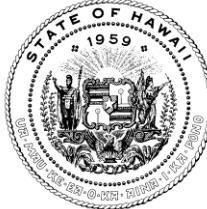


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STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

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

MINUTES HAWAI'I ISLAND BURIAL COUNCIL MEETING

DATE: Thursday, July 19th, 2018
TIME: 9:30 AM
PLACE: North Kohala Judiciary Building
54-3900 Akoni Pule Hwy.
Kapa'au, HI 96755

ATTENDANCE:

HIBC Members: Chair Nālei Pate-Kahakalau (Hāmākua)
Vice-Chair Kalena Blakemore (Puna)
Member Fred Cachola (Kohala)
Member Maxine Kahā'ulelio (Kona)
Member Norman Ka'imuloa (Kona)
Member Clifford Kapono (Hilo)
Member Scott Mahoney (Ka'ū)

SHPD Staff: J. Kea Calpito, Burial Sites Specialist
Sean Nāleimaile, Archaeologist
Christian Omerod, SHPD Volunteer

Guests: Gale Perez (V-B)
Clarence Perez (V-B)
Sharon Moraes (V-C/D)
Glenn Escott, Scientific Consultant Services, Inc. (V-D)
Brenda Iokepa, Ka'ū Mahi, LLC (V-D)
Keoni Fox (V-D)
Tracy Tam Sing, DLNR-State Parks (V-E)

I. CALL TO ORDER

Vice-Chair Norman Ka'imuloa calls to order the meeting.

II. ROLL CALL/PULE

Clifford Kapono, Scott Mahoney, Nālei Kahakalau, Kalena Blakemore, Fred Cachola, Norman Ka‘imuloa, Kea Calpito. (Member Maxine Kahā‘ulelio arrived late)
Member Cachola conducted pule.

III. ELECTION OF A CHAIR

Closed nomination requested by Vice-Chair Ka‘imuloa.

(Maxine Kahā‘ulelio enters and is recognized as present by Vice-Chair Ka‘imuloa)

Member Mahoney questions whether Vice-Chair Ka‘imuloa should step down from his current position prior to running for Chair.

Kea clarifies that if Member Ka‘imuloa is nominated for chair then he has the option to step down and run for Chair or remain in his current position as Vice-Chair and remove his name from the nominations.

Vice-Chair Member Ka‘imuloa refers to a section of “Election of Officers” from his black handbook and states that the Vice-Chair becomes Chair after the former Chair is removed or his term expires and further explains that it is a Vice-Chair seat that is up for nomination because the Chair seat has been filled by the Vice-Chair.

Kea explains that the Vice Chair becomes the “acting” Chair and cites HAR §13-300-27.

Member Kapono refers to Roberts Rules of Order and explains that the Vice-Chair becomes the acting Chair but can also obtain the position if there is no opposition.

All members agree to opt for a “closed” nomination and vote method.

HIBC Chair:

NOMINATION(S): Nalei Kahakalau, Fred Cachola (*self-withdrew*), Norman Ka‘imuloa

VOTE: Nalei Kahakalau, 4; Norman Ka‘imuloa, 3

Nalei Kahakalau is elected HIBC Chair by majority vote.

HIBC Vice-Chair:

NOMINATION(S): Norman Ka‘imuloa, Fred Cachola (*self-withdrew*), Kalena Blakemore, Scott Mahoney (*self-withdrew*)

VOTE: Kalena Blakemore, 5; Norman Ka‘imuloa, 2

IV. APPROVAL OF MINUTES

A. Minutes from 11/16/2017

B. Minutes from 12/21/2017

C. Minutes from 03/15/2018

D. Minutes from 05/17/2018

Kea brings to light the issue of Vice-Chair Blakemore and Chair Kahakalau not being able to review the minutes prior to voting.

Member Kahā‘ulelio motions to defer the minutes until next meeting to give Chair Kahakalau and Vice-Chair Blakemore time to review the minutes.

Member Ka‘imuloa objects and states that neither the Chair nor Vice-Chair were sworn in at the time of those meetings and thus, should move to a vote.

