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LAND
STATE PARKS

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION

APPROVED MINUTES OF THE O'AHU ISLAND BURIAL COUNCIL

DATE: **Wednesday, April 14, 2010**

TIME: **10:00 A.M. to 2:00 P.M.**

PLACE: **DEPARTMENT OF LAND AND NATURAL RESOURCES**

DLNR Board Room, 1151 PUNCHBOWL STREET, ROOM 132

HONOLULU, HAWAI'I 96813

I. CALL TO ORDER. Chairman McKeague called the meeting to order at 10:10 a.m.

II. ROLL CALL. Quorum was established with the attendance of seven commissioners present: Steve Hoag, Kehaulani Kruse, Aaron Mahi, Kawika McKeague, Cy Bridges, Alice Greenwood, and Shad Kane. Later arrivals were Abad (10:15 a.m.) and Quiteves (10:30 a.m.). Andy Keliikoa left a message he was unable to attend due to a last minute work emergency that morning.

III. INTRODUCTION OF COUNCIL MEMBERS & SHPD STAFF

OIBC Members In Attendance:		Kawika McKeague	Cy Bridges	Aaron Mahi
	Alice Greenwood	Andy Keliikoa	Steve Hoag	Shad Kane
	Kehau Abad	Kehaulani Kruse	Leimaile Quiteves	
OIBC Members Excused:		Andy Keliikoa, Hinaleimoana Falemei		

SHPD Staff: Pua Aiu, Administrator
Nancy McMahon, Deputy SHPO/State Archaeologist
Mike Vitousek, Archaeology Intern
Phyllis Coochie Cayan, History & Culture Branch Chief

Attorney General Staff: Deputy AG Randall Ishikawa

IV. OPENING REMARKS. A pule was offered by Aaron Mahi.

McKeague welcomed the public and summarized the ground rules for testifying or presenting information before the O'ahu Island Burials Council (OIBC) with a limit of four minutes per person, to be respectful and recognize there may be differences of opinions, and to have a non-threatening discussion with the council. The OIBC will consider all information in their deliberations and in their recommendations and/or decision making.

STATEMENT: Aaron Ardicks, an attorney for Ko Hawaii Ka Aina asked Chairman McKeague to make a statement regarding the rights of Hawaiians of the 'aina and their rights and that the correct term is to refer to these Hawaiians of the 'aina as "Hawaiian nationals." Ardicks made statements on lands being transferred to the United States and who has rights to the bones on Hawaiian lands. This mana'o was for information only.

V. APPROVAL OF MEETING MINUTES

For approval --- **OIBC Minutes of February 10, 2010**

- Due to a lack of quorum last month (March, 2010), the OIBC did not convene and the February 10, 2010 minutes were not approved.

McKeague asked to defer the approval of the February meeting minutes to the end of the agenda today. The OIBC agreed by a unanimous consensus to defer the February minutes to the end of the agenda today. This item was deferred to the end of the agenda.

VI. CURRENT BUSINESS

A. Department's recommendation regarding recognition of Manny Kuloloio as a Cultural Descendant to 69 sets of inadvertently discovered unidentified native Hawaiian ancestral remains in the Ahupua'a of Honolulu, Kona District, Island of O'ahu. TMK: (1)2-1-032:017. Information/Discussion/Recommendation/Decision.

SHPD staff Cayan read into the record a memo dated March 1, 2010 (Log No: 2009:3322 Doc No: 1003AJ14) from the department recommending recognition of Manny Kuloloio as a cultural descendant to unidentified native Hawaiian remains located at Kawaiaha'o Church in the Ahupua'a of Honolulu, Kona District, Island of O'ahu.

DISCUSSION:
Abad noted that this recognition includes the ahupua'a and goes beyond this one item.
Pua Aiu asked if that is so then how does the department know who is a claimant. Deputy AG Ishikawa referred the OIBC to 13-300-35(b) that the department shall review all submitted claims for descendancy.
McKeague said it is usual when there is a new project that folks come forward.
Abad said that 13-300-35(b) includes lineal descendants rather than cultural descendants.

There was no public testimony on this item.

