

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

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

Hawaii Island Burial Council Meeting Minutes

DATE: Thursday, November 21, 2013
TIME: 9:30 am To 12:15 pm
PLACE: Waimea Community Center
65-1260 Kawaihae Road
Kamuela, Hawaii 96743

HIBC MEMBERS: Nalei Kahakalau/ Hamakua Representative
Keith Unger, Landowner/Developer Representative
Edwin Miranda, Hilo Representative
Kimo Lee, Landowner/ Developer Council Chair
Maxine Kahaulelio, Waimea Representative

ABSENT/EXCUSED: Gene "Bucky" Leslie

SHPD STAFF: Kauanoe Hoomanawanui, Hawaii Island Burial Sites Specialist
Mike Vitousek, Hawaii Island Lead Archeologist
Sean Naleimaile, Hawaii Assistant Archeologist

GUESTS: Ka'anohi Kaleikini
Jimmy Medeiros Sr.
Fumiyo Okuda
Lily Kong
Clifford Miko
Sidney Fuke
Bob Spear
Glenn Escott
Trevor Yucha
Hal Hammatt
Laura Aquino
Wallace Ishibashi Jr.

I. OPEN REMARKS:

Kimo Lee, HIBC Chair called meeting to order at 9:34 am.

II. ROLL CALL/ PULE:

Council member Nalei Kahakalau gave pule.

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

III. APPROVAL OF MINUTES

A. June 20, 2013.

Maxine Kahaulelio moved and Ed Miranda seconded motion to approve minutes.

Chairman Lee opens the floor for discussion.

Miranda begins with page 5, 2nd paragraph it should be useless, capitalize UH in the third paragraph and the last paragraph, the word “burial” to include “s” without the coma. Also the extra “e” in the sentence above needs to be removed. Page 6 should resemble “own” not “ones” and at the end of that sentence correct, every six months. Please make the corrections.

Maxine Kahaulelio made a motion to approve minutes as amended and Kimo Lee seconded.

Motion approved unanimously.

IV. NEW BUSINESS

A. Draft Burial Treatment Plan for Burial Site 50-10-45-190 located on a 9,749 Square foot (0.217607-acre) Parcel on Papio Street in Hawaiian Beaches, Waiakahiula Ahupua'a, Puna District, Hawaii Island, TMK: (3) 1-5-063:043.

Information/Discussion/Recommendation: Discussion on the above plan. Presentation by Pacific Consulting Services, Inc.

Glenn Escott from Scientific Consultant Services introduces himself and introduces the survey that was required by SHPD with additional testing in the agricultural features identified in the AIS. Initially when PHRI conducted there survey they did record a platform, later tested and located a burial. The location of the burial is on page 23, figure 12. The results of the excavations PHRI conducted are on page 33, 34. In figure form, figure 20, page 33 shows the top of the platform. The square at the top of the platform is where the excavation was located and the next figure shows the location of the burial. The lot was professionally surveyed and left pins and flags. The test excavation where the iwi were found are technically on the County of Hawaii's property.

Chairperson Lee asks Escott if the buffer is 20 feet with an additional 10 feet setback. Escott answered on page 27, figure 22, shows the burial platform in the NE corner of the property. The red line resembles the 20ft buffer and an additional 10 ft. buffer. The yellow rectangle is where the landowner would like place his home. Lee suggests the property looks previously disturbed by equipment. Escott stated the neighbors next door disturbed the area while developing their property. Lee asks if any persons respond to the public notices. Escott states no.

Maxine Kahaulelio asks why your client wants to live there, it's a burial site. Escott answered it was affordable for the landowner. This place is sacred. My house is 1500 square feet and there is no room for me to build. The heiau is large and takes up most of the property, it's beautiful. Lee asks Escott if the burial is on the property or on the counties property. Escott adds on Government Beach Road you can see the site, 20% of the site is on his property. Kahaulelio asks how large the home is going to be, is it one bedroom? Escott adds yes he is building a small structure but I am unsure of the size. Escott includes the integrity of the structure is in good condition. The chamber is underneath the platform. Kahaulelio asks why we are here. We are the burial council we have to share our mana'o. This is a burial ground, nine thousand square feet, there is not going to be room for the chickens. He is going to be walking on the burial site. Whoever sold him the property is not good. They should not be doing that; Pele's fingers are

the Hawaiian beaches. There is no more respect for us anymore. Don't build at all, move on, and move on!! I don't know why I sit on this council if no one listens. Is he a local boy, Escott answers no, he is on Oahu.

