

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD STE 555
KAPOLEI HI 96707

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
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

Hawaii Island Burial Council
Meeting Minutes

DATE: Thursday November 15, 2012
TIME: 9:30 am To 1:10 pm
PLACE: Natural Energy Laboratory of Hawaii Authority (NELHA)
73-4460 Queen Ka'ahumanu Highway
Kailua-Kona, HI 96740

HIBC MEMBERS: Kimo Lee, Landowner/ Developer Council Chair
Charles Young, Landowner/Developer Council Vice-Chair
Keith Unger, Landowner/Developer Representative
Nalei Kahakalau/ Hamakua Representative
Leningrad Elarionoff, Kohala Representative
Gene "Bucky" Leslie, Kona Representative
Edwin Miranda, Hilo Representative
Maxine Kahaulelio, Waimea Representative

ABSENT/EXCUSED: NONE

SHPD STAFF: Kauanoë Hoomanawanui, Hawaii Island Burial Sites Specialist
Mike Vitousek, Hawaii Island Lead Archeologist

GUESTS: Glenn Escott, SCS Inc.
Nicole Lui, Kapa'au
Ken Masden, Department of Education
Bob Rechtman, Rechtman Consulting
Warren Lee, County of Hawaii
Francine Lui, Kapa'au
Noland Eskaran, County of Hawaii
David Yamamoto, County of Hawaii
Ken Pentrisko, Summit Construction
Aaron Speilman, Architect/RLAD
Pua'alaokalani Nihau, Kamaka Ohana
Lehua Kamaka, Kamaka Ohana
Tim Richards, Kahua Ranch
Pono & Angie Van Holt, Ponoholo Ranch

I. OPEN REMARKS:

Kimo Lee, HIBC Chair called meeting to order at 9:36 am.

II. ROLL CALL/ PULE:

Council member Keith Unger gave pule.

Chairperson Lee, HIBC members and the SHPD staff introduced themselves.

III. APPROVAL OF MINUTES

A. October 18, 2012

Leningrad Elarionoff moved and Bucky Leslie seconded motion to approve.

Chairperson Kimo Lee opens the floor for discussion.

Leningrad states it was difficult to find mistakes but on page 4, the eighth paragraph down. The word should be there, not their. On page 6, new should be knew.

Mr. Unger clarifies on page 13, at the bottom, council member Miranda opposed however motion approved by majority vote not unanimous vote. Please make these corrections.

Maxine Kahalelio made a motion to approve minutes as amended and Bucky Leslie seconded.

Motion approved unanimously.

VI. New Business

A. Burial Found during Archeological Reconnaissance Survey for Site 50-10-69-29501 Located at the Ka'u High School and Pahala Elementary School Campus in Pa'au'au 1 Ahupua'a, Ka'u District, Island of Hawaii, TMK (3) 9-6-005:008. Information/Discussion: Information on the burial found at above location and discussion of proposed treatment. Presentation by Glenn Escott.

Warren Lee, County Director of Public Works introduced himself. The Ka'u District Gym & Shelter program started out as a High School Gymnasium and lacked funding so the County wants to be involved in the design. With Legislator Herkes we developed a shelter from hurricanes and vog with eighteen million that was awarded to Department of Education (DOE). They put out a bid and began the Environmental Assessment. We awarded the bid to Summit Construction. We would like to keep the project on schedule and have the 2014 High School graduation ceremony in the new gym as a target of completion. I don't want to get in the details, although this project is fully funded by the State of Hawaii.

Glenn Escott states he did a field inspection in February 2012 in preparation of this project and sent his information to the Architecture Division of SHPD. There have been field inspections that have been done in the past. When County of Hawaii (COH) Department Public Works (DPW) permitting arose is when we identified the human skeletal remains in a lava tube. I was contacted to do a Reconnaissance Survey and we found and documented the human skeletal remains. Rather than bringing a completed Burial Treatment Plan (BTP) we are coming forward for council recommendation. Chair Lee asks how far away from the burial site is the construction of the gym going to take place? Escott answered more than 30 feet away from the burial. The information on figure 3 you can see the burial and tube outline and near that where the large field is. The storm drain entrance is close to the tube so the county decided to stay away from the tube. If we stay far away from the tube and avoid the burial we can start construction and give Scientific Consulting Services (SCS) time to complete the BTP. Of course we are presenting preservation in place. At the time, the road was built and the burial was not disturbed. The school would like to ask to

preserve the burial in place. We are preliminary at this point and we would like a recommendation to allow the project to proceed.

