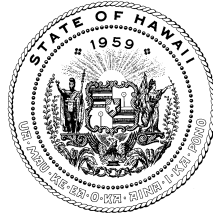


LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
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RUSSELL Y. TSUJI
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COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

MINUTES
HAWAI'I ISLAND BURIALS COUNCIL MEETING

DATE: July 16, 2009
TIME: 9:30 A.M.
PLACE: Waimea Civic Center
67-5189 Kamamalu St.
Kamuela, Hawaii 96743

I. OPENING REMARKS

Opening Pule was offered by Aunty Pele Hanoa.
Call to order by Chair, Charles Young at 9:30am.

Roll Call and Introduction of the HIBC

Council Members present:

Charles Young, Chair
Leningrad Elarinoff
Pele Hanoa
Ku Kahakalau
Roy Helbush
Cynthia Nazara
Dutchie Kapu-Saffery
Kimo Lee

Commissioners Absent

Bucky Leslie
Ululani Kelikoa-Sherlock

SHPD Staff

Analu K. Josephides, Cultural Specialist
Theresa Donham, Lead Hawai'i
Archaeologist

Deputy Attorney General present:

Linda Chow

Guest present

Ruby McDonald, OHA
Bob Rechtman
Nicole K. Lui

Leslie Matsumoto, Belt Collins
Hattie Ahuna
Glenn Escott, SCS

Gary Kondo, Belt Collins Kamana‘o Mills, DHHL
David Franco, NHLC Randy Vitousek
Keawe Vredinburg Jojo Tanimoto
Kaena Peterson Shawn Iona
Karen Mitchell

II. APPROVAL OF MINUTES

May 21, 2009

Discussion:

Leningrad opens discussion on May 21, 2009 minutes not being approved.

Leningrad asks Attorney General if this item needs to be official closed due to misunderstanding and reagendaized for August.

Attorney General Linda Chow stated “Yes”

June 18, 2009

Motion by Charles Young, seconded by Dutchie Kapu Saffery to approve and amend the minutes of June 18, 2009.

Discussion:

Erase “s” in Burials to read Burial.

Add last name Somerville to Attorney General Rowena.

Change the term commissioners to read Council Members

Under section II. Approval of Minutes delete “and amend”

Vote: The motion carried by unanimous vote to approve the June 18, 2009 minutes.

III. BUSINESS

Charles Young asked Attorney General if he needs to recuse himself because applicant is employee of same business.

Attorney General stated that it was better to recuse to avoid any appearance of conflict.

Attorney General recommended that the HIBC should change order of agenda and go to Item C. of Business regarding the appointment of new Chair.

Kū motioned to place Item “C” at the top of the agenda, Dutchie Seconded

Vote: Unanimous ayes from the HIBC to place item “C” at the top of agenda.

The motion was carried

A. BURIAL TREATMENT PLAN OF FOUR BURIAL SITES (SIHP SITES 26662, 26663, 26664, AND 26665) TO PRESERVE IN PLACE NATIVE HAWAIIAN REMAINS IN THE AHUPUA‘A OF MAKU‘U, PUNA DISTRICT, ISLAND OF HAWAI‘I AND LOCATED ON TMK: (3) 1-5-010:032

Discussion:

Glenn Escott SCS – stated that he did not write plan.

Leningrad Elarionoff asked why SHPD letter was attached.

Analu Josephides SHPD stated that he attached the letter so that the council could see SHPD recommendation that the applicant refused to address until they heard from the HIBC.

Leningrad Elarionoff stated that a BTP should not come before the council if SHPD did not review and if applicant did not revise it yet based on SHPD’s revision request.

Ku Kahakalau stated that the BTP was not ready to come before the HIBC

Kimo Lee acknowledged Analu and SHPD for the well written letter and recommends to SCS to incorporate all of SHPD’s recommendations.

Attorney General stated that previously all SHPD’s comments were incorporated into BTP’s.

Kimo Lee asked if any descendants have come forward.

Analu stated that no descendants came forward as of date

Leningrad Elarionoff comments on page 6 typo “ere”, page 7 insert \$ before 120,000, page 19 please state what you mean by “owners permission”; statement regarding the use of rocks in the know build zone; asked about item 6 on page 20; abstract mentions “house” but item 7.9 mentions “hotel”; page 11 states Maui/Lanai BC, please delete last sentence on page 21.

Ku Kahakalau stated that access is not included which is required in BTP and the developer should be better on addressing this issue.

Nicole Lui comes forward to state that she is a descendant of Kupuna who were from Makuu and who died in Makuu.

Pele Hanoa moved to close agenda Item III. A. Dutchie Kapu Saffery seconded.

B. BURIAL TREATMENT PLAN FOR NINE BURIAL SITES (SIHP SITES 21920, 21955, 21959, 21961, 22581, 22587, 22600, 22606, AND 22614) TO PRESERVE IN PLACE NATIVE HAWAIIAN REMAINS IN THE AHUPUA‘A OF LALAMILO, SOUTH KOHALA DISTRICT, ISLAND OF HAWAI‘I AND LOCATED ON TMK: (3) 6-6-001:77 & (3) 6-6-012:22

Charles Young questioned on consultation due to NAGPRA rules.

