

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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

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

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

**DRAFT MINUTES, pending HIBC approval
HAWAII ISLAND BURIAL COUNCIL (HIBC) MEETING**

DATE: Thursday, October 19th, 2017
TIME: 9:45 AM
PLACE: West Hawaii Civic Center
Council Chambers
74-5044 Ane Keohokalole Highway
Kailua-Kona, HI 96740

Attendance

HIBC Members present: Keikialoha Kekipi, Acting Chair, Kona District
M. Maxine Kahaulelio, Kona District
Scott Mahoney, Ka'u District
Norman Kaimuloo, Vice Chair, Kona District
J. Kea Calpito, Landowner/Developer Representative

HIBC Members absent: Terri Napeahi, Landowner/Developer Representative

SHPD Staff: Fred Cachola, Kohala District
Regina K. Hilo, Burial Sites Specialist
Amy Rubingh, Archaeologist
Sean Naleimaile, Archaeologist

GUESTS: Samson Hernandez
Heidi Waiamau
Jojo Tanimoto
Arthur Ugalde

I. CALL TO ORDER

Meeting called to order by Chair Kekipi at 9:45 AM

II. ROLL CALL/PULE

Chair Kekipi offered a prayer

HIBC members introduced themselves: Chair Kekipi, Kahaulelio, Mahoney, Kaimuloo, and Calpito

III. TRAINING

A. Introduction and summary of laws, Hawaii Revised Statutes Chapter 6E, and rules, Hawaii Administrative Rules Ch. 13-300, pertaining to the Island Burial Councils

SHPD Burial Sites Specialist R. Hilo introduced the summary of laws

Summary of discussion:

Council discussion

Jojo requested a copy of the training manual

R. Hilo stated she would send the materials to Jojo

Summary of council discussion (main points):

- Training for the burial council should only be for the burial council and not in a regular meeting
- Previous trainings have been kapakahi, incomplete, disorganized
- SHPD provide a location for an all-day training
 - R. Hilo stated the SHPD's Kona office is not close to the West Hawaii Civic Center and does not have a space large enough to convene a meeting
- Use cancelled meetings as opportunity for training
 - R. Hilo stated any convening and/or training of the Hawaii Island Burial would need to be publicly posted
- Lots of cancellations, for various reasons

R. Hilo responded:

- Respects and appreciates members' sentiments
- The SHPD's Kona office is not close to the West Hawaii Civic Center and does not have a space large enough to convene a meeting
- Any convening and/or training of the Hawaii Island Burial Council would need to be publicly posted, and would be open to the public to attend
 - Will check with the Office of Information Practices to see if closing a meeting to provide training is allowable
- Was not aware of the frequency of previous HIBC trainings, nor that the previous HIBC trainings were kapakahi and incomplete
- Trainings led by Hinano Rodrigues and R. Hilo are not kapakahi

Council discussion and comments:

- Table the current training listed on the agenda to address HIBC business
- Schedule a meeting for training sometime in the future
- HIBC needs training
- Hold the training after all business items and discussions have been handled
 - For after 1:30 PM
 - Meetings don't usually end at 1:30 PM
- Public attendees would need to wait and be further inconvenienced
- Items on the present agenda include descendant recognitions and draft burial treatment plan discussions

Motion: to defer the training to a later time

Moved by: Vice Chair Kaimulua

2nd: Member Kahalelio

VOTE: ALL IN FAVOR [5 YES, 0 NO, none abstaining]

IV. ELECTION OF A CHAIR AND VICE CHAIR

Deferred to end of meeting

Council discussion

Results of Council votes:

Chair: Kekipi
Vice-Chair: Kaimuloa

V. MINUTES

A. Minutes from 05/18/2017

Discussion included mention of an item on previous HIBC agendas, the recognition of Kelii Billington as a lineal descendant; Billington withdrew his application to be recognized as a lineal descendant by the HIBC
August 17 meeting

Motion: to approve the minutes from HIBC's meeting

Moved by: Vice Chair Kaimuloa

2nd: Member Calpito

VOTE: ALL IN FAVOR [5 YES, 0 NO, none abstained]

B. Minutes from 08/17/2017

Comments on the 8/17/2017 minutes:

Section B, first bullet, in Mr. Hernandez' summarized testimony:

Billington married into the Haaheo family, not Kekumu.

Back of page, first paragraph down:

Ulu is Billington's aunty from the Haaheo side. She attended the

May 2017 meeting. Billington did not marry into the Ulu line; Ulu is

Billington's aunty.

Member Calpito asked if the above information was stated at a previous HIBC meeting.

