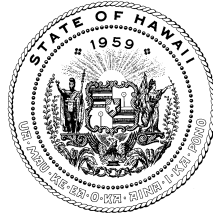


LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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DEPUTY DIRECTOR - WATER

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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 BURIAL COUNCIL MEETING

DATE: August 20, 2009
TIME: 9:00 A.M.
PLACE: Natural Energy Laboratory of Hawai‘i Authority (NELHA)
73-4460 Queen Kaahumanu Hwy
Kailua-Kona, Hawai‘i 96740

I. OPENING REMARKS

Opening Pule was offered by Aunty Pele Hanoa.
Call to order by Chair, Charles Young at 9:00am.

Roll Call and Introduction of the HIBC

Council Members present: Charles Young, Chair
Leningrad Elarionoff
Pele Hanoa
Ku Kahakalau
Ululani Sherlock-Keliikoa
Cynthia Nazara
Dutchie Kapu-Saffery
Kimo Lee
Bucky Leslie

Commissioners Absent Roy Helbush

SHPD Staff Analu K. Josephides, Cultural Historian
Morgan Davis, Hawai‘i Archaeologist

Deputy Attorney General present: Pamela Matsukawa

Guest present

Malia Luika Frias
Riley Smith
Jas Keaweaeheulu Keohokalole
Keola Lindsey
Aulii Mitchel
Dennis Kaimi Keohokalole
Samantha R. Walker
Warren Lee

Dickey Nelson
Rita Pregana
Tyler Paikuli-Campbel
LeAnn Crabbe
Halealoha Ayau
Thomas J. Hickcox
Nani Langridge
Erin Miller
Hannah Reeves
Mapuana Kahanu
Mekela Kealanahela Asejo
Leslie Matsumoto
Wally Lau
Bob Lindsey, Trustee OHA

Leilani Mahi
Sarah Dolan
Piliialoha Kalele
Billy Kenoi, Mayor
Matt McDermitt
Clifford Wally Denis
Ruby McDonald
Tom Yamamoto
Isaac Sylva
Dora Aio
Bobby Command
Cary Kondo
Sam Walker Sr.
Keola Awong

II. APPROVAL OF MINUTES

Motion by Leningrad Elarionoff, seconded by Dutchie Kapu Saffery to approve and amend the minutes of May 21, 2009.

Vote: The motion carried by unanimous vote to approve the May 21, 2009 minutes as amended.

July 16, 2009

Motion by Bucky Leslie, seconded by Pele Hanoa to approve and amend the minutes of July 16, 2009.

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

III. BUSINESS

Motion by Bucky Leslie, seconded by Pele Hanoa to change order of Business for items A and B to end of Business and to begin with Item C.

Vote: The motion carried by unanimous vote.

C. RECOGNITION OF NICOLE KEALOHAOKALANI LUI AND JOSEPH KEALOHAOKALANI LUI AS CULTURAL DESCENDANTS TO NATIVE HAWAIIAN REMAINS IN THE AHUPUA‘A OF MAKU‘U, PUNA DISTRICT, ISLAND OF HAWAI‘I
TMK (3) 1-5-010:032

Motion by Kū Kahakalau, seconded by Bucky Leslie to recognize Nicole Kealohaokalani Lui and Joseph Kealohaokalani Lui as cultural descendants.

Vote: The motion carried by unanimous vote.

D. RECOGNITION OF MEKELA ELEAN MAE KALEIHOKU UNEA KEALANAHELE AS LINEAL DESCENDANT TO NATIVE HAWAIIAN REMAINS IN THE AHUPUA‘A OF WAIMEA, SOUTH KOHALA DISTRICT, ISLAND OF HAWAI‘I
TMK (3) 6-5-011:014

Motion by Kū Kahakalau, seconded by Ululani Sherlock-Keliikoa to recognize Mekela Elean Mae Kaleihoku Unea Kealanahela as Lineal descendant.

Vote: The motion carried by unanimous vote.

E. RECOGNITION OF NICOLE KEALOHAOKALANI LUI AS CULTURAL DESCENDANT TO NATIVE HAWAIIAN REMAINS IN THE AHUPUA‘A OF KEAHUOLŪ, NORTH KONA DISTRICT, ISLAND OF HAWAI‘I
TMK (3) 7-4-020:010, POR.; (3) 7-4-020:022

Motion by Kū Kahakalau, seconded by Pele Hanoa to recognize Nicole Kealohaokalani Lui as cultural descendants.

Vote: The motion carried by unanimous vote.

F. RECOGNITION OF CLIFFORD “WALLY” DENIS AS LINEAL DESCENDANTS TO NATIVE HAWAIIAN REMAINS IN THE AHUPUA‘A OF KALAMAAIWAAWA, SOUTH KONA DISTRICT, ISLAND OF HAWAI‘I. TMK (3) 8-2-11: 7 & 8

Motion by Kū Kahakalau, seconded by Ululani Sherlock-Keliikoa to recognize Clifford Wally Denis as lineal descendants.

