBC Members Excused:

Cy Bridges	Kehau Abad
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SHPD Staff:

Pua Aiu, SHPD Administrator
Phyllis Coochie Cayan, History & Culture Branch Chief

GUESTS:

Kawika Cruz	Don Caindec	Tracy Martin	Harvey Berline
Thomas Ho	Ryan Tam	Norman Hong	Jeff Overton
Gary Omori	Sharon Thom	Peter H. Schall	Jerry Gibson
Ted Middleton	Michael Yamasaki	Jack Kronen	Malulani Odegaard
Stephen Jacobson	Matt McDermott	Newton Chung	Lani Ma'a Lapalio
Thomas Shirai	Haaheo Guanson	Jean Razor	Frank Pestana
Faith Miyamoto	David Shidler	Kaleo Patterson	

IV. OPENING REMARKS. McKeague welcomed everyone and gave a brief summary of the purpose of the meeting to receive information or recommendations with a respectful demeanor regarding discussion of burials and time limit of three minutes to offer testimony to the council.

An Oli (chant) for inspiration was offered by councilmember Kehaulani Kruse who also ends her two-term (8 years) today. On behalf of the council, Chairman McKeague presented Kruse with a maile lei and mahalo. Vice-Chairman Falemei offered mana'o and mahalo too. The SHPD staff presented a lei and makana buke as a small token for her years of dedication and commitment. Kruse thanked everyone and remarked that "...we all malama na iwi the best we know how today."

V. APPROVAL OF MEETING MINUTES

1. OIBC Minutes of April 14, 2010. Chairman McKeague asked the council to defer the Executive Session notes of April 14, 2010. There was a unanimous consensus to defer the Executive session notes of April 14, 2010 to the end of today's agenda. There were no corrections to the minutes of April 14, 2010 as submitted.

Motion by Aaron Mahi, seconded by Kehaulani Kruse to approve the minutes of April 14, 2010 as submitted. Vote was unanimous ayes in favor of the motion. No nays. No kanalua. The motion to approve the minutes of April 14, 2010 as submitted passed unanimously.
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2. OIBC Minutes of May 12, 2010 was not available.

VI. CURRENT BUSINESS

- A.** Burial Treatment Plan, Pupukea Road Rockfall Mitigation Project, Phase I (Site 50-80-01-7038A) Pupukea, Pupukea Ahupua'a, Ko'olauloa District, Island of O'ahu.
TMK: (1) 5-9 plats 005& 011. Information/Discussion/Recommendation.

David Shidler of Cultural Surveys Hawaii and Jack Krone did a summary of the burial treatment plan for the one burial on this project that was presented last month for the council's review and for decision making today. Chairman McKeague asked the council to add "decision" to the agenda for this item.

However, Administrator Aiu consulted by phone with the attorney general's office who advised the OIBC not to do add the word "decision" as it was not listed on the agenda item. SHPD apologized to CSH and the OIBC for the oversight on the agenda and will ensure it is properly noted on next month's agenda for decision making. McKeague noted there is no deputy attorney general here today and recommended to the OIBC that they extend this item for final decision at next month's meeting. The OIBC agreed by consensus.

Discussion on this item included the following:

- This project is for the safety of the residents who use the road daily.
- The burial is one located on the slope among dense bushes in a small cave with fragments. There is no LCA or kuleana associated with this burial cave. This portion of land is owned by the county.
- CSH did community outreach and received an email from K. Nihipali with his mana’o on best way to care for this burial and to seal the cave permanently. Other consultation was done with T. Shirai, the SHPD, S. Iimi, K. Kuhea as well as a notice in the Ka Wai Ola a year ago. CSH noted that Kuhea expressed improve the dry stack wall and to seal the cave.
- The burial treatment plan is to preserve in place with three options regarding the burial site: (a) leave the cave as it is (see page 34 of BTP), (b) improve the dry stack wall and seal the cave, or (c) the recommended action of sealing the cave with mortar and rebar for stronger protection.
- There is no formal descendancy recognition for this project although consultation has been with known individuals who live and/or associated with the general area.
- Concern on homeless in the area who may seek to use these almost inaccessible caves for shelter. CSH noted that these caves are on a steep slope with dense brush in the general area. There is no evidence of any homeless using the caves or the steep area.
- The road work vibrations will not impact the cave (see page 35 of the BTP) that is located downhill.