Motion by Aaron Mahi, seconded by Kehaulani Kruse to recognize Manny Kulolio as a cultural descendant to 69 sets of inadvertently discovered unidentified native Hawaiian ancestral remains in the Ahupua'a of Honolulu, Kona District, Island of O'ahu at
TMK: (1)2-1-032:017.
Vote was unanimous. No nays and no kanalua votes.
The motion passed unanimously to recognize Manny Kulolio as a cultural descendant to 69 sets of inadvertently discovered unidentified native Hawaiian ancestral remains in the Ahupua'a of Honolulu, Kona District, Island of O'ahu at TMK: (1)2-1-032:017.

B. Department's recommendation regarding recognition of Dana Naone Hall as a Cultural Descendant to 69 sets of inadvertently discovered unidentified native Hawaiian ancestral remains in the Ahupua'a of Honolulu, Kona District, Island of O'ahu. TMK: (1)2-1-032:017. Information/Discussion/Recommendation/Decision.

Testimony by Dana Naone Hall regarding the December 1, 2009 letter from SHPD that was rescinded on her lineal connection to an ancestor's burial in the active cemetery. Hall has returned five times to make a cultural descendancy claim which is wasting her time and money. Hall recounted her submittal in September 2009 which was agendasized in November 2009; then a letter of recognition was rescinded in December by Administrator Aiu. Hall appeared before the OIBC in January 2010 with her mother; again in February 2010 and deferred to have it properly agendasized for March 2010. In March, there was a lack of quorum and no meeting convened for the OIBC. Hall is here today (April 2010) to declare her ancestors are associated with this ahupua'a including the fact that her grandfather lived on Mission Lane, that her family is culturally associated with the ahupua'a as well as the church and that her family history continues to return to this ahupua'a through cultural association.

Comments from Kai Markell of OHA referred to the Kuloloio descendancy claim and the pending Hall vote that the 13-300 rules state that for inadvertent finds the department is required to notify and consult on discoveries and that should include the cultural descendants. Markell said the recognition is not limited to the 69 remains and it is up to the OIBC to expand to the entire project and/or the ahupua'a. Markell said it is up to the lineal/cultural descendants how to notify everyone within their own families.

Motion by Leimaile Quiteves, seconded by Aaron Mahi to recognize Dana Naone Hall as a Cultural Descendant to the Ahupua'a of Honolulu and to 69 sets of inadvertently discovered unidentified native Hawaiian ancestral remains in the Ahupua'a of Honolulu, Kona District, Island of O'ahu at TMK: (1)2-1-032:017.
Vote was unanimous. No nays and no kanalua votes.
The motion passed unanimously to recognize Dana Naone Hall as a cultural descendant to the Ahupua'a of Honolulu and to the 69 sets of inadvertently discovered unidentified native Hawaiian ancestral remains in the Ahupua'a of Honolulu, Kona District, Island of O'ahu at TMK: (1)2-1-032:017 .

C. Department's recommendation regarding recognition of Edward Halealoha Ayau as a Lineal and/or Cultural Descendant to the Townsend Burials at Kawaiaha'o Cemetery, Kawaiaha'o Church, Honolulu, Island of O'ahu.
TMK: (1)2-1-032:017. Information/Discussion/Recommendation/Decision.

A copy of a letter dated February 24, 2010 from SHPD (Log No. 2010.0202, Doc.No. 1002PC002) to Edward Halealoha Ayau was distributed that stated "...This letter is to inform you that because the State Historic Preservation Division (SHPD) has no jurisdiction over the active cemetery located at Kawaiahao Church, we cannot process your descendancy claim...As your descendant's remains are located in an area within the boundaries of a "known, maintained, actively used cemetery," SHPD cannot present your request to the O'ahu Island Burials Council (OIBC) as the subject remains to which you are a descendant are not under the OIBC jurisdiction."

Discussion included the following:

- Dana Naone Hall questioned why Ayau's item was worded differently from hers.
- McKeague noted that the SHPD asked the church to consult with Ayau and that it would seem that Ayau's claim is similar to Hall's cultural descendant claim.
- Abad questioned why have Kuloloio and Ayau seek cultural descendancy recognition again when they are already recognized as cultural descendants in other projects (i.e., Wal-Mart, GGP).