Vote: The motion carried by unanimous vote.

G. BURIAL TREATMENT PLAN FOR FOUR BURIALS (SIHP SITES 50-10-28-13387, 26831, AND 26836) TO PRESERVE IN PLACE NATIVE HAWAIIAN REMAINS FOUND DURING THE ANE KEOHOKALOHE HIGHWAY CORRIDOR PROJECT THAT RUNS THROUGH TMK (3) 7-4-020, (3) 7-4-021, (3) 7-4-24, (3) 7-4-08, AND (3) 7-3-09 VARIOUS PARCELS AND LOCATED IN THE AHUPUA‘A OF KEAHUOLŪ, NORTH KONA DISTRICT, ISLAND OF HAWAI‘I
TMK (3) 7-4-020:010, POR.; (3) 7-4-020:022

Charles Young reiterated that he only agendized this item for information and discussion only.

Warren Lee – When county took project wanted to do it right and they wanted to be transparent and county wants to work with descendants.

Leslie Matsumoto – will clarify that there are two land owners. Received location of road pursuant to burials. They are following state laws. Inadvertent are addressed in MOA.

Leningrad asked them to address proper translation and definition to Kekahawaiole and to check the book “Place Names of Hawai‘i”.

Leningrad states that on page iii “upon the completion of the” should be “simultaneously with the”.

Ku Kahakalau stated that on page iv under section 5 in 5.4 “Proposed Disinterment” should be “Proposed Treatment”.

Ku Kahakalau stated that on page 10 under 2.1 heading reads “Mythological and Traditional Accounts” and should read “Pre-Western Contact and Historical Background”. She also stated that where the word “Legend” appear it should be deleted and the word “Oral History” be inputted.

Ku Kahakalau stated that on page 11 section 2.1.2 where it states “Early Historic Period” should be changed to read “Post Western Contact”.

Leningrad has requested that a further explanation is needed on page 31 1st paragraph.

Ku Kahakalau has requested that clear maps with color are needed to better define and mark burials.

Leslie Matsumoto stated that they took out medians and reduced width of everything including side walks.

Mayor Billy Kenoi came and wished everyone well and thanked everyone for their hard work with this project.

Leslie Matsumoto stated that the EIS submitted by August 25th and a public hearing would take place on September 15 at 6pm for EA. The Federal EA and NEPA will be in October.

Analu Josephides stated that as a La’iopua lessee and a Native Hawaiian residing in Kona that he does not want to ever see the iwi placed in a round about.

Riley Smith shares on behalf of Lanihau properties that they support the road and submit their testimony to SHPD.

Bob Lindsey of Waimea wants all iwi Kupuna to be preserved in place and he supports the road.

Leslie Matsumoto stated that draft MOA has been created but not distributed yet.

Chas Flaherty submits testimony to SHPD and states that he is not for the road.

Kimo Lee asked if Chas Flaherty was in favor of project if all his concerns were addressed.

Chas Flaherty stated no that there is too much work to be done before October to make the deadline to get the federal money.

Keohokalole family stated that they want the iwi to be preserved in place and that they support the highway. That their family has submitted their letter to SHPD. They will discuss with family if they will make a Descendancy claim.

Leningrad asked if they could interpret their name.

Keohokalole family stated that there are numerous of interpretations.

Dutchie Kapu Saffery asked if they have all the plans that the HIBC has.

Analu Josephides stated that now that they have come forward and when they are ready he will be more than happy to assist them with their claims.

Thomas Hickcox – that he and the Royal order of Kamehameha support the highway and also submit testimony to SHPD.

Isaac Silva Rep and Treasure of Laiopua 2020 reads testimony of Bo Kahui and they all support the road. They submit their testimonies to SHPD.

Ruby McDonald stated that they only make reference to one ahupua'a and not to others that her family are from, but the road is going through them all.

Charles Young agreed.

Analu Josephides, SHPD stated that Ruby qualifies as a cultural descendant under HAR 13-300-35.

Ku Kahakalau asked if there were no more burials anywhere else in the corridor.

Leslie Matsumoto stated that there were not anymore.

Ku Kahakalau stated that she believes that they will find more.

Ku Kahakalau asked if all cultural descendants been notified in the Kona area.

Analu Josephides, stated probably not, but many of them were.

Kama Hopkins questioned the HAR 13-300-35 and how it can be revised.

Analu Josephides stated that he did not know. He thinks through legislation.

Halealoha Ayau stated that revision can be made via the HAR.

H. KANUPA CAVE REPATRIATION; CONSULTATION WITH HUI MALAMA I NĀ KŪPUNA O HAWAI'I NEI AND THE OFFICE OF HAWAIIAN AFFAIRS (OHA) TO DEVELOP AND FINALIZE A BURIAL TREATMENT PLAN FOR 80 MOEPŪ LOCATED AND HOUSED AT THE HAWAI'I VOLCANOES NATIONAL PARK (HAVO).