Member Ka‘imuloa motions to approve minutes collectively.

Member Kaponio seconds the motion.

Kea request they follow the itemized agenda for approval of minutes.

Member Kaponio says “No. Just collectively.”

Member Ka‘imuloa agrees.

Chair Kahakalau asks Member Kaponio for his reasoning of a collective approval of minutes.

Member Kaponio responds by pointing out that the re-examining of testimonies and minutes from last year will take time.

- Points out the fact that neither Chair Kahakalau nor Vice-Chair Blakemore were present during those meetings and their input would not be considered valid.
- Explains that the council’s role is to simply review the minutes to be archived and that it is more of an “admin policy” and resource for reference.
- Says that delaying the meeting on an administrative function impedes on the progress of the community that looks for something positive to happen in these meetings.

Vice-Chair Blakemore points out that these minutes are itemized individually and clarifies if Member Kaponio wants them to be done collectively rather than individually.

Member Kapono reaffirms his position of collective approval.

Vice-Chair Blakemore states that these are four different months of minutes from four different meetings and each should be given proper review and approval.

- States that it is their obligation to the community to show that they cared enough to review each and approve them rather than “cluster them into one group” because they are short on time.
- Mentions that they are never short on time to care enough for their minutes and what’s written in those minutes which includes the descendants that attended those meetings.

Chair Kahakalau agrees that they although they cannot change what was said, they can still make sure that what’s in there was said. He recalls meetings in the past where there were discrepancies found in the minutes.

Member Ka‘imuloa explains that everyone had time to read the minutes and feels that they should be approved. He requests that minutes be completed and distributed faster than it has been in the past.

Member Kapono adds that there is nothing in the minutes that speak to a decision. He continues stating that he has better things to do than “waste time” talking about things that happened last year.

Chair Kahakalau agrees with what Member Kapono’s perspective is but questions the possibility of discrepancies in the minutes.

Member Kapono says that there are no decisions made on the minutes and they are not legally bound to anything said in those minutes.

Chair Kahakalau says that plaintiffs in the past have come forward with problems.

Member Kapono says that “[he] is not an administrative bureaucrat and if they want to play office work he is not into that.” He explains being efficient and expediting the process in order to move forward and states that “[he] has bigger fish to fry than whether or not the minutes get approved.”

Member Ka‘imuloa asks if anyone “feels that the minutes should be corrected” and says if not then the minutes should be approved and move on.

Chair Kahakalau says the motion has been made and seconded.

Chair Kahakalau call for vote.

MOTION: To approve the minutes, collectively
 Member Ka‘imuloa
ND BY: Member Kaponio
 Motion carried by majority [YAY: 5 (Kaponio, Mahoney, Ka‘imuloa, Kahakalau, Cachola); NAY: 2 (Blakemore, Kahā‘ulelio)]

V. BUSINESS

A. Discussion on Hawai‘i Island Burial Council Membership, Roles, and Responsibilities.

Information/Discussion: Discussion on the above item.

Kea explains that at a previous meeting, the council went into executive session for a reason other than the “allowed” eight exceptions. He cites sections from HRS §92-4 and HRS §92-5 relating to executive meetings and lists the eight exceptions where an executive meeting can be requested. He also reads HRS §43-5 that talks about the location and description of burials and it being added to the exceptions for executive meetings.

Member Kaponio request to know the infractions charged.

Kea responds by stating that there were no charges.

Member Kaponio continues to talk about infractions and later requests an AG’s presence at a future meeting.

Member Kahā‘ulelio talks about the meetings being recorded and she is thankful for that because everything is being heard. She continues to talk about how the past few meetings have been “horrible” and it’s a good thing this came up because of the way people conduct themselves during meetings. She states that [Kea] has nothing to do with it...he’s getting all the burnt for it and [they] must congratulate Kea for this [this] step.”

Vice-Chair Blakemore interjects and talks about “the aggressive hand pointing and threatening conversation towards one person” and reminds the council that there is more business. She then reminds him that his reasoning to cluster itemized minutes was to move along.

Member Kaponio responds and say that its history and it was passed.