Minutes are incomplete, posted on SHPD website

Deferred

VI. BUSINESS

A. DRAFT Burial Treatment Plan for Burial Sites #50-10-68-26641 and #50-10-68-26642 on Lands of the Former Moa'ula Plantation, Kopu Ahupua'a, Ka'u District, Hawai'i Island, Hawai'i, TMK: [3] 9-7-003:002

[Language on the agenda indicated Discussion/Determination, a clerical error. The AIS has not yet been approved by the SHPD, therefore this DRAFT BTP was placed on the HIBC agenda for information and discussion only.]

Project summary and information provided by Glenn Escott, SCS
Discussion and consultation

B. DRAFT Burial Treatment Plan for Site #50-80-35-30572* Located on a Portion of a 18.57 acre parcel in Pu'u'eo Ahupua'a, Hilo, South Hilo District, Hawai'i Island, Hawai'i, TMK: [3] 2-6-008:006

[Language on the agenda indicated Discussion/Determination, a clerical error. The AIS has not yet been approved by the SHPD, therefore this DRAFT BTP was placed on the HIBC agenda for information and discussion only.]

Project summary and information provided by Glenn Escott, SCS
Discussion and consultation

*[The SIHP number provided in the above agenda item is should be 50-10-35-30572]

VII. INADVERTENTS/COMMUNICATIONS

NONE AT THIS TIME

VIII. ANNOUNCEMENTS

A. Next meeting date and time TBD

Introduction of unlisted, unagendized item by Jojo Tanimoto

Summary:

Jojo thanked the Council and SHPD for the opportunity to address the Council

- Requested minutes, and found out there are no minutes available
 - One set today, one set incomplete, and “all that shit”
 - none available on website

RKH asked which specific meeting minutes Jojo was referring to

Jojo stated “all of the minutes” and that she hoped to see all the minutes on the website

Stated that the Council should recommend to SHPD that the way they learn their training should be the way that it comes out in the website because “you need to do your own homework and your interpretation is probably diferent than what you guys say and what the Department says, so they way they learn should be the way it comes on the website, so when we are speaking we’re all talking the same thing.”

Council member Kaimulua asked what website Jojo was referring to

Jojo did not respond to Kaimulua’s question

Jojo stated she is “happy to see you folks have addressed my question of the membership and you are holding over your membership which is great because you guys are special. This is a hard Council to have to deal with everybody’s burial and so I maika’i you guys. So I can see where this is going to move forward. And then, [long pause], my glasses in the car. Ok. There are iwi that the people in Kona, Ka’u, and Kohala side are wondering what’s the follow up to reinterring any iwi if there are any iwi because there is nothing in your website that follows up on anything, ok? And then, there are.”

R. Hilo: “Mm hmm?”

Jojo: “Two things that I’m trying to get through. Number one is I sit on the Aha Moku Island Council, ok? It’s an advisory to the Department of Land and Natural Resources, all the divisions, ok? So it’s not like only fishing, you know, it’s like the burials as well, so specific to SHPD, we are wondering what’s the follow up, you know, because if you get the minutes like this and you read um and you cannot follow through, you folks make a recommendation and didn’t finish, there’s no, no follow up to the minutes that come out, so. I wondered, in that specific sense, you folks can address that for the Aha Moku.

“Now, the second portion is the County of Hawaii is doing their general plan evaluation. And some of the subjects that happen at Aha Moku, because it’s on the land, yeah? Your zoning, your permitting, your grubbing and all this kind of stuff, all comes within the purview of the preservation division as well. And I don’t see that happening. So I am wondering if you folks get a listing of all the permits that are given to the general

public for approval by the County of Hawaii. Building permits, um, developments, subdivisions, all like that kind of stuff. It's not listed anywhere in your website. And so, I'm not sure how you folks want to address the general plan. Or the community development plan, specific to SHPD. Ok? Um, that said, you have any questions?"

Council member: "Permits go through [County]."

Member Kaimulua: "Grubbing permit is anything bigger than one acre, per TMK. If you get a house, I mean, a lot, less than one acre, that person doesn't need a permit.

[inaudible] I just ask that. Total acreage I bought, but I get multiple TMKs. So, as far as the grubbing permit, you know, and some subdivisions out here, they less than one acre."

Jojo: "I think that'd be a good policy that you guys should pass and ask the County to include in their general plan because I'm a big woman, but I not gonna fit in how many acres you said going be? I mean it's not necessary to go look for me in this whole area of your permit that you say is that amount of space. You only need me, yeah? And that's how you get some of these inadvertent finds because it's not the whole thing, it's only the person, right? And so, maybe that's a good recommendation for a policy in the general plan. Thank you.