Motion by Abad, seconded by Mahi to acknowledge cultural descendancy of Edward Halealoha Ayau to native Hawaiian remains in the ahupua'a of Honolulu. Vote: Eight (8) ayes. No nays. One Kanalua. The motion passed by a majority vote.

Further comments included the following:

- Manny Kuloloio commented that he submitted his information because not everyone will know what was submitted previously on other projects. Kuloloio stated he does not know what claims Ayau submitted for Wal-Mart etc. Kuloloio did the paperwork as he prefers not to be precluded by any attorney or NHLC.

- Crystal Rose, counsel representing Kawaiahao Church questioned the motion is larger than the agenda item.

- McKeague replied that the OIBC is applying the cultural descendancy claim to the ahupua'a level as Ayau has been recognized by the OIBC in other projects (Wal-Mart, GGP) within the ahupua'a of Honolulu.

D. Kaka'ako Redevelopment (Old CompUSA) Plan, Kona District, Island of O'ahu. TMK: [1] 2-1-055:004, 009, 017. Information/Discussion/Recommendation.

NOTE: 11:00 a.m. Kehau Abad recused herself from this agenda item.

McKeague and the SHPD staff received an email from this project manager that they did not request to be on this month's agenda. This item was removed by consensus from the agenda per request of the chairman.

NOTE: 11:03 a.m. Kehau Abad returned to the table after this item was removed.

E. Honolulu Rail Transit Project for the areas of Honouliuli, Ho'ae'ae, Waikele, Waipi'o, Waiawa, Manana, Waimano, Waiau, Waimalu, Kalauao, 'Aiea, Halawa Moanalua, Kahuiki, Kapalama, Nu'uanu, Pauoa, Makiki, Manoa and Waikiki Ahupua'a, 'Ewa and Kona Districts. TMK: Various. Information/Discussion/Recommendation.

City Transit representative Faith Miyamoto updated the OIBC on the following:

- The Mayor has delayed formation of a Kupuna Advisory Group.
- The federal review for the Airport area is delaying construction due to the 'air zone' concerns which must be resolved before the engineers can go forward.
- All ground activities have stopped for now.
- The focus is on completing the Final EIS now.

Discussion included the following:

- Kehaulani Kruse asked why the City needs another council to advise the mayor on burials.

- Miyamoto replied that it is more of an informal advisory group and like the OIBC that advisory group will have its own responsibilities which will not override the OIBC's focus. This advisory group is to the mayor on various topics. Miyamoto added that the City is looking to avoid the Airport alignment by going one block mauka to Ualena Street and do a historic analysis impacts there.

- Abad echoed Kruse's concern and wanted the city to be clear that the OIBC would prefer the mayor not have a kupuna advisory group for more discussions when the OIBC's kuleana is clear. Abad referred to a letter that Chairman McKeague had emailed with a list of questions that asked why is there a need for a kupuna advisory group. Abad felt the Rail Task Force established with the OIBC with over 20+ meetings on the project, on the Programmatic Agreement, and other issues served as advisory to the mayor. Abad recommended not having a second advisory group and to rely on the OIBC as advisory to the mayor.

- McKeague said that na iwi is the OIBC role, and it's a recognized role for cultural sans the burial component. McKeague invited the mayor to come and talk here with the OIBC.
- Quiteves supported Abad's and McKeague's mana'o and feels another advisory group of Hawaiians will be used to divide and conquer on the cultural issues that may arise on the project.
- McKeague agreed that is a tactic often used to get Hawaiians to concur against other Hawaiians on issues. He noted that the city should ask the folks from the Airport area (ahupua'a) regarding issues there.

- Greenwood noted that the OIBC is open to help with a good discussion that is open to the public here and not behind closed doors. Greenwood supported inviting the mayor to come here and speak with the OIBC.
- McKeague stated the OIBC will continue to put the Transit Rail on the agenda for each month's meeting for more information and/or updates.
- Abad asked if the mayor is disbanding the Rail Transit group. Miyamoto said it is not being disbanded; however the city is not resuming that effort at any time now.
- McKeague asked for a formal recommendation by the OIBC with its list of questions via a previous email to the City. Faith Miyamoto will follow-up on the list of questions.