Vice-Chair Blakemore points out that everyone is waiting for him to finish his thought and his aggressive to towards their Burial Site Specialist.

Member Cachola request that the meeting move forward.

Chair Kahakalau addresses Member Kapono and speaks about western jurisprudence and cultural integrity. He says that we are all here for the same reason and not to hana into anyone but that Member Kapono is coming off very adversarially.

Member Kapono says that he would like to know if he's getting charged then what is the charge?

Member Cachola reads item A. and says that all the Burial Site Specialist wanted us to know is that executive sessions can only be called for these eight topics.

Member Mahoney says that a lot can be solved through the participation of an Attorney General.

Chair Kahakalau agrees with Member Mahoney.

B. Department's Recommendation to Recognize Gale Ku'ulei Perez as a Cultural Descendant to Unidentified Human Skeletal Remains Inadvertently Discovered on July 31, 2017, at Kohala High School, Honomaka'u Ahupua'a, North Kohala, Hawai'i Island, TMK: [3] 5-4-007:014.

Discussion/Determination: Discussion and determination on the Department's recommendation to recognize the applicant as cultural descendant to unidentified human skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever location or description of a Native Hawaiian Burial site is under consideration. The chairperson, by concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

Chair Kahakalau reads the information for the above item.

Gale (Ku'ulei) Perez introduces herself as well as her husband, Clarence Perez.

Mrs. Perez recalls past meetings and the burial council agreeing with her about her relation to the iwi kūpuna. She states that she does not agree with the decision to recognize her as a cultural descendant.

Member Kapono interjects and asks if anything detrimental happened because of past negligence. He asks to see a copy of the letter written by Regina.

Member Kahā'ulelio asks Member Kapono to let her finish speaking.

Member Kapono says his question is important because in case there is any negligence on the part of this commission or council.

Member Kahā‘ulelio interjects and asks him again to let her finish speaking.

Member Kapono responds and asks Member Kahā‘ulelio to let him finish speaking.

Member Kapono tells Member Kahā‘ulelio that she does not have the authority and defaults to the Chair. He goes on to say that he wants to vote on it and recognize her as lineal and that it would put pressure on SHPD and DLNR to accept her. He states that any infraction of that and they are in violation of the law.

Mrs. Perez clarifies and says that a determination was made for cultural, but Regina took it back and said they would do more research. She says she did not hear anything after submitting the documents.

Member Cachola asked why the request for lineal was not accepted.

Kea explains the qualifications for lineal descendancy and identification of the iwi kūpuna. He says the research is done by the applicant and then, their application and supporting documents are submitted to SHPD. The burial Council then makes a determination based on a written assessment provided by the department.

Member Kapono motions to accept Gale Perez as a lineal descendant.

Member Cachola informs the Chair that there is no second.

Member Cachola asks Kea to read the thirteen conditions of a descendant application.

Kea reads the conditions.

Member Ka‘imuloa asks Mrs. Perez about the location of the iwi kūpuna

Mrs. Perez responds with details.

Member Ka‘imuloa acknowledges her relation to the iwi kūpuna and says that he will second the previous motion.

Member Kapono restates motion to recognize Gale Perez as a lineal descendant.

Member Ka‘imuloa seconds the motion.

Mr. Perez speaks and says that the person buried there is Edward Kaanaana Kapaona.

Member Kahā‘ulelio says that they worked for a long time on this and should be heard. She says that the council cannot just move into a motion without hearing them. She says that they need to figure out what they're doing.

Member Kapono responds and says that “[they’re] wasting time.”

Member Kapono asks if this is a discussion or a vote.

Chair Kahakalau clarifies that it is in discussion.

Member Kapono requests to call for a vote.

Chair Kahakalau states “after the discussion.”

Member Kahā‘ulelio suggests to let [the descendants] talk.

Member Ka‘imuloa says that they had already spoken.

Chair Kahakalau states that things are “getting out of hand.”

Mr. Perez tells the council that they need to “fix their problems.”

Chair Kahakalau says that the council needs to watch how they speak to each other. He says that the same point can be made without coming off adversarial.