Public input included the following:

- Tom Shirai stated he has filed a descendancy claim today for this burial. Shirai is in favor of sealing the cave with mortar and rebar to discourage future disturbance.
- Council member Alice Greenwood shared that the Waiialua ‘ohana worked together and knowing Tom Shirai is here to represent the families is an assurance of security and care for na iwi.

The council discussed the procedure for a recommendation today and to finalize a decision next month. McKeague asked the council for their mana’o on the best way to protect this burial:

- Aaron Mahi supports the burial in situ with sealing the cave securely.
- Andy Kealiikoa agrees with Mahi and working with the Waiialua ‘ohana and voting next month.
- Alice Greenwood agrees with preservation in place, seal the cave with mortar.
- Kehaulani Kruse agrees with sealing the cave permanently although she likes dry stack.
- Chairman McKeague agrees with preservation in place and sealing the cave with mortar and rebar.

Motion by Alice Greenwood, seconded by Kehaulani Kruse to malama the bones in situ in the cave and to seal the cave with mortar and rebar. Vote was unanimous. NO nays. NO kanalua. The motion to malama the bones in the cave and to seal the cave with mortar and rebar passed unanimously.

Motion by Alice Greenwood, seconded by Leimaile Quiteves to change agenda item VI. C to VI. B and vice-versa due to presenter's request. Vote was unanimous to change the agenda item VI.C to VI.B and vice-versa. No nays. No kanalua.
The motion to change agenda item VI.C to VI.B and vice-versa passed.

B. Updates regarding the Alapai Transit Center and Joint Traffic Management Center Project, Kaka'ako Ahupua'a, Honolulu (Kona) District, Island of O'ahu. TMK: (1) 2-1-042:004, 013. Information/Discussion/Recommendation.

Sharon Thom from the City & County and Matt McDermott of CSH updated the OIBC on the project with the following points:

- Construction will begin soon in July or August with cultural monitoring for the project.
- Three burials at the diamond head end of the parcel will remain preserved in place and that burial treatment plan has been approved.
- The project will have concurrent work on a parking structure and the Alapai bus depot. This work will take about 12 to 15 months with CSH doing all the archaeological monitoring.
- The area with the burials will be landscaped and are located at the edge of the sidewalk.

There were no questions from the OIBC. There was no public testimony on this agenda item

Note: Council member Shad Kane arrived at 11:00 a.m.

Note: At 11:00 a.m. Chairman McKeague recused himself from the next agenda item. Vice-chairman Falemei presided over the meeting while McKeague recused himself.

C. Hilton Hawaiian Village Master Plan Improvements Project, Waikiki Ahupua'a, Kona District, O'ahu Island. TMK: 2-6-8:1,3,5,7,12,19,20, 21,23,24,27,31,34,37,38,: 2-6-9: 1,2,3,7,9,10-13: 2-6-5:1 (por.). Information/Discussion/Recommendation.

This is the initial informational presentation by Hilton Worldwide representatives, Cultural Surveys Hawaii (David Shidler), Aukahi Inc.(Lani Ma'a Lapalio), and Group 70 International (Jeff Overton etal) and the Hilton project team (Jerry Dempson, Steven Jacobson, Ted Middleton) on the proposed Master Plan for the Hilton Hawaiian Village and planning process for archaeological investigation.

Overton gave an overview of the project with an aerial map showing the project's 10 year-master plan for development. Improvements will include a small amount of retail, additional amenities (i.e. pool area, arrivals area) adding two timeshare towers by 2019 over the present bus arrival area on Paoa Lane for a total of 250 units. The draft Environmental Impact Study (EIS) should be out by August 2010 and a final EIS later in the year.

Shidler added information on the history of cultural resources at Kalia, the Hilton's village compound, the muliwai and fishponds that once dotted the area – which contributes to a low percentage of cultural resources impacts due to the shoreline changing over the years and moving inwards. In a map showing possible risk there is some concern for the mauka area. The

archaeological inventory study plan is at SHPD for review and there will be some testing and continuous monitoring on this project. Shidler noted in 1980 there were three burials located on the property and preserved therein.

There has been 119 letters mailed to potential community persons for comments on the cultural impact assessment with 84 letters to known and/or recognized cultural claimants. Lani Lapalio is actively consulting with these folks and will be sharing the project information at the next meeting. The project team met with SHPD's administrator yesterday as a courtesy. There will be a claimants meeting in July where all folks will be invited to attend and discuss any concerns.