Motion by Kū Kahakalau, seconded by Ululani Sherlock-Keliikoa to move into executive session for items H through J.

Vote: The motion carried by unanimous vote.

Motion by Kū Kahakalau, seconded by Dutchie Kapu Saffery to open meeting.

Vote: The motion carried by unanimous vote.

I. KANUPA CAVE REPATRIATION; THE HAWAI'I VOLCANOES NATIONAL PARK (HAVO) AGREEMENT WITH HUI MĀLAMA I NĀ IWI KŪPUNA O HAWAI'I NEI, THE OFFICE OF HAWAIIAN AFFAIRS, AND THE HAWAI'I ISLAND BURIAL COUNCIL (HIBC) ON HOUSING OF THE MOEPŪ AND TO HAVE THE HIBC SIGN AGREEMENT.

Motion by Kū Kahakalau, seconded by Ululani Sherlock-Keliikoa to move into executive session for items H through J.

Vote: The motion carried by unanimous vote.

Motion by Kū Kahakalau, seconded by Dutchie Kapu Saffery to open meeting.

Vote: The motion carried by unanimous vote.

Keola Awong reads agreement.

Leningrad asked when we have to sign the agreement.

Motion by Ululani Sherlock-Keliikoa, seconded by Dutchie Kapu Saffery to recommend the Chair of the HIBC to sign agreement.

Vote: The motion carried by unanimous vote.

J. KANUPA CAVE REPATRIATION; THE HAWAI'I VOLCANOES NATIONAL PARK (HAVO) AGREEMENT WITH HUI MĀLAMA I NĀ IWI KŪPUNA O HAWAI'I NEI, THE OFFICE OF HAWAIIAN AFFAIRS, KA LAHUI HAWAI'I, AND THE HAWAI'I ISLAND BURIAL COUNCIL (HIBC) ON HOUSING OF THE MOEPŪ AND TO HAVE THE HIBC SIGN AGREEMENT.

Motion by Kū Kahakalau, seconded by Ululani Sherlock-Keliikoa to move into executive session for items H through J.

Vote: The motion carried by unanimous vote.

Motion by Kū Kahakalau, seconded by Dutchie Kapu Saffery to open meeting.

Vote: The motion carried by unanimous vote.

Keola Awong reads agreement.

Motion by Bucky Leslie, seconded by Pele Hanoa to recommend the Chair of the HIBC to sign agreement.

Vote: The motion carried by unanimous vote.

K. THE NATIONAL PARK SERVICE – KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK DRAFT MEMORANDUM OF AGREEMENT REGARDING THE INADVERTANT DISCOVERY OF HUMAN REMAINS DURING REPAIR AND REHABILITATION ACTIVITIES AT KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK FOR REVIEW, COMMENT, AND SIGNATURE.

Tyler Paikuli Campbell states that 5 acres being renovated and need HIBC to sign MOA if they are in agreement.

Charles Young states that since this is on Federal lands then a section 106 is needed for consultation.

Dutchie asked if notices for descendants went out.

Charles Young stated since there is no development then remains are to be preserved in place.

Analu Josephides stated that wife is a descendant recognized by the national park.

Dutchie Kapu Saffery asked if descendants would be signatories for the agreement.

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

Leningrad moved to nominate Kimo Lee for Chair, Dutchie Kapu Saffery seconded.

Vote: Unanimous ayes

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

Leningrad moved to nominate Charles Young for Vice Chair, Pele Hanoa seconded.

Vote: Unanimous ayes

IV. CASE UPDATES

A. Copies of BTP approval letters for Pu'uuanahulu TMK (3) 7-1-05: 6, 7, 8, & 66; 001; 04.

Analu states that he included these letters per the request of the HIBC.

B. Copies of BTP approval letter for Kaumalumalu TMK (3) 7-7-04:61.

Analu states that he included these letters per the request of the HIBC.

C. Draft Environmental Assessment (DEA) for Ane Keohokalole Hwy Corridor.

C was discussed under Item G. of Business.

V. HAWAII ISLAND INADVERTANT DISCOVERY UPDATES

A. Makaeo, North Kona, Hawai'i TMK.

Analu stated that iwi was recovered by the police department.

B. Kawaihae, South Kohala, Hawai'i (QET) TMK.

Morgan Davis reported on iwi discovered at Kawaihae.

C. Pu‘uhonua O Honaunau; Ki‘ilae, South Kona, Hawai‘i TMK.

Federal consultation. Rita of the National Parks reported that the iwi was left in place.

VI. DISCUSSION ON CORRESPONDENCE

A. Keaau to Paho Road (State Route 130) preparation for a Cultural Impact Assessment (CIA).

Correspondence on CIA.

VII. ANNOUNCEMENTS

VIII. ADJOURNMENT

Motion by Dutchie Kapu Saffery, seconded by Ululani Sherlock-Keliikoa to adjourn.

Vote: The motion carried by unanimous vote.