

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
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LAND
STATE PARKS

**HAWAI'I ISLAND BURIAL COUNCIL
MEETING MINUTES**

DATE: THURSDAY, JANUARY 17, 2008
TIME: 9:00 A.M.
PLACE: NATURAL ENERGY LABORATORY HAWAI'I AUTHORITY
73-4660 QUEEN KA'AHUMANU HIGHWAY
KAILUA-KONA, HAWAI'I

HIBC MEMBERS: Charles Young, Chair
Ululani Keliikoa-Sherlock, Vice-Chair
Roy Helbush
Leningrad Elarionoff
Ronald Dela Cruz
Cynthia Nazara
Pele Hanoa
Kimo Lee
Kaleo Kualii

Absent: Ku Kahakalau
Dutchie Saffrey

SHPD Staff: Morgan Davis, Hawai'i Assistant Archaeologist
Wendy Machado, Cultural Historian
Vince Kanemoto, Attorney General

Guests: Paul H. Rosendahl
Kamana'o Mills
William Makanui
Lisa Oshiro
Ruby McDonald
Alan Haun
Art Litwak
Tom Smith
Gregory Chun
Byron Moku
Doug Genovia
Sam Hesser
Nani Langridge
Rae Kahaialii
Doreen Kahaialii
Ana Tufufga

I. OPENING REMARKS

HIBC Chair Charles Young (Young) called the meeting to order.

Pele Hanoa (Hanoa) gave the pule wehe.

The HIBC members, and the SHPD staff introduced themselves.

II. APPROVAL OF THE OCTOBER 18, 2007 AND THE NOVEMBER 15, 2007 HIBC MEETING MINUTES.

**A motion was made to approve the October 18, 2007 HIBC minutes.
(Elarionoff / Keliikoa-Sherlock)**

VOTE: ALL IN FAVOR

Hanoa wanted a change in the November 15, 2007 HIBC meeting minutes. Within section **V. ANNOUNCEMENTS**, Hanoa said that she recommended Hokukano be placed on the agenda for discussion, not for a future site visit. It was agreed upon to amend the November minutes.

**A motion was made to approve the November 15, 2007 HIBC minutes as amended.
(Elarionoff / Helbush)**

VOTE: ALL IN FAVOR

A motion was made to close the agenda item.

VOTE: ALL IN FAVOR

A discussion followed clarifying numerous errors on the two different HIBC agendas circulating. Council members said that they will not accept any more changes made to the agenda on Oahu. Some of the memorandums included in the HIBC members packets did not match the agenda. Memorandums with spelling errors and insufficient information to make descendant determinations were mentioned. Council members strongly expressed that Ms. Paik should come and present her own cultural / lineal descendant recommendations to the HIBC. Memorandums with Melanie Chinen as acting administrator, and the HIBC meeting listed as the Maui / Lanai Islands Burial Council meeting schedule was noted.

III. BUSINESS

A. REVISED BURIAL TREATMENT PLAN, SITE 13210-FEATURE A, 13252-FEATURE D-19-SAMPLE BLOCK D, 13253-A-Y, AND 16032-C, VILLAGES OF LA'I'OPUA PROJECT, AHUPUA'A OF KEALAKEHE AND KEAHUOLU, NORTH KONA DISTRICT, ISLAND OF HAWAI'I (TMK: 3-7-04-21:POR.12)

Information / Recommendation: Discussion of a burial treatment plan.

Kamana'o Mills (Mills) said preservation in place for all burial sites located on Department of Hawaiian Homes Land (DHHL) property.

Young asked for clarification on ownership: State land, DHHL, Private land.

Paul Rosendahl (Rosendahl) said that one site 16032 is private land. The site is located on the roadway into the adjacent land. The property owner requested that they do the survey, and it is always included.

William Makanui (Makanui) explained that DHHL owns the yellow areas, DLNR owns the bottom blue areas.

Young asked about jurisdiction.