Kamana Mills DHHL states that DHHL likes to come before the Council for consultation as part of the NAGPRA process and it is the Native Hawaiian thing to do.

Leningrad Elarionoff goes through SHPD's letter point by point; comments on page 30 of the BTP on reference to walls being built; page 35 1st question regarding preservation in place may not be feasible.

Ku Kahakalau speculates that more iwi may be found and would like the developers to treat as previously identified; bottom of page 10 generalization doesn't fit in with the following statement.

Dutchie Kapu Saffery asked how the buffers would affect the lot.

Kamana'o Mills gives presentation on Lalamilo Phase II and discussed road ways, lot sizes, and possible adjustments to lot sizes to protect the iwi, states that first priority is to protect iwi.

Analu Josephides SHPD stated to council that there are numerous families tied to a particular iwi Kupuna that is buried on the land at Lalamilo. He stated that the BTP states name of individual buried their, but doesn't reflect this in the Public Notice.

Kamana'o Mills commends SHPD and Analu Josephides on a well written letter and a very meticulous letter. He stated that DHHL supports every recommendation made by SHPD.

Descendants Kimo Vredenburg, Kaena Peterson, Nicole Lui, and Jojo Tanimoto come forward and share their mana'o that they will be filling claims.

Jojo Tanimoto discusses the by pass road that will affect the area.

Kaena Peterson and all other descendants that came forward requested the BTP.

Glenn Escott stated that he would get them all a copy of the BTP.

Ruby McDonald pointed out the Public Notice as Analu pointed out the omission of the name of the individual buried at Lalamilo.

Kamana'o Mills and Glenn Escott stated that they would republish notice to reflect the accurate information.

Pele Hanoa moved to close agenda item III. B. Cynthia Nazara seconded

Lunch Break 12:20

C. ELECTION/APPOINTMENT OF NEW CHAIR AND VICE CHAIR FOR THE HAWAI'I ISLAND BURIAL COUNCIL (HIBC) PER HAWAI'I ADMINISTRATIVE RULES 13-300-24 (e)

Charles Young has been Chair for four years and he felt that it was fair to have a new chair and is stepping down. He ask that a new member step up and become Chair.

Nominations:

Motion to nominate Charles Young for Chair made by Leningrad Elarionoff

Motion to nominate Leningrad Elarionoff as Chair and Charles Young as Vice Chair made by Dutchie Kapu Saffery

Kū suggested that we do not vote on Vice Chair because Ululani Keliikoa-Sherlock is not present and that we should here her speak on this matter.

Nominations closed

Discussion:

Leningrad thanked everyone for the nominations, but removes his name as a nominee to be Chair.

Charles Young thanked everyone for the nominations, but removes his name as a nominee to be Chair.

Vote: Motion to reopen nomination made by Charles Young and seconded by Kū Kahakalau.

Nominations:

Kimo Lee nominated Cynthia Nazara.

Cynthia refused nomination.

Pele Hanoa nominated Kū Kahakalau.

Kū Kahakalau refused nomination.

Pele Hanoa nominated Kimo Lee as Chair and seconded by Charles Young.

Charles Young re-nominated Leningrad Elarionof.

Leningrad re-nominated Chrles Young.

Charles Young suggested that item “C” should be deferred and placed on August 2009 agenda.

Charles Young withdraw nomination for Leningrad Elarionof.

Leningrad Elarionof withdraws nomination for Charles Young.

Pele Hanoa withdraws nomination for Kimo Lee

Motion made by Kū Kahakalau to defer agenda item III “C”, seconded by Cynthia Nazara.

Vote: Unanimous ayes from the HIBC to defer agenda item III. C.

Motion carried

Motion made by Charles Young to appoint Kimo Lee as acting Chair for agenda item III. A. and seconded by Dutchie Kapu Saffery.

Vote: Unanimous ayes from the HIBC to to appoint Kimo Lee as acting Chair for item III. A.

Motion carried

IV. CASE UPDATES

A. Ane Keohokalole Hwy Corridor

Leslie Matsumoto and Kari Condo stated that consultation needed 106 Section 7 and both gave presentation.

Charles Young asked about burials and burial caves.

HIBC request for AIS reports

B. Hattie Ahuna TMK (3) 7-6-17:43

David Franco gave presentation on the Hattie Ahuna case

Charles Young asked if SHPD could review the BTP and follow up with Review letter.

Analu Josephides SHPD stated that he would follow the SHPD process on reviews of BTP and will do the review.

Hattie Ahuna gives testimony on family land and burials.

Ku Kahakalau access needs to be in the plan.

Hansons attorney asked why this item is on the agenda.

C. Kanupa Cave

Charles Young shared that Hui Malama will repatriate the moepu.

Dutchie Kapu Saffery stated that we should record that HIBC wants to know why Attorney General did not write the letter.

D. Hokukano, Ka'ū TMK (3) 9-5-016:036

Pele Hanoa gives history of Hokukano and her concerns on desecration of iwi.

Bob Rechtman stated that there are over 100 burials located in the pahoehoe.

V. HAWAII ISLAND INADVERTANT DISCOVERY UPDATES

VI. DISCUSSION ON CORRESPONDENCE

VII. ANNOUNCEMENTS

VIII. ADJOURNMENT