Public testimony included the following:

- **Malulani Odegaard conveyed thanks to the council and project to malama na iwi, that this meeting should be conducted in Hawaiian and to ask the legislators to do that as the Hawaii economy is tied with the Hawaiian language.**

Note: At 11:30 a.m. the vice-chairman relinquished the 'chair' back to Chairman McKeague.

Note: At 11:35 the council took a five minute break.

Note: At 11:40 a.m. the council reconvened the meeting.

- D. Updates from the City's Transit Team regarding the Honolulu Rail Transit Project for the areas of Honouliuli, Ho'ae'ae, Waikele, Waipi'o, Waiawa, Manana, Waimano, Waiuu, Waimalu, Kalauao, 'Aiea, Halawa, Moanalua, Kahauiki, Kapalama, Nu'uanu, Pauoa, Makiki, Manoa and Waikiki Ahupua'a, 'Ewa and Kona Districts.**
TMK: Various. Information/Discussion/Recommendation.

The City's team (Miyamoto, Patterson, Berline) updates included the following:

- **The Phase I AIS is completed, some work done in the last week with the geo-tech folks and Kiewit Construction.**
- **Miyamoto noted the Final EIS awaits the FTA to finalize. A copy of the PA sent to all by email from the FTA to all parties in May. It is not yet executed.**
- **McKeague reminded folks that the OIBC did not sign as an invited party on the PA. Another copy will be emailed to the OIBC as some did not recall seeing it.**
- **Berline noted that care of any na iwi on the project is in the contracts.**
- **Tracy Martin and Thomas Ho of Kiewit Construction spoke to their soil borings methodology and to the training they implement for the entire project for each worker. The training includes laws, how to recognize cultural resources and possible na iwi discoveries along with other federal health and safety requirements. Each person receives a training sticker for their hard hat after completing the required course. Kiewit reiterated they have zero tolerance for any less than their standards.**
- **CSH noted there were no finds in Phase I and there was archaeological monitoring.**
- **Falemei commented on the fine balance between the economy and development versus cultural integrity.**
- **Keliikoa noted this is an ambitious project for the county that will be costly with any kind of delays whether na iwi or construction or other issues.**
- **Quiteves raised the issue of the OIBC anticipating burials eventually and does that make it**

'inadvertent' even when not in the AIS. McKeague said the previous advice from the AG is the definition of actual knowing versus what the AIS findings. McKeague reminded all that the OIBC disagrees with the phase work.

- CSH distributed a handout that depicted areas labeled from 'sensitive' to 'less risk.' There is night work on the sediments on Farrington Highway that has a layer of cultural resources from an old LCA that was filled and is being monitored.

Note: McKeague stated he met with Faith Miyamoto to apologize on a recent article published in the Honolulu Weekly that took his statements out of context regarding the transit rail project. McKeague apologized to Faith and the team for the strong comments published and did not want to have any misunderstandings after working with the team for many months. Further, McKeague informed the OIBC that he has emailed AG Donna Kalama for some legal clarity on the council's questions.

Public testimony included the following:

- Michael Lee stated he will be filing for lineal descendent claim for a burial site in the Chinatown area of the Transit project. Lee has documents to show there is a burial site.

Note: Council member Greenwood departed at 12:25 p.m.

E. Kawaiaha'o Church Multi-purpose Building Renovation Project, Honolulu Ahupua'a, Kona District, Island of O'ahu.TMK: (1) 2-1-032:017. Information/Discussion/Recommendation.

Updates were provided by Don Caindec and Frank Pestana as follows:

- The project is on hold with no work done. The church is dealing with legal concerns and two lawsuits. When the legal concerns have been dealt with there will be an evaluation of the project and discussion with the congregation again regarding cost of the project, etc.

There was no public comment on this agenda item.

F. Inadvertent Discovery of Human Remains – Schofield Battle Area Complex (BAX). Information/Discussion/Recommendation.

Report by Chairman McKeague and Council Member Quiteves on notification provided by the U.S. Army Garrison, Hawaii, Directorate of Public Works, Environmental Division for human remains discovered during archaeological monitoring by Garcia And Associates in the BAX area within Schofield Barracks. This item will be on the July agenda again for discussion.