Member Kapono insists that the council has to follow the rules.

Chair Kahakalau says that this isn't just professionalism this is culturalism too. He continues to talk about this council being different from other councils.

Member Kapono replies and states that he is only here for “[his] kūpuna” and not anyone else.

Member Cachola request the floor and ask the Perez's to restate the name of the person buried there

Mr. Perez: “Edward Kaanaana Kapaona.”

Member Cachola asks if Mr. Perez is Kapaona.

Mr. Perez nods (yes).

Member Mahoney states that the agenda says to accept her as a cultural descendant and asks if they are able to accept her as a lineal descendant.

Kea informs the council that if they want to be formal, they can vote to amend the item and change cultural to lineal.

Member Kapono calls to vote to amend item B.

All members agree.

Motion is carried by unanimous vote.

MOTION: To recognize Gale Perez as a lineal descendant
 Member Kaponio
ND BY: Member Ka‘imuloa
 Motion carried unanimously

C. Department’s Recommendation to Recognize Sharon Claire Leong Moraes as a Cultural Descendant to Unidentified Native Hawaiian Skeletal Remains Encountered at Lands of the Former Moa‘ula Plantation, Kopu Ahupua‘a, Ka‘ū District, Hawai‘i Island, Hawai‘i, TMK: [3] 9-6-003:022.

Discussion/Determination: Discussion and determination on the Department’s recommendation to recognize the applicant as cultural descendant of unidentified Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever location or description of a Native Hawaiian Burial site is under consideration. The chairperson, by concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

Chair Kahakalau reads the information for the above item.

Sharon Moraes introduces herself and states her purpose is to protect the iwi kūpuna and to make sure that they remain sealed. She explains her genealogical ties to Moa‘ula and asks if the council has questions for her.

Member Kaponio motions to recognize Mrs. Moares as a cultural descendant.

Vice-Chair Blakemore seconds the motion.

Chair Kahakalau calls for vote.

Motion is carried by unanimous vote.

MOTION: To recognize Mrs. Moraes as a cultural descendant
 Member Kaponio
ND BY: Vice-Chair Blakemore
 Motion carried unanimously

D. DRAFT Burial Treatment Plan for Burial Sites #50-10-68-26641 and #50-10-68-26642 Located on Lands of the Former Moa‘ula Plantation, Kopu Ahupua‘a, Ka‘ū District, Hawai‘i Island, Hawai‘i, TMK: [3] 9-6-003:022.

Discussion/Determination: Discussion and determination on whether to preserve in place or relocate human skeletal remains at the above location.

Council discussion and recommendation to the State Historic Preservation Division on the proposed burial burial treatment plan.

Chair Kahakalau reads the information for the above item.

Glenn Escott from Scientific Consultant Services, Inc. updates council on the above BTP, past meetings, and additional descendants.

Member Kapono asks about the number of skeletal remains at the site.

Mr. Escott states that he believes there are two concentrations of iwi at site #26641 and two sets of iwi at site #26642.

Member Kapono asks if there is any evidence of skeletal remains outside of the preservation area.

Mr. Escott explains that these were the only remains found.

Member Kapono asks for the approximate date of the remains.

Mr. Escott states that no one has dated the bones but based on the artifacts, context, and burial style, it is pre-contact.

Member Ka‘imuloa says that he's glad to see some changes were made but he would like to see the hog wire fencing changed to a rock wall. He recalls the community at the Ka‘ū meeting requesting a rock wall.

Mr. Escott explains that he doesn't make the decisions of what goes into these plans. He goes on to state that the decisions are between the landowner and the descendants.

Member Ka‘imuloa ask Mrs. Moraes for her opinion on the rock wall buffer.

Mrs. Moraes says that all three sites need to be preserved with a rock wall. She agrees that a wire fence is not appropriate.

Member Cachola asks what the burial treatment plan says about sealing the cave.

Mr. Escott says that the cave will be sealed

Member Cachola asks Mrs. Moraes if she wants the cave to be sealed.

Mrs. Moraes: “Yes.”

Member Cachola asks Mr. Escott if all three caves will be sealed.