"And, the other thing too, with the, uh, permitting, is now, I think you guys will find that the last three month's there's been 6, you guys have stopped the digging or the grubbing, so, even after the fact at the Ka'u boat ramp, the guy just over went there, no more permit or whatever and they move all the rocks and they gonna fix the ramp for his tour boat. There's a lot of that stuff going on and that's the kind of purview that should be coming here, and I don't see it. So, um, number one is the Aha Moku. Number two is the general plan.

"And number three, the Aha Moku is meeting on Saturday, this Saturday, it's gonna be in the Mayor's office, upstairs at 2. What we're trying to do with the Aha Moku, I dunno if you're familiar with the Aha Moku, it's a legislative act that was passed that provides that they, um, the councils work with all the divisions, like I said, ok? So, that being the case, it has not been implemented on this island and there's a lot of generation of discussion that's going on, and I'd like to thank Mr. Downer, Alan Downer, for saying that he would like to see this kind of discussion in our behalf, on the agenda, especially the iwi. Bring back the evaluation of if there is, where they are, what, and if you don't have the property and it cannot be in place, you always got that Legacy Land program, you know? I mean, where they take the land, and then you can probably use it for the cemetery, you know, I mean. It's an option. Nobody thought to look at it, but, you know, it's an example. Thank you."

Kekipi: "Jojo, you know, the people that you should talk to, you talking about the County plan and the County charter [inaudible] each district get one matching committee to activate the plan. That action committee that passes [sic] through the permit. [inaudible] the grubbing permit, [inaudible] the permit for the development in an area. That's Aha Moku. Contact each district, get Ka'u, Puna, Hilo--"

Jojo: "That's right."

Kekipi: "--and all that can be inserted into that plan. And you look at certain sections get certain rules --"

Jojo: "That's right."

Kekipi: "-- and they the ones that make sure that that plan can get activated. So talk to them so it stays in the charter [inaudible]."

Jojo: "But SHPD is only one division, you get all kinds of divisions so you get plenny committees that --"

Kekipi: "Wait, wait. The State, when it comes to the permit.

Jojo: "Right."

Kekipi: "The grubbing permit and all that goes through the action committee."

Jojo: "You know very well that the County, the CDP, does not provide the committees with the list of all the permits, ok? And then SHPD does have a computer process within their computer website that shows you what comply and what never comply. So, you know, you gotta go do your own homework, but if you guys can help by putting it on the agenda, the evaluation, follow up every so often, maybe don't have a meeting you wanna stick that inside there, or policy, which would be time-limited because I think the general plan (is gonna) go out next year, you know what I mean? And that is for the whole island as well. So, yeah."

Kaimuloa: "What website is this? What website that you –"

Jojo: "Your website. Burial council, DLNR. SHPD. [laughs] Yeah."

R. Hilo: "I show here that the March, April, and May draft minutes and the August minutes are available on our website."

Jojo: "No, not as of this morning, when I checked the website."

R. Hilo: "Actually, yes they are. I checked the website before I came."

Jojo: "Oh. Well, I can't find them so you gotta give me the trick how to find that."

R. Hilo: "It's on the website. If you're using Google Chrome, there's a glitch in the system that doesn't allow you to access the last column that has the minutes. However, if you use another internet service provider, I mean, not another internet service provider, but –"

Audience member: "Safari."

R. Hilo: "Safari, Mozilla Firefox, you should be able to access them. However, I do show that I sent you the link previously? Last month. If you need that link again, I can provide it to you again."

Jojo: "Yeah, please. Because it's not there when I checked this morning."

R. Hilo: "Based on what I have, we did say we had copies of the minutes and I sent you also, um, the website link to our files?"

"In regard to the permitting, I'm wondering what specific statute are you talking about, at least in relevance to the Hawaii Island Burial Council?"

Jojo: "Yes."

R. Hilo: "No, I'm asking you."

Jojo: "Yes, the answer is yes."

R. Hilo: "Regarding permits."

Jojo: "Um, not only permits, but anything doing, well I know you don't have the permits –"

R. Hilo: "No, this is a very specific realm, that's why? We discuss burial issues, we don't look at permits at the burial council meeting, so I'm wondering –"

Jojo: "Ok."

R. Hilo: "So I'm wondering what your question is in reference to."

Jojo: "Well, like I said, I have two points. One is for the Aha Moku –"

R. Hilo: "No, I understand that. But I'm asking you, like, regarding the permits and the follow up that you were talking about, um, what...what is, what are you referring to in regard to the Hawaii Island Burial Council?"