Chairperson Lee asks why this is not an inadvertent discovery. Mike Vitousek states they identified it in an inventory survey and now it's a previously identified. Young asks the storm drain has not effected the burials and is down a way from the location of the burial? Escott answers in figure 3 in direction towards the tennis stadium the little white dot is where the storm drainage is. Young asks you're suggesting the storm drainage to be used because there has not been any previous impact. Escott suggest since the burials are on a bench and there is a hole in the floor allowing for drainage, dropping 7-8 feet. We know there have been a number of flood events and has not impacted the burials. Those tubes have not been impacted and up until now no impact from drainage or flood events, including during construction. Young asks where the entry point is for the persons whom placed the iwi there. Escott answers they entered from the storm drain, they built a drywall with cement and closed for a period of time. Then in the 80's they used a jack hammer to open it and used it for a storm drain. In your reconnaissance there is no other opening in the tube asked Mr. Young and Escott answered yes there is no other opening.

Council member Miranda states the site seems to be known for some time. Are you saying these lava tubes have no connection to the lava tube at the northern part? Escott says no one can enter the tube, they know people are breaking into tubes but someone tells them there is a tube with cultural remains. We don't know if this tube is the tube the state identifies. The tube has a state number and historic refuse has been dropped in the drywell, which is the entry to this site. What kind of methodology was used asked Miranda. Escott answers archaeological studies and impact assessments. We locate what we are looking for and submit the information to the state. Miranda asks was any fill put on the field, Escott says yes and a majority of the campus has historic trash. At this point it's a recon survey and we are looking for any signs of cultural material.

Lee interrupts, is the project going to impact the lava tube? Warren Lee answers, we were going to connect to the drywell but we are going to revise the plan to stay away from the burial site. We have the school here with the driveway and the site of the new gym. The burial is closer to the school and the project will not affect the drywell or the burial. In the meantime the DOE will take care of whatever is on their property.

Miranda adds our job is to address the iwi. Escott says I am the first archaeologist to go in there and the community may have been aware of the iwi. This is the first study and we did find it. We can write up the inventory survey and everything will be in there. We know for a fact that there are many tubes near the project. They have never been open so no cultural material is in there. In the access part, following consultation, why isn't SHPD consulted before access is permitted. Escott is proposing suggested treatment and if you would like us to add SHPD we will although there concern is liability. Miranda adds regular maintenance is to be done by the school and all maintenance should be recorded. This information should be given to SHPD. Looks like you folks did ground penetrating radar maps. Escott adds yes they brought in these methods to be cautious. Please develop a log for maintenance and submit to SHPD.

Leningrad starts on page 1 under the bold writing, setting, and fifth line down; it isn't exactly true that the school was built for plantation children. Page 4 figure 3, the shiny roof, what is it? Kalei Namohala answers it's the weight room, she introduces herself as the Athletic Director for Ka'u High School. Leningrad continues, on page 7 there is a square block that's empty. Escott answers in color, you folks have it in color, council answers we have no color. Escott apologizes for no color he thought office max printed it in color. The burial remains and remains of clothing and personal items are scattered along the bench. Can you show us, Escott shows the council his colored copy. Leningrad continues to address, the cobble stack is one to two coarse wide. You put a coma after coarse wide why? Escott answers I don't know. When I get too many ands I put a coma. Leningrad suggests that you were saying something and than changed your mind. I couldn't figure out why you used the term unburned. Escott answers the wood