Mr. Escott says that two of the three will be sealed and the third is an archaeological preservation site and will not be sealed.

Mrs. Moraes asks if the unsealed cave has access to the other caves.

Mr. Escott replies that according to the archaeological survey that was done, they are not connected.

Brenda Iokepa from Ka‘ū Mahi, LLC requests to speak and acknowledges Keoni Fox and his work with them on the BTP. She talks about the difficulty of getting to the preservation area and that it is naturally protected by its surroundings. She states that it would be very intrusive to have a rock wall and construction in the area.

Chair Kahakalau asks if the owner prefers hog wire over rock.

Ms. Iokepa says she prefers fencing.

Chair Kahakalau asks if the landowner has a preference in the matter of sealing the cave.

Ms. Iokepa says they respect the descendants but they don't want to disrupt the area that it's in. She states that the sealing of the cave is up to the descendants.

Member Ka‘imuloa asks if a drone can fly over and take pictures so the council can see what the area looks like. He continues to say that due to their age, they cannot walk out to the site.

Vice-Chair Blakemore asks if they found only these sites in the 612 acres. She questions how only two caves were found and that caves are roots and veins so if there are caves, then there must be a system.

Mr. Escott says from what he understands in the AIS, she is correct.

Ms. Iokepa states that they have done an AIS for all their properties and the land is mostly open because it used to be cane fields.

Member Ka‘imuloa suggest that they take pictures of the surroundings if they can't get to the cave.

Ms. Iokepa says they could possibly take an aerial.

Mr. Escott informs the council that they could use a video camera and do a walk through and mentions how they want to get this right.

Mr. Fox introduces himself and speaks about his history with the project.

- Highlights the difficulty of getting to the area and how the kūpuna did not seal the cave.
- Informs the council of his past experience with burials and never seeing a cave sealed with rocks.
- States that he doesn't see how this is physically possible to do without destroying the integrity of the place.

Member Kahā‘ulelio refers to a letter and asks if the failure to protect the three sites were resolved.

Mr. Fox confirms.

Member Kahā‘ulelio asks if the issue with access was resolved.

Mr. Fox confirms.

Member Kahā‘ulelio lets Mr. Fox know that she agrees with him in not sealing the caves

Member Mahoney comments that the only things he is looking at is the descendants because they are the connection and whatever they decide is the outcome.

Member Kapono asks Mr. Fox if he is satisfied with the AIS having sufficiently assessed whether or not there is additional iwi in the area.

Mr. Fox says that they found other sites but they are historic plantation villages and are going to be handled in a separate preservation plan.

Chair Kahakalau asks Mr. Fox if he is satisfied with this BTP, with the exception of the sealing of the cave.

Mr. Fox replies, “Yes.”

Chair Kahakalau asks if they have explored other options to seal the cave and gives the suggestion of a gate. He explains that this method has been used in the past.

Mr. Fox says he still finds that “intrusive” and would not support that.

Chair Kahakalau asks Mrs. Moraes if she preferred to permanently seal the cave or put a gate.

Mrs. Moraes says that she would like something permanent, otherwise, people will still be allowed to “hana ‘ino or maha‘oi.”

Member Ka‘imuloa says that he feels that a gate should only be for lineal descendants and not cultural. He says that a cultural descendant shouldn’t be going into the graves because that’s not their ‘ohana.

Chair Kahakalau says that he asked because in the past, there were cultural descendants who knew their kūpuna were buried in the cave but could not clearly delineate who that iwi was.

Vice-Chair Blakemore says that in the past, she’s dealt with caves and gates.

- Says that she understands what they are saying about it being far away and peaceful but she also knows that 200 years ago, the kūpuna would have never thought we would be in the environment we are in today.
- Explains that she’s worked at Hōnaunau and seen the caves that were desecrated.
- States that in twenty to fifty years, there might be development happening up there that they could never imagine would happen.

Member Kapono requests a copy of the AIS before he can make a decision.