Vince Kanemoto (Kanemoto) explained that the HIBC concerns are with Native Hawaiian Burials. Federal Land is covered by NAGPRA. DHHL is outside of Chapter 6E; exempt of 6E.

Mills said that DHHL follows NAGPRA and approaches the HIBC and the SHPD as consultants. DHHL is exempt of 6E.

Rosendahl said that the burial is on the adjacent privately owned land, discovered during testing. Ownership us under the State. PHRI were instructed to cover this plan.

Kanemoto explained that the landowner would need to draft a plan with SHPD for the burial. During the Inventory Survey, the components must be satisfied before going to the HIBC. Outside DHHL, the landowner must come forward. The landowner needs to be notified and work with the SHPD.

Rosendahl said that HFDC, the project area included the extension at that time.

Mills said that all burials will be preserved in place.

Makanui said that 13210, 13252, 13253, have preservation easements and interim fences in place.

Young asked about inadvertents.

Rosendahl explained that two were discovered during Data Recovery. There are no monitors on the ground. If they did find iwi, they close off the area.

Ronald Dela Cruz (Dela Cruz) **recommended** a monitor to watch the blade of the bulldozer.

Kaleo Kualii (Kualii) **recommended** buffers up on the other sites, to avoid mistakes.

Young asked about the % of land cleared.

Mills estimated, 30 to 40 % cleared.

Young **recommended** that the DHHL come forward to the HIBC with any additional inadvertents.

Mills said that burials on DHHL follows NAGPRA and will consult with the HIBC.

Young **recommended** that the DHHL notify adjacent landowners of burials.

Mills agreed.

Kualii **recommended** an additional 10 ft. no build zone set back, to avoid houses overhang encroaching the iwi.

Ruby McDonald (McDonald) summarized the recommendations of the HIBC: **monitors, buffers in place, 10 ft. no build set back, notify HIBC of inadvertents, and to notify the landowners of burials.**

**A motion was made to close the agenda item III A.
(Hanoa / Nazara)**

VOTE: ALL IN FAVOR.

**B. RECOGNITION OF CULTURAL / LINEAL DESCENDANTS
BURIALS AT PALAMANUI, ON THE LAND OF KAU, TMK: (3) 7-2- 5:1**

Information / Recommendation / Determination: State Historic Preservation Division's recommendation for recognition of cultural descendants to burials at the Palamanui project. Council discussion and determination.

Young said that there are no burials.

Wendy Machado explained that papers were submitted to the SHPD about a year and a half ago. A list of names and approximate dates of death were listed: 1879, 1887, and 1891. The Medeiros family clarified who they are related to. The individuals are said to be buried in the mauka portion of the ahupua'a.

It was noted that none of the Medeiros family were present.

**A motion was made to agendaize III B. for future clarification.
(Keliikoa-Sherlock / Helbush)**

VOTE: 8, 1 NAY

A motion was made to close agenda item III B.

VOTE: ALL IN FAVOR.

**C. RECOGNITION OF CULTURAL / LINEAL DESCENDANTS
BURIALS ON THE LAND OF KALAOA, TMK: (3) 7-3-010: 37**

Information / Recommendation / Determination: State Historic Preservation Division's recommendation for recognition of lineal descendants to a burial at The land of Kalaoa. Council discussion and determination.

Machado explained that Linda Kaleo Paik (Paik) said that the subdivision's name is Kukuilani.

Ray Kahaialii (Kahaialii) said that two years ago, they signed a petition form, and are recognized as lineal descendants by the developer, for Kohanaiki.

Kanemoto said that under 13-300.35, only the HIBC can officially recognize descendants.

Young explained that from oral testimony, Ray's family have been acknowledged by the HIBC.

**A motion was made to defer agenda item III C.
(Nazara / Kualii)**

VOTE: ALL IN FAVOR.

**D. RECOGNITION OF CULTURAL / LINEAL DESCENDANTS
BURIALS AT KI'ILAE FARMS SUBDIVISION, KAULEOLI AND KI'ILAE
AHUPUA'A, SOUTH KONA DISTRICT, ISLAND OF HAWAI'I, TMK: 8-5-005:019, 022,
026, 027, 030, AND 031**

Information / Recommendation / Determination: State Historic Preservation Division's recommendation for recognition of cultural descendants to burials at the Palamanui project. Council discussion and determination.

