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**Sent:** 2/20/2010 7:32:14 PM  
**Subject:** Rail Transit- OIBC Inquiry to Proposed Office of the Mayor, Advisory Council on Iwi Kupuna

Aloha mai, e Faith,

As our point of contact and the City's Project Manager with regard to the Honolulu Rail Project, we are directing this inquiry to you. We understand from Mayor Hanneman's November 17, 2009, State of the Rail address and recent comments we have been hearing from other members within the Hawaiian community, that the Mayor is poised to establish a Mayor's Advisory Council on Iwi Kupuna with regard to the Honolulu Rail Project. His plans pose serious questions that we hope either you in your capacity as PM, Mayor Hannemann, or one of his representatives might answer preferably to any formalization of the aforementioned body. Our questions include the following:

1. Why did the City's rail project team or the Mayor's office fail to consult with the O'ahu Island Burial Council in its process of considering the establishment of an Advisory Council on Iwi Kupuna?
2. In a time of economic restraint, why would the Mayor establish an entity that would duplicate the role that the OIBC already fulfills, especially given the existing relationship that the City's rail project team and the OIBC have worked in good faith to develop with one another over the past two years?
3. What functions would the Mayor's Advisory Council on Iwi Kupuna for the Honolulu Rail Project play that are not already served by the OIBC, the OIBC Rail Task Force, or other potential OIBC sub-committees that could be established?
4. What legal authority would establish and empower the Mayor's Advisory Council on Iwi Kupuna?
5. What rules would govern the meetings and actions of the Mayor's Advisory Council on Iwi Kupuna?
6. What criteria has been or will be used to select members to the Mayor's Advisory Council on Iwi Kupuna?
7. Who or what body of individuals has been tasked with evaluating the qualifications of potential members of the Mayor's Advisory Council on Iwi Kupuna?
8. Who or what body of individuals has been tasked with selecting the members of the Mayor's Advisory Council on Iwi Kupuna?
9. Have the potential members of the Mayor's Advisory Council on Iwi Kupuna been advised that their counsel would be sought regarding matters over which the OIBC has purview, as codified in HRS 6-E and iterated within the *draft* Programmatic Agreement for the rail project? (From a Hawaiian cultural perspective, it is appropriate for individuals to understand the various kuleana [roles, responsibilities, authority] involved in a given context so that they can assess whether or not their accepting a given kuleana may be in conflict with the kuleana already held by others.)

10. What sections of the draft Programmatic Agreement will require amendment to define the establishment, empowerment, governance, selection, and evaluation processes as well as the immediate roles, responsibilities, and interaction of the Mayor's Advisory Council on Iwi Kupuna?

Please note that all Island Burial Council members, including those that serve on the OIBC, meet the qualifications established in HRS 6E 43.5(b) and HAR 13-13-300-22; have been nominated by OHA and/or the SHPD; are appointed by the Governor; are confirmed by the Senate Water, Land, Agriculture and Hawaiian Affairs Committee; are registered with and monitored by the Hawai'i State Ethics Commission; convene meetings in compliance with HRS Chapter 92; and are empowered by HRS Chapter 6E 43.5(f) to do the following:

1. Determine the preservation or relocation of previously identified native Hawaiian burial sites;
2. Assist the DLNR in the inventory and identification of native Hawaiian burial sites;
3. Make recommendations regarding appropriate management, treatment, and protection of native Hawaiian burial sites, and on any other matters relating to native Hawaiian burial sites;
4. Elect a chairperson for a four-year term who shall serve for not more than two consecutive terms; and
5. Maintain a list of appropriate Hawaiian organizations, agencies, and offices to notify regarding the discovery of remains.

Moreover, the OIBC includes members who are well-respected for their expertise and experience in numerous areas, including Hawaiian burial practices, Hawaiian culture and language, Hawaiian protocols related to burials and other contexts, Hawaiian genealogies, planning, archaeology, specific regional knowledge, and the legal arena.

It is unclear why the Mayor feels compelled to establish a group to address matters over which the OIBC has been statutorily assigned to act and advise upon, especially considering the long-standing relationship of the City and the OIBC. After all, upon the City's request, the OIBC established a Rail Transit Task Force to afford timely exchange and processing of information between the monthly OIBC meetings. The OIBC has regularly ensured that the City's rail project and other City undertakings have been duly posted on the monthly OIBC agendas to allow for formal actions to be taken in a timely manner. The OIBC Rail Transit Task Force members have actively participated in well over 20 meetings called by the City, responded in a timely fashion to emails, and has provided clear verbal and written communications on matters requested by the City--prime among them our comments on draft versions of the rail transit project's programmatic agreement.

*The establishment and potential existence of the Mayor's Advisory Council on Iwi Kupuna calls into serious question numerous clauses of the rail project's Draft Programmatic Agreement, which in current form does not contemplate the existence of such an advisory group and does not account for its participation in the process.*

The Mayor's establishment of this entity also calls into question the Mayor's plan of "working closely with the OIBC throughout the duration of the [rail] project," which he communicated in his letter of October 13, 2009, to the OIBC.

We kindly await appropriate responses to the questions put forth in our inquiry. Mahalo for your attention and assistance in this matter.

Sincerely and respectfully,  
Kawika McKeague  
Chair, OIBC  
Member, OIBC Rail Task Force

Hina Falemei  
Vice Chair, OIBC  
Member, OIBC Rail Task Force

Kehau Abad  
Chair, OIBC Rail Task Force