Kea informs the council that they are always welcome to explore the SHPD if they need to reference material. States that this item was on the agenda last month for determination and references the time limit of 45 days to make a determination regarding the BTP

Chair Kahakalau states that the objective before the council is to determine preserve-in-place or relocation as well as to recommend whether or not SHPD should accept the BTP.

Member Ka‘imuloa states that he would like to make a motion to defer on any determinations until there is “more affirmative action” regarding the buffer.

Vice-Chair Blakemore asks how many times the BTP had been deferred.

Member Ka‘imuloa replies, “4 or 5 times now.” Goes on to mention that now they have another cultural descendant and that he wants a rock wall and to have that put in writing.

Vice-Chair Blakemore: “They keep trying in good faith and in good effort” to make changes.

Member Ka‘imuloa: “They put themselves in this situation...not us.”

Member Mahoney: “I thought this discussion is to bury in place or relocate...it has nothing to do with the wall so I think we should get to that point.”

Member Cachola reaffirms by stating “should this council approve preservation-in-place or relocate...that’s the question on the table.”

Vice-Chair Blakemore motions to preserve-in-place.

Member Kahā‘ulelio and Cachola second the motion, respectively.

Chair Kahakalau restates the motion, “that [they] preserve-in-place the iwi located at the Moa‘ula Plantation...” and opens up the floor for discussion.

Member Kapono asks if there is an audit...a process that enforces compliance of the BTP and states that [they] don’t have all the facts to make a reasonable decision. He goes on to mention that the current process is “a set-up” and that “that’s why we believe were supposed to rubberstamp SHPD...which is a museum.” He states that “each council member has liability and can be brought before the court for negligence.”

Vice-Chair Blakemore states that “the AIS was conducted long before the BTP was completed,” and that missing information can be found in the AIS. Mentions that “we have this minimal amount of what we can do and we do the best we can and try to move forward.”

Member Cachola restates the motion to preserve-in-place and asks for a vote call.

Member Kapono: “Abstain.”

Member Mahoney: “I agree.”

Member Ka‘imuloa: “Yes to bury in place.”

Chair Kahakalau: “‘Ae.”

Member Cachola: “‘Ae, preserve-in-place, yes.”

Vice-Chair Blakemore: “‘Ae, preserve-in-place.”

Member Kahā‘ulelio: “‘Ae, preserve-in-place.”

Motion is carried by majority vote.

Chair Kahakalau states that motion has been carried and that the “second motion [they] have is to accept, not accept, or defer recommendation to SHPD.”

Vice-Chair Blakemore motions to accept “as is.”

Member Kahā‘ulelio seconds the motion.

Member Ka‘imuloa: “With open caves?”

Vice-Chair Blakemore: “No, they’re sealing the caves.”

Chair Kahakalau open the floor for discussion.

Member Ka‘imuloa states that he’s already discussed his opinion on the caves and sealing is good but wants to see change in rock wall.

Member Kahā‘ulelio mentions that the issue of sealing or not sealing is a very intimate decision and would like to see the community working together as well as with the landowner since the decision is ultimately theirs.

Chair Kahakalau calls for vote.

Member Kapono states that “[he] doesn’t have all information to make an intelligent vote so [he] has to abstain.”

Member Mahoney: “I agree [with Kapono].”

Member Ka‘imuloa: “I vote no.”

Chair Kahakalau: “This one, only because of the sealing of the cave... I’m going to vote no and hope that we can reach some type of consensus in the future.”

Member Cachola: “I vote against the motion.”

Vice-Chair Blakemore: “I would say accept, yes.”

Member Kahā‘ulelio: “I cannot accept the sealing of the cave.”

Motion fails to carry by majority vote.

Mr. Escott states that the biggest issue is whether or not to seal and that Mr. Fox wants it open but the Ka‘ū community wants it closed and that there will never be a consensus.

Member Kapono references the Archaeological Resources Protection Act (ARPA) and the Native American Graves Protection and Repatriation Act (NAGPRA) and state that these federal laws include archaeological resources on “kanaka land.”

Ms. Iokepa comments that she and Sharon Moraes are familiar with one another and that Mrs. Moraes hasn’t once come to look at the site though her testimony to seal

was given as much consideration by the council as Mr. Fox's despite his longer and more active involvement with the project.