appeared to be unburned. Leningrad asks, based on the coin found with the burial, it appears to be from the second half of the 1800's. I have my doubts about your conclusion, since most times there are two coins to go over the eyelids. Escott states that the coins were near the pocket and there were some jewelry and clothing items. It's an assumption the cultural remains are with the burials. Although a lot of people leave offerings at the gravesites adds Leningrad. In this case it could be someone else bringing gifts. Escott adds that the location of the remains isn't easy to get to and the location of the items next to the burial leads me to believe that they are associated. Leningrad asks if the coin was in good condition and Escott answers the coin is tarnished. Now to the burial treatment, SCS is in searching, what you mean by that. Escott answers that SCS is searching. The burial site will be preserved in place, that's not your decision right? Escott answers it is not our decision. On the next paragraph down access permitted seven days a week, Escott states we want to respect the descendants and at the same time respect the liability of this school. The storm drain was constructed is built into the lava tube, what's wrong with this sentence? Escott corrects and says the storm drain was constructing into the lava tube. The storm drain was installed by whom? Escott answers the school, Leningrad disagrees. Warren Lee clarifies that the drywell was installed at the school development. Leningrad states people knew about this cave covered it up and breached it, who did it, is very interesting to me. 2nd paragraph on page 10, the burial treatment plan will be used as a primary access to the burial. And the next paragraph, there are no risk, Escott clarifies risks. Under signage, in the next paragraph than the unmarked and no one knows of the remains. If they had it boarded up in the 50's than someone knew about it. Escott states it was a large tube and they closed it because it's a large opening. When I went to school there we knew about it and everyone wanted to go see it, this shows people knew about it. On the very last page, page 11, any harm observed by whom? Escott answers the school is responsible. When you say school you mean DOE? Escott answers yes. Second to the very last line, you used iwi kanaka, I don't think that is correct and if you put iwi kupuna its non gender. Why isn't there clarity in responsibility? This is DOE property and the county is building the gym and we are here dealing with this. There is a separate responsibility for the function of building this gym and the burial. Today we are talking about holding the Ka'u kid's hostage until this thing is settled or give the go ahead

Chair Lee states is that a motion, I believe this is a motion. We have those options, are we going to hold this up until the burial treatment plan is done or give the go ahead and address the burial treatment plan later. Any more discussion?

Maxine Kahalelio states this is just a summary this is not a BTP, in this summary it states we got to let the kids graduate. However we need to take care of the iwi kupuna first, this is just a summary, and this is not pono yet. Bring it back to us in the BTP, our keiki haumana graduated in the grass not in the gym. The community may be upset with us, but lets do it right. The kupuna come first and the keiki comes second. Even if the road is atop the lava tube that has already done enough. I can't accept this as it is not a BTP.

Leningrad agrees this is a summary and I can't accept this either. I am asking whose responsibility it will be right now they cannot say this will happen or that. The DOE has to hire him not the county the DOE has to deal with this burial. Kahalelio adds the DOE has no money and they receive federal monies. Warren Lee addresses that the DOE has funds to address the BTP. Here is Kenneth in charge of the DOE planning section.

Kenneth from the DOE asks that the construction move forward as I am here today to see what the council wants to do. My question is about the burial treatment plan and at your discretion to describe the situation. Mike Vitousek states because the site is within the project area and that is why we need a burial treatment plan. Kenneth adds we do have the funds to supply that request. Warren Lee proposes that we are not including the drywell. When is the cave going to be secured and surveyed? Right now it is secured with a 300lb grate sitting on the drywell and is fully secure. DOE is a much larger agency funding wise, we will work to see that the treatment plan is submitted and reviewed. First thing is to secure would be funding. Glenn has drafted a BTP to explain two things parallel, two separate issues still tied. One is to do

the BTP and the other is to continue construction. Lee adds practicality wise the site is not connected to the construction site.

Young states from the council perspective, presented to the council are preservation place and the second thing is the buffers. The recommendation is to preserve in place and they assure us that this site is far away from the construction site. My concern is the continued use of the lava tube to be used as a drain and the lack of input from descendants. The third question is for staff, how does state law applies to state land, Mike Vitousek adds it's the same. My big concern is the continued use of the drain.

Keith Unger states we are meeting December 20, and you do have the opportunity to bring back a BTP for approval. Are crews mobilizing now, Warren answers October 3, 2012 we had a blessing. We want to make sure this is done the right way.

Bucky Leslie suggests bring back the burial treatment plan so we can thoroughly discuss.

Miranda seeks the integrity of where is this place and we experienced the collapse of tubes. If you put in no risks and something happens whom is responsible for that. We could have a kindergarten class and the tube collapsed. Who is liable? Please consider that as part of your maintenance thing. We need to provide an alternative design for the drain. I require topographic maps so I can see where the water is moving. The integrity of the tube, it's not just us leaving it alone.

Leningrad can't understand why we are so concerned; my main concern is that the DOE hires someone to do the BTP. If it was a separate piece of property and they intended to use it as a drain and than it becomes relevant. But as soon as they found out the burial is there they decided not to. If you connect the gym to cave than do a BTP but there is no connection right now. The DOE never found it in the past or addressed it.

Young shares there are two separate issues, how do we protect our iwi and the other includes how the school gains a gym. Mr. Unger suggests we meet next month. Although, I understand that a BTP is holding up the construction. Is that where we are at today?

Warren Lee addresses we brought it for SHPD review and we are here today.