Motion by Kehau Abad, seconded by Kehaulani Kruse urging the Mayor of Honolulu to not seek the establishment of another Na Iwi Kupuna group, but to utilize the O'ahu Island Burial Council to meet the intended purpose of said group. Vote was nine unanimous yeas. The motion passed as stated above.

Nancy McMahon gave an update on the Phase I archaeological (March 2010) second revision regarding the project's 7.4 miles corridor from Kapolei to the Leeward Community College area. McMahon noted there were no burials found in that phase. McMahon noted there was one agricultural deposit in the area of the proposed Waipahu station. SHPD has asked for clarification (not yet approved) of the trenching done and for monitoring of that area. Also, there is data recovery being done with the GPS technology. There is an archaeological inventory survey plan for Phase II. Also, the Environmental Impact Statement comments are not completed yet.

David Frankel, attorney at the Native Hawaiian Legal Corporation (NHLC) demanded:
1. That NHLC wants a decision on the transit AIS done throughout this project.
2. That the SHPD has no authority to do 'phased work' which for example when iwi is found before there is any decision on the project work.

Abad interjected that [burials] would go through the Programmatic Agreement (PA) process which is the federal law (not go through state burial law process). McKeague added that the phase work is a federal process. Abad added that the OIBC was told the state law was not pushed aside despite the OIBC objection to the phase approach. Abad noted at this point the current PA is with the signatories and it is unknown to the OIBC if there are any amendments to the document. McKeague said the signatories are the Federal Transportation Authority (FTA), the Advisory Council on Historic Preservation (ACHP), the City and County of Honolulu, and the SHPD. The OIBC is not a signatory.

Frankel reminded the OIBC that they had sent a complaint letter, you did a motion to ask the SHPD not to 'green light' until all archaeological work is done, the SHPD is not the legal authority to allow the project until all the archaeology is done, and that there are ways to exit the project or go through an AIS for the entire rail project with mitigation.

F. 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.

There were no updates from Crystal Rose, attorney at law for the Kawaiaha'o Church.

Chairman McKeague noted that this item will be on the agendasized monthly for should there be updates and/or new information for the OIBC. McKeague said he has yet to receive any response to his letter of June 2009 from the Attorney General's office and that he has been patient with the AG (via Deputy AG Linda Chow) and feels he has done all he can do and the questions the OIBC has asked are still unanswered. McKeague says there needs to be a response to the role of the OIBC and that the jurisdiction question remains unanswered leaving him to feel the OIBC is being dismissed in this matter.

Deputy AG Ishikawa said he will convey that request to his higher uppers at the AG office and that the OIBC is always free to do further letter to his immediate supervisor Ms. Donna Kalama and to the AG Mark Bennett.

Council member Greenwood stated that it is the SHPD that put the OIBC in this predicament and the OIBC deserves an explanation regarding the questions raised.

*** RE-OPEN ITEM E. **Honolulu Rail Transit Project for the areas of Honouliuli, Ho'ae'ae, Waikele, Waipi'o, Waiawa, Manana, Waimano, Waiau, Waimalu, Kalauao, 'Aiea, Halawa Moanalua, Kahuiki, Kapalama, Nu'uanu, Pauoa, Makiki, Manoa and Waikiki Ahupua'a, 'Ewa and Kona Districts. TMK: Various. Information/Discussion/Recommendation.**

Motion by Kehau Abad, seconded by Leimaile Quiteves to re-open agenda Item VI. E for further discussion and recommendation. Vote was unanimously all ayes. The motion passed unanimously to re-open agenda Item VI. E for further discussion and recommendation.