Chairman McKeague explained that the Army's project manager, Laurie Lucking will be invited to next month's meeting to address this concern. Evidently the Ganda archaeologists mis-identified some bone fragments as "animal" and when more were exposed it was verified as "human" remains. McKeague and Quiteves did a site visit with other community folks and noted that there was a lot of misinformation in the media.

The OIBC is concerned about the PA for that project and demands that the OIBC do something. SHPD Administrator Pua Aiu will check on the PA and what the OIBC's role as a Native Hawaiian Organization being consulted under the federal law (NAGPRA). The SHPD has no role in this incident. Aiu will check if the OIBC has any standing regarding terms for termination in the PA.

McKeague said he got an email from Peter Yuh (Army) that the OIBC is a concurring party but did not sign the PA. Aiu will check and report back to the OIBC on the PA terms.

Note: Council member Keliikoa departed at 1:00 p.m. Quorum was maintained with six council members present (Kruse, Mahi, McKeague, Falemei, Quiteves, Kane).

VII. COMMITTEE REPORTS

- A. OIBC Legislative Committee. No report. This will be kept as an agenda item.
- B. Kaena Point Advisory Council. Quiteves was not able to make the last meeting.

Public testimony from Tom Shirai who sits on the council updated the OIBC that most of the discussion on rules for fishing access and there will be a public discussion for input.

- C. Section 106/NAGPRA Correspondence. No additional reports per McKeague.
- D. OIBC Task Force on Environmental Reviews. No projects for the OIBC to review.

VIII. INADVERTENT REPORTS FOR MONTH OF MAY, 2010.

SHPD staffer Cayan briefly updated the OIBC on the following inadvertent as State Archaeologist Nancy McMahon was working on Kauai.

- A. St. Anthony Church, Kailua Town. TMK: (1) 4-3-028:010. A church staffer discovered a bundle of human fragments with turtle bones in a locked office file. Evidently this was for reburial when the church underwent renovations. There is a reinterment site at the church and reinterment will be done shortly.
- B. Kualoa Park Beach. TMK: (1) 4-9-004:001. The wave erosion continues to reveal na iwi along the shoreline. SHPD was called to the beach and the burial was removed due to more harm by the waves. This burial is being safely stored at the park and will be reinterred with other iwi upon consultation with the ohana there.
- C. Waialua Beach Road Guard Rail Improvement Project. TMK: (1) 6-6-022:001. A small fragment was found in fill at this project. The SHPD with the project archaeologist and Mr. Tom Shirai did the reinterment within a week of the project's completion.

IX. ANNOUNCEMENTS

- A. Mahalo to Kehaulani Kruse for her years of kokua on the OIBC. The OIBC thanked Kehaulani Kruse for her commitment over the years.**
- B. Vacancies on the OIBC. Chairman McKeague and SHPD Staff Cayan are both actively working on getting applicants to fill upcoming vacancies. The ratio and composition of the OIBC should not be impacted by Kruse's term ending however, the OIBC should be preparing for next year's vacancies now. All OIBC is encouraged to recommend folks to apply if they are interested and qualified.**

NOTE: At 1:10 p.m. the OIBC went into executive session to review the executive session notes from April 10, 2010.

Motion by Leimaile Quiteves, seconded by Hinaleimoana Falemei to go into executive session to approve the notes from the April 10, 2010 executive session. The vote was unanimous. No nays. No kanalau. The motion passed to go into executive session to approve the notes from the April 10, 2010 executive session.

Motion by Kehaulani Kruse, seconded by Leimaile Quiteves to approve the April 10, 2010 executive session notes as submitted with two spelling corrections (Kalanikupule and Ka'eokulani). The vote was unanimous. No nays. No kanalua. The motion to approve the April 10, 2010 executive session notes as submitted with two spelling corrections (Kalanikupule and Ka'eokulani) by unanimous vote.

Motion by Hinaleimoana Falemei, seconded by Kehaulani Kruse to move out of executive session. Vote was unanimous. No nays. No kanalua. The motion to move out of executive session passed by unanimous vote.

NOTE: The OIBC came out of executive session at 1:15 p.m.

X. ADJOURNMENT

Motion by Kehaulani Kruse, seconded by Hinaleimoana Falemei to adjourn the meeting.
Votes were unanimous. No nays. No kanalua.
The motion to adjourn the meeting passed unanimously.

The meeting adjourned at 1:20 p.m. #