Mike Vitousek states the entire project area includes the gym and the burial. Now they submitted a new permit without the burial in the area. Breaking the project into two phases, and completing the first phase without a BTP and when it reaches the second phase they will be completing the BTP. SHPD wanted consultation whether or not the buffer is sufficient or if a BTP is necessary.

Bucky Leslie made a motion to recommend to SHPD to separate the burial site from the gym construction area allowing for gym construction and addressing the BTP at a later time. Leningrad Elarionoff seconded.

Chairperson Lee opens the floor for discussion.

Young asks what the monitoring plans are for this site is and how close will the equipment get to the site. Warren answers to keep this project on schedule; we need to order steel from the mainland.

Leningrad show concerns in who is going to do it, although Warren you stated you are committed. However the state should be responsible. Kenneth from the state clarifies that we will have funding to support the BTP and we asks that phase 1 be accepted. Also if the BTP is not approved phase 2 is out. Kenneth states I don't know what to anticipate if something goes wrong.

Warren adds DOE, as the landowner has the main responsibility, we will lend funds to complete the BTP. Glenn has rough draft for December 20, and if more time needed they can revise for January. Hopefully both issues can be addressed in parallel.

Miranda asks how far way the burial site to the tennis court is. DOE answers 60 feet. Any possibilities to redesigning the drainage? Warren answered there is a proposal of redesign.

Kahaulelio says you need to do your work we can't do it for you. Its good information and go start your work. Have the state do the BTP and work on it. I feel you want to go for the construction and then do the BTP. Lee answer that's the motion we have.

Young asks is it point on slab, right now the soil conditions aren't stable and we have excavation for two feet under the slab answers Noland.

Miranda states bring a BTP and add contour maps.

Kahaulelio asks what is phase 1, as I am unclear. Lee answers to construct the gym.

Leningrad asks Mike you came to us asking for a recommendation does that mean you could have made a decision on your own. Mike answers no Ms. Hoomanawanui could have made the decision. So you came to us for our input. Ms. Hoomanawanui agrees.

Young asks whose kuleana is it going to be to do the BTP and can I make a strong recommendation to redesign the drainage and look at alternatives to not use the lava tube as a drain.

Ms. Hoomanawanui questions that the drainage is going into the burial site or from the burial site? Vitousek clarifies the drain is moved from the burial site area.

Warren adds that some portion of the drainage that would go into the existing drywell and goes through the lava tube. We are not going to add to the existing drywell. We are going to put in a new drywell, and take some water from existing drywell and put it into this new one.

Kahakalau asks when you go into phase 1, is there another road that will be built to get to phase 1. The driveway goes over the portion of the burial site. Is there going to be a redesign for that too and Warren answers we can work on it.

Lee states the motion to recommend to SHPD to proceed with phase 1.

Kahakalau and Kahaulelio opposed although majority vote approved the motion.

B. Recognition of Sandra Lehua Kamaka as a Cultural Descendant to Unidentified Native Hawaiian skeletal remains located SIHP 50-10-27-29275, O'oma II Ahupua'a, North Kona District, Island of Hawaii, TMK: (3) 7-3-09-004:22.Information/Discussion/Recognition/Determination:
Discussion and determination on whether to recognize Sandra Lehua Kamaka as a Cultural Descendant to the above unidentified human skeletal remains.

Charles Young moved and Ed Miranda seconded the motion to approve.

Chairperson Lee opened the floor to discussion.

Council member Miranda thanks Lehua for all her kokua to the council. Lehua introduces herself and expresses her gratitude to the council for their decision making and prays for their guidance.

Motion carried unanimously.

V. OLD BUSINESS

A. Draft Burial Treatment Plan for SIHP Sites 28545 Feature A and 28547, Ki'iokalani Ahupua'a, North Kohala District, Hawaii Island, TMK: (3) 5-8-01:015 & TMK (3) 5-9-03:003.

Information/Recommendation/Determination: Discussion on the above plan, determination whether to preserve in place or relocate human skeletal remains, and recommendation to SHPD whether to accept the Burial Treatment Plan. Presentation by Rechtman Consulting, LLC.

Mr. Young addresses the typo in the agenda which states North Kona and should include North Kohala.

Bob Rechtman introduces himself along with both landowners for both properties. Tim Richards and Pono Von Holt introduce themselves. Bob describes the situation regarding the councils concern with two separate TMK's and two separate landowners. In the past it was once one entity. Now it's separate, one is Ponoholo and the other is Kahua. Both sites are in the Ki'iokalani Ahupua'a. Since there was cooperation between landowners we did a BTP. Preservation in place is proposed along with a 30 feet buffer.