A discussion followed about the typos on the agenda item. Two different projects listed, Ki'ilae Farms and Palamanui.

**A motion was made to defer agenda item III D.
(Nazara / Kualii)**

VOTE: ALL IN FAVOR.

**E. REVISED BURIAL TREATMENT PLAN, LAND OF HONOKOHAU 1
NORTH KONA DISTRICT, ISLAND OF HAWAI'I TMK: (3) 7-4-08:47**

Information / Discussion / Determination: Determination by Council on whether to relocate or preserve in place burial sites.

Alan Haun (Haun) said that the HIBC recommended he work with SHPD to contact more descendants. Haun received 62 names from SHPD with no addresses. With help from Curtis Tyler and Isaac Harp, 23 addresses were located. Only 1 responded, asking for a copy of the plan.

Leningrad Elarionoff (Elarionoff) **recommended** that on page 30, the word "applicant" should be taken out. Whoever buys the property must follow the BTP.

Young said that the Council would like to look at plans again when the project moves forward. No development plans, but expect the Council to approve large parcels.

Kanemoto explained that when individuals apply for permits with the County, and there are historic sites, under 6E-42, they are sent to SHPD for review. SHPD makes comments and recommendations. SHPD needs to do careful assessments to protect historic sites. The

descendants input is requested when iwi are found. The BTP has to be reviewed by the SHPD, then the HIBC for determination.

Young asked, when is the Council not in the process?

Kanemoto explained that the permitting authority is the County. HIBC jurisdiction is only Native Hawaiian Remains over 50 years old, when iwi are disturbed.

The Council and Kanemoto agreed that the 45 day clock starts, with the understanding to change the words on page 30.

A motion was made to accept the recommendation from the applicant to preserve in place. (Elarionoff / Dela Cruz)

VOTE: ALL IN FAVOR.

Break: 11:10a.m.-11:25a.m.

**F. REVISED BURIAL TREATMENT PLAN, DEVELOPMENT PARCEL 26
KEAUHOU RESORT, LAND OF KAHALU‘U, NORTH KONA DISTRICT, ISLAND OF
HAWAI‘I, TMK: 7-8-10: 4**

Information / Discussion / Determination: Determination by Council on whether to relocate or preserve in place burial sites.

Haun said that he revised the BTP with expanded significance on page 19, cultural importance of Kahalu‘u, and revised discussion on inadvertent discovery on page 24 for clarity. Other changes were made on page 22, under consultation.

Preserve in place six burials including 21 probable burials.

Young asked about plans for the vacant land.

Gregory Chun (Chun) said that there are no plans at this time. It is tied to Ali‘i Parkway, land is locked. Kamehameha Investment, a subsidiary of Kamehameha Schools.

Young asked if they can sell the property.

Chun said yes.

Young asked about an inadvertent relocation on page 24.

Chun explained that the Ohia Caves are preserve areas.

Young **recommended** monitors during construction.

Chun said that they do that as a matter of course, and that he would like to see monitors.

Elarionoff asked about the care for iwi when the land is sold on page 24.

Chun said that the commitment would pass with the sale.

Kanemoto explained that the final BTP needs the language that commitments run with the land, recorded, and binding on a subsequent land owner.

Elarionoff **recommended** a revision for the BTP to run with the land.

Chun said that the landowners would be bound by 6E.

Kualii asked if HIBC will be informed on inadvertents.

Chun agreed.

**A motion was made to accept preservation in place.
(Elarionoff / Helbush)**

VOTE: ALL IN FAVOR.

Break: 12:00 noon-12:35p.m.

Young said to defer the next three items until Hokuli‘a people return. Defer items G,H, and I.