Councilmember Abad wanted to make a recommendation with Frankel's suggestion that the SHPD not sign the PA until all the archaeology work is done on the project. McMahon said the inventory is still being done and that one is assuming the City has not sent the permit in yet. Abad said the approval under 6E.42 is not different. Administrator Aiu reminded the OIBC that this project is under federal law. McKeague stated that the state law should not be circumvented by the federal law. Greenwood added that we knew this project is piecemeal and that the task force came together and did a massive job. Kaiana Markell of the Office of Hawaiian Affairs noted that the federal law now preempts if same purpose and that the SHPD signs and in that process the SHPD will represent the entire state under the 6E including the island burials councils process. Markell added the signatories are agreeing to the PA conditions, OHA should sign and is working on that effort now, the federal and state agencies are parallel and the OIBC should ask the SHPD what are they agreeing to in the PA.

Councilmember Quiteves asked that the OIBC status is not agreement with the piecemeal work because there is the possibility that if you do Plan A and spend all that money and then hit 200 burials the OIBC will be asked to approve the project or moving the burials. Quiteves said the OIBC should consider asking the SHPD not to approve the PA until all the AIS work is done—do

all the inventory before the phased work. Chairman McKeague reminded the OIBC that under 6E35 (f) the burial council makes recommendations on burial sites and other matters.

Manny Kuloloio stated he worked with Aiu on the Stryker project and it was good. Kuloloio said he will write a letter to OHA based on what Frankel said the OIBC should do and to be aware of the transit work from Nuuanu to Kakaako to lands of Kamehameha School and the need to do AIS along the route.

Chairman McKeague stated that the OIBC does not support the "phase approach" and that for example come Phase III and there may be a find of hundreds of burials – what will be done – realign? disinter? That will be the most sensitive part and the OIBC will recommend to the SHPD again that the council does not support the 'phase approach.'

Motion by Abad, seconded by Quiteves regarding the Transit Rail PA:

"Whereas, the current PA for the City's rail project includes a phased approach for archaeological inventory survey, and

Whereas, HRS Chapter 6E-8 and 6E-42 preclude a phased archaeological inventory survey approach, and

Whereas, the State Historic Preservation Officer has the ability to safeguard the full authority of the State historic preservation laws and the integrity of historic properties and burial sites, and

Whereas, the OIBC Rail Task Force has been guaranteed in numerous PA meetings that State laws would not be circumvented by the PA,

Therefore, I move that the OIBC strongly recommend that the State Historic Preservation Officer object to any version of a PA that allows for a phased archaeological inventory survey approach, and that the OIBC communicate the same to the PA signatories in our capacity as consulting parties to the PA."

The vote for the aforementioned motion was unanimously all ayes. No nays. No kanalua.
The motion as stated above passed by unanimous vote by the OIBC.

Note: The council took a break from 11:55 a.m. to 12:00 p.m.

VII. NEW BUSINESS

A. SHPD Administrator Briefing on the National Parks Service (NPS) Report. Information/Discussion/Recommendation.

SHPD Administrator Pua Aiu briefed the OIBC on the 'red alert status' report from the NPS due to discrepancies to comply with the NPS Grant at the division. SHPD has two years to comply or lose the federal grant funds. Most of the corrective actions have been implemented for the grant's work under the previous administration. SHPD does not agree with the NPS report and will be meeting with NPS to discuss the report more fully and necessary actions to maintain the federal grant in five categories: Survey & Inventory, Review & Compliance, National Register, CLGs, and Planning. The division will be filling two of the archaeologist positions, the architecture branch chief, and to get the GIS system up. The long term goals are to hire more staff and do planning for the division. The budget for the SHPD remains frozen for all vacancies. There will

be a May 4th stakeholders meeting to discuss the NPS report. The SHPD has been grateful for volunteers from several architectural and archaeological firms who helped do filing and organized the SHPD library. There continues to be volunteers through the summer months to address these concerns.

There was no public comment on this item.

B. St. Augustine-by-the-Sea Church Master Plan Project, Waikiki, O'ahu. TMK: (1) 2-06-026:012 and 015. Information/Discussion/Recommendation.