Chairperson Lee adds to the summary that SHPD staff was asked to contact the Attorney General (AG). Ms. Hoomanawanui clarifies a request was made through our administrator for our AG to give legal opinion on the suggestive two landowners completing a BTP. Our administrator only suggested that if the landowners are in cooperation than that would be admissible. Lee asks the landowners if they are both in agreement. Both Richards and Von Holt agree.

Bob explains changes were made to page 36 in generating temporary fencing around the preservation area. Access will be allowed parking is available a few feet of the preservation area. No development of a roadway will extend to the burial site. In addressing Nalei Kahakalau concerns on the vibration stress, I evaluated the area. The last earthquake showed that the site was withstanding. Nalei asks if there will be monitoring on-site during the construction. Bob answers we will be inspecting the site during construction. I attempted to contact Lehua Kamaka and there was no call back. I also contacted the Perez Ohana.

Von Holt clarifies we met with the Kainoa & Kailiawa Ohana and they represent the families and were in agreement to leave alone the iwi. Descendants have access. We also met with Aunty Emma and Kimo Hoopai and they are supportive of the treatment plan. All these people will have access. Richards adds we met with the families, Hoopai, Akina Ohana, Keola Awaha and talked story if they want to come down and they are supportive. They have used the land for years.

Bob states we are seeking any recommendation you have for our determination. Leningrad explains Bob you were talking about temporary fencing using Keawe logs. Bob clarifies we are using temporary t-posts.

Lee says you have addressed the 30 feet buffer and you were going to contact council member Kahalelio, and Miranda asks for contour maps. Bob answers I contacted Kahalelio. Miranda suggest There are two major drains here and I'm concerned with erosion. Are you putting cattle in there, one animal unit per acre? I understand reducing the fire load and I would like to see fencing around the site if cattle are present. Another site I would like to address is the Alaloo trail, is the home going to be above or below it. Von Holt answers the home will be above the trail. Bob explains look at page 5, and 15 feet mauka of that is part of a preservation area. These sites that are near are part of criteria D, Vitousek states

all this is conservation land and there will be no development. Thank you for addressing the cattle concern and the need for fencing concludes Miranda.

Council member Kahualelio addresses the descendants that the landowners contacted, are not from that Ahupua'a. You folks talked to non descendants to Ki'iokalani Ahupua'a, Mr. Hoopai is from Kona. I would also like to address how close the house is going to be near the burial. Lee clarifies how close is the burial to the proposed house lot? Bob answers around 700 feet away.

Miranda explains the history of Hawaiians being buried in the floor of their habitation. I want to make sure that nothing will be disturbed during construction. Bob clarifies we tested, moved rocks, open an area systematically and determined contents and systematically put the rocks back. On the shoreline we tested one unit and no burials were found.

Chairperson Lee opens the floor to public testimony.

Gale Perez states there are more things that are coming out. These needs to be halted as there are people in the Pu'u and the lava tubes have burials and should be considered. We are bringing more information and are very worried. We are third generation descendants to those people. That hei'au at the shoreline has tubes with graves underneath.

Kenneth Hook introduces himself as a descendant to that land and a direct descendant to Kauikeauoli. I can bring my genealogy if needed. There ancestors had kapulu that place, Monty Richards and Von Holt had ai hui that area. Since 1940's we have been going down once a year and Von Holt said he never restrict access. Now the gate is locked and we cannot make our yearly trip down there. I only heard about this a day ago. As far as I understand, we have no authority as the Hawaiians are at the back burner somewhere. The koko of the island has nothing, but at this point the fence is up and our family is restricted from tribute to our Ohana. To you Von Holt and Richards, if I drive past and see the gate locked I am going to cut the lock. If I see any development I will uphold you in federal court as the land never conveyed. This is very serious and remember one thing all of you 1893, anything after that there is no conveyance to the land. Any land documents you have are a'ale pololei. Lee asks if Hook is registered to the state and Ms. Hoomanawanui answers that applications are in process and haven't reached the council yet. Miranda extends appreciation to Mr. Hook as some of us don't remember our own past. I wish our ancestors could lay out the genealogy. Seems you have a relationship with this family and you folks have lost communication. Are there more burials there? Mr. Hook answers yes.

Maryann Lim introduces herself and simplifies that our generation is trying to connect to the roots. I agree with my cousin Kenneth Hook and thank you for acknowledging us.