Mrs. Moraes states they wanted to go to the site visit but was told that it was cancelled.

MOTION (1): **To preserve-in-place**
MOVED BY: **Vice-Chair Blakemore**
2ND BY: **Members Kahā'ulelio and Cachola**
VOTE: **Motion carried by majority [YAY: 5 (Ka'imuloa, Kahakalau, Cachola, Blakemore, Kahā'ulelio); NAY: 0; ABSTAIN: 2 (Kapono, Mahoney)]**

MOTION (2): **To recommend that SHPD accept the BTP "as is"**
MOVED BY: **Vice-Chair Blakemore**
2ND BY: **Member Kahā'ulelio**
VOTE: **Motion failed by majority [YAY: 1 (Blakemore); NAY: (Ka'imuloa, Kahakalau, Cachola, Kahā'ulelio; ABSTAIN: 2 (Kapono, Mahoney)]**

E. DRAFT Burial Site Component of a Preservation Plan for Native Hawaiian Skeletal Remains Discovered at Kua Bay, Ahupua'a of Manini'ōwali and Kūki'o 2, North Kona, Island of Hawai'i, TMK: [3] 7-2-004:019 (por.).

Discussion/Recommendation: Discussion and recommendation whether to preserve in place or relocate human skeletal remains at the above location.

Recommendation to the State Historic Preservation Division whether to accept or not accept the above Burial Site Component.

Chair Kahakalau reads the information for the above item.

Tracy Tam Sing, DLNR-State Parks, provides an introduction by stating his name and position as the State Parks archaeologist as well as the reason he is meeting with the council.

- Provides the council with a summary of the inadvertent discovery at Kua Bay.
- States there has been no BTPs for this park and that he wanted to start making site inspections and was made aware of the subject iwi kūpuna.
- Met with Hui Laulima O Ke Kahakai in 2016 and they made a recommendation to preserve-in-place the iwi and seal the cave using local pōhaku and mortar to ensure that the iwi would not be disturbed in the future.
- Explains that it would be colored concrete which would make it blend in and would also be good due to the areas high foot traffic.
- He believes this iwi is not from its in-situ burial as the rest of the iwi are not there and that they may have been taken from its original location to be utilized for making fish hooks based on its shoreline location.

- States that historically, kūpuna used human iwi to make fish hooks and he has seen iwi removed from other sites in the past for this purpose.

Member Kaponio commends the State Parks program and questions why other firms do not have the same preparedness as [Tracy].

Member Cachola motions to preserve-in-place.

Member Kaponio seconds the motion.

Member Kaponio: ““Ae.””

Member Mahoney: ““Ae.””

Member Ka‘imuloa: ““Ae.””

Chair Kahakalau: ““Ae.””

Member Cachola: ““Ae.””

Vice-Chair Blakemore: ““Ae.””

Motion is carried by unanimous vote.

Member Cachola mentions that the next motion is whether or not the council should recommend to SHPD to accept the BTP.

Member Cachola motions to recommend that SHPD accept this BTP.

Vice-Chair Blakemore seconds the motion.

Member Kaponio: ““Ae.””

Member Mahoney: ““Ae.””

Member Ka‘imuloa: ““Ae.””

Chair Kahakalau: ““Ae.””

Member Cachola: ““Ae.””

Vice-Chair Blakemore: ““Ae.””

Motion is carried by unanimous vote.

MOTION (1): To preserve-in-place
MOVED BY: Member Cachola
2ND BY: Member Kaponio
VOTE: Motion carried unanimously [YAY: 6 (Kaponio, Mahoney, Ka‘imuloa, Kahakalau, Cachola, Blakemore); NAY: 0; ABSENT: 1 (Kahā‘ulelio)]

MOTION (2): To recommend that SHPD accept the BTP
MOVED BY: Member Cachola
2ND BY: Vice-Chair Blakemore
VOTE: Motion carried unanimously [YAY: 6 (Kaponio, Mahoney, Ka‘imuloa, Kahakalau, Cachola, Blakemore); NAY: 0; ABSENT: 1 (Kahā‘ulelio)]

F. Training on the Burial Registration Process.

Information/Discussion: Discussion on the above item

Chair Kahakalau reads the information for the above item.