Ron Asato briefed the council on a master plan project for the St. Augustine-by-the-Sea Church in Waikiki. This historic church has a museum for Saint Damien and Mother Marianne and is connected with the Kalaupapa mission. The church proposes a three-story parking area and a new parish hall. There was no cemetery on this parcel. The Catholic Church had an 1839 site on Kuhio Beach which was moved to its King Street cemetery. There is no cemetery on the church current parcel. Culture Surveys Hawaii Inc. is the archaeology firm and they are prepping for an Environmental Assessment as part of an Environmental Inventory Survey. An AIS is under review before they begin and that information will be shared with the OIBC when it is ready.

Kai Markell of OHA added that the OIBC should ask for maps of the Kuhio Beach Board of Water Supply Widening project as there were at least ten burials left in place which is across the street (or in that general area) from the church. Shideler of CSH acknowledged that the sediment at the church parcel is all jaucus sands.

Note: For item C and D that pursuant to sections 92-4, 92-5(a) (4) (8), and 6E-43.5, Hawaii Revised Statues (HRS), and upon compliance with the procedures set forth in section 92-4, HRS, the council may go into a closed meeting to consult with its attorneys on questions and issues pertaining to the Council's powers, duties, privileges, immunities and/or liabilities.

C. Department's recommendation regarding recognition of Michael Kumukauoha Lee as a Cultural Descendant to Known Burials at One'ula Beach, Honouliuli Ahupua'a, 'Ewa Moku. TMK: (1) 9-1-011:001 to 001: 9-1-012: 008,009,011,012,013, 016,017.

SHPD staff read into the record the department's recommendation to recognize Michael Kumukauoha Lee as a cultural descendant to known burials at One'ula Beach, Honouliuli Ahupua'a, 'Ewa Moku at the TMKs listed herein.

Mr. Michael K. Lee shared with the OIBC his background and genealogy to these known burials in the aforementioned place and TMKs. Mr. Lee notes that he:

- Is a practicing limu la'au specialist with concerns that the limu there is being destroyed by the Haseko project that drains into the limu grounds.
- It is his genealogy that links him to that place whereby Lee has asked Haseko to remove the retaining dam which is damaging the limu grounds at Honouliuli.
- Did a year's research of his family connections to these known burials and has

documented that research with copies to the OIBC, to OHA and to SHPD. Mr. Lee commenced to do a review of his documents (handouts distributed) to clearly illustrate his genealogical links to the known burials in this area.

Motion by Shad Kane, seconded by Steve Hoag to accept the department's recommendation to recognize Michael Kumukauoha Lee as a cultural descendant to known burials at One'ula Beach, Honouliuli Ahupua'a, 'Ewa Moku at TMK: (1) 9-1-011:001 to 007; 9-1-012: 008, 009, 011, 012, 013, 016, 017. VOTES were nine unanimous yeas. No nays. No kanalua. Motion passed unanimously to accept the department's recommendation to recognize Michael Kumukauoha Lee as a cultural descendant to known burials at One'ula Beach, Honouliuli Ahupua'a, 'Ewa Moku at TMK: (1) 9-1-011:001 to 007; 9-1-012: 008, 009, 011, 012, 013, 016, 017.

Public testimony from Tom Shirai who supported this motion.

Motion by Leimaile Quiteves, seconded by Aaron Mahi to move the OIBC into executive session. Votes were unanimously ayes in favor of the motion. No nays. No kanalua. The motion to move into executive session passed by unanimous vote.

Note: The general public left the meeting room at about 1:00 p.m. Mr. Lee allowed several 'ohana to remain in the room while he shared the more documents of his genealogy to the known burials at the aforementioned TMK parcels.

Note: Councilmember Greenwood departed at 2:00 p.m. There were eight council members remaining that met the quorum criteria.

Motion by Aaron Mahi, seconded by Cy Bridges to move the OIBC out of executive session. Votes were unanimously in favor of the motion. The motion passed by unanimous votes.

Note: At 2:30 p.m. the OIBC came out of executive session.

Chairman McKeague thanked the remaining public for their patience. Council member Abad summarized that Mr. Lee and his 'ohana provided oral and written genealogy information to

further his connection to the known burials for the OIBC's consideration.

