

February 5, 2018

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cc: Marigold.S.Zoll@hawaii.gov

Aloha Mr. Sato,

Kailua Kau a Ho'oilu was founded in 2006 by Native Hawaiians of the Kailua community whose multi-generational ties to this 'ahupua'a are defined in Hawai'i State burial rules as "cultural descendancy." Our group consists of members of the Mahoe, Kaniaupio, MacKenzie, Boyd, Olds, Kaanaana, Burrows, Kekuewa, Nahalau, Kailikapuolono, de Silva, Kailewa, Howell, Saffery, and Wong families – many of us can trace our Kailua ancestry to the time of the Mahele; several are able to reach back as far as Kualii and Kakuhihewa. We are a council of equals. We have no board of directors, no constitution and by-laws, no office, logo, or letterhead. We welcome all who are similarly connected and committed to our single purpose. That purpose is to *mālama i nā iwi kūpuna*, to care for the bones of our ancestors in our home district. We hold to the belief that these iwi are sacred, that they contain – in perpetuity – the essence of the people to whom they belong, that they are entitled to *moe kau a ho'oilu* (undisturbed sleep for all time), and that disturbing iwi and their resting places is equally a disruption of the harmony that should exist between the land and generations past, present, and future.

In short, we hold to the belief that disturbance is desecration. We are, therefore, fundamentally opposed to actions that threaten our iwi with exposure, damage, removal, and relocation. In the last eleven years, we have worked on dozens of projects (Target, Whole Foods, First Hawaiian Bank, 151 Hekili, 143 Hekili, Lauhala Shops, Central Pacific Bank, Boys and Girls Club, Ka Malanai I and II, Board of Water and Hawaiian Electric infrastructure improvements on shoreline roads from Kapoho Point to Wailea Point, Kihapai Apartments, Kainalu Elementary School, Atherton Pre-School) with more than a dozen developers, private land-owners, businesses, state agencies, and archaeology firms in a reasonably successful effort to: 1) avoid disturbance to iwi kūpuna whenever possible, 2) preserve-in-place when disturbance, nevertheless, occurs, 3) relocate iwi to appropriate burial preserves when preserve-in-place invites further desecration, and 4) treat our iwi kūpuna at all times with the utmost, culturally informed respect.

In these eleven years of working on iwi kūpuna issues in Kailua, we have convinced many developers, large and small, to avoid the desecration of ancestral remains by making every effort to stay out of the ground. Projects like 151 Hekili, First Hawaiian Bank, Whole Foods, Target, and Central Pacific Bank are built, in large part, on

imported fill and spread footings. Target employs an innovative “bump” in its parking lot to keep a fire line out of sensitive ground; FHB repositioned its building and re-designed its drive-thru lane and sewage line in order to avoid ground penetration in an equally sensitive area; Ka Malanai I features a modified storm drain and a completely redesigned “notch” in one of its buildings to avoid the preserved-in-place burials below; Atherton Pre-School is installing a new building on above-ground footings to avoid potential discoveries of iwi below; in order to completely eliminate the need for an AIS, a private developer on Kailua Beach has agreed to eliminate four swimming pools from her construction plans and to build (and run utility lines) entirely on imported fill. These projects demonstrate the potential for the coexistence of construction and iwi kūpuna when consultation, care, ingenuity, and innovation are integral to the planning process.

I say this to give the weight of experience to my contention that **the Kawainu-Hamakua Project Master Plan DEIS does not pose an inordinate danger to our iwi kūpuna**. We know that our kūpuna were buried in considerable numbers in the Jaucus sands of Kailua, sands that lie ma kai of Ka’iwa Ridge, Ka’elepulu, Pu’uoehu, and Kawainui. We have little or no evidence that our kūpuna were buried ma uka of these sands along the inland perimeter of Kawainui. This does not preclude the possibility of their discovery in those Master Plan areas where ground disturbance is proposed, but it certainly suggests that the current Kau a Ho’oilu protocols for construction in lower Kailua, if followed at Kawainui, will continue to protect our iwi kūpuna to the fullest extent possible. Kailua Kau a Ho’oilu has every intention of holding the State to these protocols, of being present at planning meetings, construction sites, SHPD offices, and O’ahu Burial Council hālāwai.

We try not to talk much in public because we believe that it is culturally inappropriate to discuss iwi kūpuna with those who are not directly involved. We try not to “hang them out in the sun” for all to see. I find it necessary, however, to address the following misinterpretations of the Kawainui Master Plan as expressed on social media and at the HHF Master Plan community meeting of January 18, 2018.

False: The Wai’auia burial preserve will hold the iwi kūpuna that were found in the Liberty House / Macy’s parking lot.

True: None of the iwi kūpuna at Wai’auia will be from the old LH-Macy’s lot. In fact, we have no record of construction-caused disturbances in that lot. Louie and Howell Mahoe, founding members of Kailua Kau a Ho’oilu, do have a family story about family burials at LH-Macy’s, but that story is theirs to tell and does not involve desecration of any kind. I prefer not to release it, but I can provide a complete list of the iwi kūpuna that will be reinterred at Wai’auia: where and when they were disinterred, how and why they came into my care, and how it is that they cannot be returned to the locations at which they were found.

False: The Wai’auia burial preserve will be built on archaeologically sensitive land.

True: Hal Hammett's Culture Surveys of Hawai'i recently completed an AIS trenching of the proposed site. CSH reports that the preserve won't dig into anything that isn't highly compacted fill – fill that Hal says probably resulted from cutting into Pu'uoehu when the road into Kailua town was built.

I will leave it to HHF to further explain that: 1) the Wai'auia burial preserve has gone through an exhaustive design and permitting process, 2) that it is being built under a separate agreement between the State and the Board of Water Supply (and is not contingent on the approval of the Master Plan), 3) that the BLNR granted the BWS a Consent of Entry (COE) to build the burial site at Wai'auia at its 10-17-17 meeting, and 3) that BWS will be putting the project out to bid as soon as DOFAW writes that COE.

I should also note, in closing, that Kailua Kau a Ho'oilo, as a native council that is completely outside of western purview, cannot sign a Wai'auia Burial Preserve curator/caretaker agreement with the State or BWS. We have agreed, with all concerned parties, that one of our trusted partner organizations – Hika'alani – will serve that legal purpose. Hika'alani will be the paper curator; Kau a Ho'oilo will be the actual lima hana maiiau (carefully working hands) – as we have quietly, carefully been for more than a decade.

me ka mahalo nui,

Kihei de Silva
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