Jojo: "Ok. Updating the County general plan. You don't have it, yet, so I'm asking to update it."

R. Hilo: "So whose kuleana would it be to get the County general plan to SHPD for us to review especially in regard to the HIBC?"

Jojo: "Yeah."

R. Hilo: "No, whose kuleana is it?"

Jojo: "The planning department. You folks do not have all of them, only the ones that the planning department requests of the preservation division. So the ones that come up with grading are not requested by the planning department. The planning department does

have a website that shows you've got variants, subdivision, all those permits. They do have it listed on their website. But those are the ones that have the bulldozers, so they're the ones that digging up inadvertent finds. And so maybe now is the time to update it.

"But you gotta show me the trick to getting the minutes."

R. Hilo: "But the minutes would help you in getting a general plan from the planning department. So I'm asking, who do we coordinate with to get access to a general plan – "

Jojo: "County of Hawaii – "

R. Hilo: " – such that the Hawaii Island Burial Council may comment on that general plan?"

Jojo: "County of Hawaii government, and they will show you all of the boards, right? And then South Kohala has ours, Puna has theirs, um, Ka'u going get theirs, Hamakua will get....anyway, can click onto the planning department. The whole page going show you the permits they are reviewing."

R. Hilo: "But what I'm specifically trying to point out to you is that the purview of reviewing permits does not fall under the jurisdiction of the HIBC."

Jojo: "Yet."

R. Hilo: "Currently."

Jojo: "Yes. That's why I'm asking – "

R. Hilo: "So you're asking now, as an adviser of the Aha Moku, that the HIBC now consider – "

Jojo: "Oh, you could do that."

R. Hilo: " – review of permits as part of their official jurisdiction?"

Jojo: "The Aha Moku is saying that that is something that you guys should start to look into. And the information is on the County – "

R. Hilo: "Can the Aha Moku please send that to us as an official request?"

Jojo: "Oh, we can do that. We can request that of the burial council too. Ok?"

R. Hilo: "I look forward to that request."

Kekipi: "Request straight to SHPD."

R. Hilo: "Because this is the first I'm hearing of this, and this is a big pilikia if you're going to come to a meeting and then talk about this when it's not even on the agenda. I would have preferred to have it on the agenda such that we could discuss it."

Jojo: "Well, I'm asking to please put on the agenda."

R. Hilo: "But you don't do it under Announcements. Announcements are specifically regarding burial council business that was handled in this meeting."

Jojo: "It's an announcement, right? The announcement is that we're gonna have the Aha Moku meeting this Saturday and the announcement is gonna have – "

R. Hilo: "That's an announcement that you made, right now."

Jojo: "Right."

R. Hilo: "Mahalo. Please have your Aha Moku Chair send a communication directly to SHPD's administrator, with all of your recommendations. Directly from Aha Moku."

Jojo: "Ok. So that one that asked about the minutes is the one that, it's the one that Mr. Downer is asking for the discussion. So I just asked you to put it on the agenda so that we can have that discussion on it on the minutes."

R. Hilo: "Please send me a formal request on email and I will be sure to put that into the next HIBC meeting."

Jojo: "Ok, we good?"

Kaimulua: "Yeah, we good."

Jojo: "We good?"

Kahaulelio: "Thank you, Jojo."

R. Hilo: "I'm good. Mahalo."

Jojo: "Thank you."

R. Hilo: "Our next meeting date has not been formalized, I left that open to you guys. We usually have it the third Thursday of every month, which would mean that the third Thursday of November is the 16th. Would you guys like to hold that date?"

Council member (unidentified): "Sure."

R. Hilo: "I'm trying to find a community location in Waimea, possibly the Waimea Community Center, does that work for people?"

Kaimulua: "Make sure it's confirmed though."

Council discussion regarding meeting facilities in Waimea, Hawaii Island

Civic Center (Waimea), by the police station

DHHL, cost involved

Get Council members the HIBC meeting dates, reserve meeting rooms, send out calendar information to the Council members early to allow adequate notice

Membership concerns, holdovers, appointments, vacancies

Motion: to adjourn meeting

Moved by: Vice Chair Kaimulua

2nd: Member Kahalelio

VOTE: ALL IN FAVOR [5 YES, 0 NO, 0 abstaining]

Meeting adjourned at 12:17 PM

DRAFT MINUTES of HIBC meeting from 2017-10-19, prepared by Regina K. Hilo, Burial Sites Specialist, History and Culture Branch, State Historic Preservation Division.