IV. HAWAI‘I ISLAND INADVERTENT DISCOVERIES

A. Kiholo Bay Cave, Kona District, Island of Hawai‘i Information

Morgan Davis (Davis) said that Kiholo is a known site. McDonald and Nazara met us at the cave. We returned on New Years Eve with appropriate equipment. SHPD is in communication with State Parks on addressing safety concerns for iwi.

McDonald recommended to strike all items, discussion not an agenda item, not an inadvertent discovery. Discussion agreed to be treated as an Executive Session.

Executive Session

III. BUSINESS (CONTINUED)

G. REVISED BURIAL TREATMENT PLAN, SITE 21839, HOKULI‘A SUBDIVISION LANDS OF ONOULI, NORTH KONA DISTRICT, ISLAND OF HAWAI‘I, TMK: (3) 8-1-29:59

Information / Discussion / Determination: Determination by Council on whether to Relocate or preserve in place burial sites.

Young asked about dialog between Hokuli‘a and Gordon L. If an agreement was reached.

Byron Moku (Moku) said no, place back in original location.

Kualii asked about buffers.

Moku said that adjustments to buffers and no build set back, increased, and will check on it. Site context and integrity is kept with the design plan.

Elarionoff asked about easement.

Moku said about 20% of the property.

Kanemoto explained that preserve in place is in situ, that it goes back to its original location.

Kualii **recommended** a 20 ft. buffer with an additional 10 ft. no build zone = 30 ft. no build zone.

**A motion was made to accept applicants request to reinter in the original place.
(Kualii / Helbush)**

VOTE: ALL IN FAVOR.

**A motion was made to close the agenda item III G.
(Kualii / Hanoa)**

VOTE: ALL IN FAVOR.

**H. DRAFT BURIAL COMPONENT OF A DATA RECOVERY PLAN
INADVERTENTLY DISCOVERED, BURIAL SITES 25928, AND 25929
MAMALAHOA BYPASS ROAD, LANDS OF HOKUKANO 1 AND KANAKAU 1-2
NORTH AND SOUTH KONA DISTRICT, ISLAND OF HAWAI'I
TMK: (3) 7-6-12:34 AND (3) 8-1-04:70
Information: Presentation by Alan Haun.**

In July 2002, an infant and an adult were discovered with other materials. Invite to comment, sent to 123 recognized descendants, 4 forms were returned: 2 agreed, 1 put back in original location, 1 no suggestion.

Moku explained to put back in its original location would be on the Bypass Corridor.

Moku said that they are having a descendant meeting with the intent to agree upon burial protocol.

**A motion was made to close the agenda item III H.
(Hanoa / Elarionoff)**

VOTE: ALL IN FAVOR.

I. DRAFT BURIAL COMPONENT OF A DATA RECOVERY PLAN INADVERTENTLY DISCOVERED, BURIAL SITES 21245-1, 21250, AND 21645-7 MAMALAHOA BYPASS ROAD, LAND OF KAWANUI, NORTH KONA DISTRICT, ISLAND OF HAWAI'I, TMK: (3) 7-9-05:81 AND (3) 7-9-06:38
Information: Presentation and discussion by Alan Haun.

Reinterment in three separate locations near original site, but outside the highway corridor.
Invite to comment, consultation process to descendants, one person responded to reinter in the original location.

A motion was made to close the agenda item III I.
(Kualii / Helbush)

VOTE: ALL IN FAVOR.

V. DISCUSSION ON CORRESPONDENCE

Kanemoto said that if action is being taken, it needs to be listed on the agenda.
Individuals can respond but not as representatives of the HIBC.

A motion was made to close agenda item V.
(Dela Cruz / Elarionoff)

VOTE: ALL IN FAVOR.

VI. ANNOUNCEMENTS

Young said that there is a Task Force looking for an Administrator for SHPD.

A motion was made to defer agenda item VI.
(Kualii / Dela Cruz)

VOTE: ALL IN FAVOR.

VII. ADJOURNMENT

A motion was made to adjourn the meeting.
(Kualii / Dela Cruz)

VOTE: ALL IN FAVOR.