Member Cachola introduces the kūpuna in the audience who attended for this particular item.

Kea explains the different sections of the burial registration form. He goes on to provide details as to what should be included in each section and which supporting documents are required.

Member Cachola discusses unmarked burials, how to identify burial sites, and how to provide access rights for kūpuna. He mentions that “the registration process does not say that a landowner needs to approve.”

SHPD archaeologist, Sean Nāleimaile, states that’s the process is long and that in the past, if there are potential burials, that SHPD can place a red flag on the parcel and when a permit comes into the office and the TMK is brought up, SHPD would be notified and further convey this information to the permitting agency.

Kea informs the council that he provided his contact information to the kūpuna in the audience so that they may contact him anytime they need assistance with the burial registration process.

Sean lets them know that he is available as well.

Member Kaponio states that in reading through HAR 13-300, “[he] was curious to see that the State sees remains as an object not a person [and that] this removes the spiritual element, the essence of what we’re speaking to.” He goes on to question why “kanaka iwi are seen as objects while haole iwi are seen as persons.”

Member Cachola states that there is a group of kūpuna who want to go out and map burials sites due to their concern about the influx of people coming into Kohala.”

Sean highlights on the confidentiality regarding burial locations and that burials are not included in the AIS because of their sensitivity and are thus, “protected” in Kea’s office.

Vice-Chair Blakemore asks Sean, “If someone was going to do a survey, can they come in and ask if there are burials on a property?”

Sean responds by stating that they could, although there is a level of discretion the SHPD staff uses as to what is disclosed.

VI. INADVERTENTS/COMMUNICATIONS

A. Act 64, SLH 2017 (HB165, HD1, SD2, CD1), Provisions to Part I of Chapter 92, Hawai‘i Revised Statutes (Sunshine Law).

Information/Discussion: Discussion on the above changes to Hawai‘i’s Sunshine Law, effective July 01, 2018.

Chair Kahakalau reads the information for the above item.

Kea states that the legislature recently made amendments to the sunshine law and briefly lists the four provision that were passed.

Member Kapono asks “when can [they] expect an AG here” and requests training from professors at UH.

VII. ANNOUNCEMENTS

A. Next meeting date is Thursday, August 16, 2018, 9:30 AM at the Division of Forestry and Wildlife Conference/Training Room in Hilo; 19 E. Kāwili St., Hilo, HI 96720.

Chair reads information for the next HIBC meeting.

VIII. ADJOURNMENT

Member Cachola motions to adjourn.

Vice-Chair Blakemore seconds the motion.

Chair Kahakalau asks, “All in favor.”

Motion to adjourn is carried by unanimous vote.

*****THE ABOVE MINUTES WERE APPROVED AT THE 09/20/2018 HIBC MEETING*****

Pursuant to §92-3 Hawai‘i Revised Statutes (HRS), all interested persons shall be afforded an opportunity to present oral testimony or submit data, views, or arguments, in writing on any agenda item. Additionally, pursuant to a policy adopted by the O‘ahu Island Burial Council at its September 14, 2005 meeting, oral testimony for items listed on the agenda is limited to three minutes per person, per agenda item.

Pursuant to sections §92-4, §92-5(a)(8), and §6E-43.5 HRS, and upon compliance with the procedures set forth in §92-4, HRS, the council may go into a closed meeting to consider information that involves the location or description of a burial site.

A request to be placed on a burial council meeting agenda must be made with the Burial Sites Program staff at least two weeks preceding the scheduled meeting date. In addition, the request must be accompanied by all related documents. Failure to comply with this procedure will delay the item to the following month’s agenda.

Materials related to items on the agenda are available for review at the State Historic Preservation Division in room 555 of the Kakuhihewa Building located at 601 Kamokila Boulevard, Kapolei, Hawai‘i 96707. Persons with disabilities requiring special assistance should contact the division in advance at (808) 692-8015.