Lehua Kamaka shows appreciation to Bob for contacting her and states she does not agree with the development because they are concluding to fast. Kahakalau asked are you in agreement with preservation in place and Lehua states yes.

Vice Chair Young addresses to Mrs. Perez, the comments made earlier including more things are coming out does that mean more burials are there. Gale states we were concerned cause of the other burials. The family knows of the lava tubes and there is someone to testify to that. Gale clarifies Kahu o Kahiko, the ancient keepers, have records and maps. Young explains do you feel this BTP is incomplete? Gale answers yes. We talked to the kupuna and they have the memories, and we respect them. You can build and face something later or you can think about it and consider us.

Vitousek states if there is potential of other burial sites than we would need to address those also. Gale answers this area holds burials of Ali'i Nui.

Kahaulelio explains there is a map showing all the names of Ponoholo, there are things that can be addressed and these descendants knew nothing about it. The descendants that the landowners brought forward are not related to that area.

Clarence Perez introduces himself and suggests you have heard the kupuna and if anything comes up it is for you folks to think about. The kupuna has spoken. Lee asks where the burials are and the Perez Ohana says there are burials everywhere.

Kahakalau asked Bob if the inventory survey included subsurface and surface testing, Bob answered yes.

Leningrad asks if what mile marker are we at and Lee answered mile marker 9.

Miranda suggests that the vault may be an area below that may have more burials. Bob answers that the bottom of the vault has bedrock or a large slab. The construction location of the house is 200 feet away from the construction area. Bob explains there is going to be a preserve area and the lower area is a conservation area.

Leningrad wants some clarity in what is in the area and there is a cave on the mauka side, as I have been in there. You crawl in there and when you're in there it's a large area with a ceiling 8-12 feet high and then you can enter a second chamber. In my mind if there is a connection, if a vault it's hard to believe a cave beyond the vault.

Young asks if the SHPD have reviewed all of the documents. Vitousek states yes we have evaluated the information thoroughly and are willing to accept new information. We have currently accepted the survey that includes all the information. If any new information arose than the Department is willing to review and confirm. Anything that is found it would be treated the same.

Bucky Leslie made a motion to preserve in place and Keith Unger seconded.

Chairperson Lee opens the floor to discussion.

Kahaulelio explains the Ohana just found out, give them time and an opportunity to come back again. Young asks if we are voting to preserve in place, than any new information would be treated like an inadvertent discovery. Vitousek adds that they would have new site numbers and would be addressed as previously identified.

Chairperson Lee explains the consensus that we defer the recommendation for SHPD to approve the BTP at the December 20, 2012 meeting.

Kahakalau also elaborates to Ms. Hoomanawanui to again pursue the AG for legal opinion on the matter of having two landowners addressing a single BTP.

Motion carried unanimously.

B. Draft Burial Treatment Plan for SIHP Site 50-10-27-17836, Kapa'au Ahupua'a, North Kohala District, Hawaii Island, TMK: (3) 5-4-09:027. Information/Recommendation/Determination:

Discussion on the above plan, determination whether to preserve in place or relocate human skeletal remains, and recommendation to SHPD whether to accept the Burial Treatment Plan. Presentation by Rechtman Consulting, LLC.

Bob Rechtman introduced himself and explains the corrections made on page 6 a map, page 11 we changed it to its, page 13 more info added, page 15 consultation including two applicants Ms. Halliwell

and Ms. Lui. They received copies of the BTP and where in approval. On page 16 we removed the word reasonable; it's a definable legal term in courts. Leningrad disagrees as what is reasonable to others are not reasonable to all.

Miranda adds there is a kupuna program that meets weekly, did you talk to them? Bob answers one of his employees is currently working with Kamehameha Schools and he asked around and located no one. Kahaulelio suggest for Bob to look for those who are in Kohala. Miranda adds the future vegetation removal and his effort in talking with the Cazimero Ohana. Leslie suggests the oral history is going to be documented with OHA and Kamehameha Schools are going to be developing a database.

Bucky Leslie made a motion to preserve in place and Keith Unger seconded.

Motion carried unanimously.

Bucky Leslie made a motion to recommend to SHPD to approve the BTP and Ed Miranda seconded.

Motion carried unanimously.

VI. SHPD INADVERTENT DISCOVERY REPORT

A. None

V. ANNOUNCEMENT

A. Next HIBC meeting scheduled for Thursday December 20, 2012.

VI. ADJOURNMENT

Chairperson Kimo Lee adjourned the meeting at 1:10pm.

Respectfully Submitted,

Kauanoë Hoomanawanui