> Motion by Abad, seconded by Quiteves to move that the OIBC urge the SHPD to recognizes as a previously identified burial site the wahi kapu or sacred burial and religious complex at One'ula, Honouliuli, O'ahu that comprise seven burial locations and their immediate archaeological and cultural contexts and that include the burials of Ka'eokulani, Kalanikupule, Kaomileika'ahumanu, and other related ali'i identified in testimony, both written and oral, by Michael Kumukauoha Lee and his 'ohana, as depicted in his markup map of PHRI map, Figure 1, "Project Area and Site Locations," in Report 1387-04159.
> Vote was eight unanimous yeas. No nays. No kanalua.
> The motion as stated above passed by unanimous vote.

Note: Council member Abad departed at 2:35 p.m. Quorum was maintained with seven members.

D. Island Burial Councils Collective Agreement for Advocacy and Development of Guidelines and Best Management Practices. Information/Discussion/Recommendation.

Chairman McKeague reported that this item was an outcome of a teleconference with all the island burial chairs (Kimo Lee of Hawaii, Malia Akutagawa of Molokai, Charles Maxwell of Maui, Kunane Aipoalani of Kauai). Ms. Akutagawa emailed this draft document for input from the other councils as an effort to establish guidelines and work together with everyone's combined experiences.

Deputy AG Ishikawa supported this effort for all the councils to go forth and develop guidelines with public input/hearings. Ishikawa said the AG's will kokua too.

E. Draft Federal Department of Interior "Draft Native Hawaiian NAGPRA Protocol." Information/Discussion/Recommendation.
This item was tabled by the chairman as copies were distributed.

Note: Chairman McKeague deferred Item VIII. Committee Reports to hear the reports of Item IX. due to time constraints.

VIII. **COMMITTEE REPORTS**

- **A. OIBC Legislative Committee.** Discussion/Recommendation.
- **B. Kaena Point Advisory Council.** Discussion/Recommendation.
- **C. Section 106/NAGPRA Correspondence.** Discussion/Recommendation.
- **D. OIBC Task Force on Environmental Reviews.** Discussion/Recommendation.

IX. INADVERTENT BURIALS REPORT FOR MONTH OF FEBRUARY/MARCH/APRIL, 2010.

A. Waste Water Treatment System Project at AOA Hanohano Hale, Punalu'u, O'ahu. TMK: (1) 5-3-008:001.

McMahon reported that this project is to comply with the law to put in a sewer system to replace old cesspools. This project inadvertently disturbed 12 sets of human burials. The Hanohano family that once owned the land have come together to work with all stakeholders to malama na iwi in a designated burial site.

B. Royal Hawaiian Shopping Center, Waikiki, O'ahu. TMK: (1) 2-6-02:18
McMahon reported there were three inadvertent finds of human fragments in a utility trench work at the shopping center. These inadvertent finds are being safely and securely stored under the care of Manu Boyd, RHSC Cultural Director until a reinterment date and site is designated.

C. Kailua Town Center Phase 3 Project, Kailua, O'ahu. TMK: (1) 4-2-038: por. 021, 022, 029-032, 062 & 063.

Mr. Alani Apio, community consultant to this project reported that the various recognized claimants and ka 'ohana in Kailua are working to malama na iwi in a permanent designated burial site. The burials are securely stored in the project's care until reinterment is scheduled. The 'ohana claimants in Kailua will do the protocol.

D. Hauula Community Park, Waste Water Sewer Improvement Project, Hauula, O'ahu. TMK: (1) 5-4-009: por.007.

McMahon reported that the two inadvertent burials finds on this project is being securely stored until reinterment is scheduled.

X. ANNOUNCEMENTS

A. Reminder to OBIC commissioners to file their Ethics Commission forms.
A timely reminder to those who received letters from the Ethics Commission to file.

B. OIBC vacancies effective June 30, 2010.
Councilmember Kehaulani Kruse will end her two terms (8 years) next month.
Applications are available for interested persons.

XI. ADJOURNMENT

Motion by Aaron Mahi, seconded by Leimaile Quiteves to adjourn the meeting. Vote: Unanimous ayes. Motion to adjourn the meeting passed unanimously. The meeting adjourned at 2:45 p.m.

Meeting minutes submitted by Phyllis Coochie Cayan .....June 3, 2010 #