Ed Miranda assumes the driveway is going to be elsewhere, as there is no room. Escott answers the driveway may be off either the roads alongside the burial. I see this as an incomplete plan, only one property owner is participating. The County needs to come forward and agree to your landowner's burial treatment plan. Escott adds if the County agrees with that we can do that. It's not guaranteed with the County. On page 33, what is the beauty of this photo? What is there and shouldn't be there? The property stake should not be in the burial site. Escott shows Miranda the figure from 1998 based on a location, not a stake. If there is a stake in there that is ridiculous. There should not be a property stake in the platform. The surveyors put the stake in there, and I am not apologizing for them. If Mr. Eden can protect the burial and access to the burial from his side, he will be responsible to prevent any impact from the burial. If there is an automobile accident from the county side, it is not up to us to make the county do their job. I am willing to talk to the county about the burial. If the county is blowing us off, would you consider an option? Miranda understands the tough sale but it should have been part of the legwork. Escott continues if the county has no concern they may not move on it. Miranda explains the existing desecration of the property stake being directly in the burial site. The landowner knows about that and it is his property stake. Escott elaborates the landowner can protect the burial from human impact. He is trying to come up with treatment to protect the site. Miranda apologizes that it is like putting a stake in my heart. Escott asks what type of treatments you would suggest for the county.

Kahaulelio emphasizes the locals are aware of sacred sites and wouldn't be foolish to purchase properties that have burials. The people buried there are the owners of the property and not the newcomers. It says you put in there these are the lands of Mikihala the granddaughter of Kamehameha. We respect the aina and we do not buy land set aside for the ancestors. You can put all the buffers, county, federal, it does not matter the land belongs to those that are buried there. Please do not put your hale atop of my tutu, maybe you should find another job Glenn.

Miranda recommends that you and the owner do the leg work to get the county involved. Escott clarifies at this moment there are no protective measures. Councilmember Keith Unger suggests SHPD notify county. Mike Vitousek clarifies legally we can only review the treatment options on the parcel where the project area took place. That triggers the project action on this parcel and that's why we need to process the BTP. However this HIBC determination to preserve in place applies to the burial across all parcels that it lies in. Any county state project needs to run through our office, if anything comes up near the area they will be required to complete a BTP. If this is agendized for discussion only, Glenn has the opportunity to consult with the county. If the county is unresponsive legally we are limited to the parcel that the project action is taking place. Miranda refers to the iwi has protection all around regardless. Vitousek agrees if this determination is made the county will be notified of the action, preservation measures are put in place. In the event that the county plans to develop, they would be responsible for preparing BTP. To work with the county that establishes a treatment plan that encompasses the whole burial would be the best case scenario. We cannot impose the treatment over the boundary onto the neighboring property.

Councilmember Nalei Kahakalau would like the state to be more involved as the county is subservient to the state as their laws are in place for protection. The county should fulfill their kuleana to their section of the burial. Let's initiate a law suit not against the landowner but to the county, as they should develop treatment. I am amazed a car has not gone into the burial site. The county needs to provide protection, and our issue is to protect the iwi. I do Mahalo the 30 foot buffer, and the landowner's effort to protect what is there. I would like the county to step up to the plate.

Kahakalau refers to the rules and the county and regrets to hear of a removal of burials for a newcomer to come and live. I dislike when the county does this. The burial needs to stay in place forever. Kahakalau includes the excavations of a recorded agricultural revealed the iwi. If not for those investigations they would have destroyed the burial.

Lee clarifies the two recommendations to include the removal of the stake in the burial and we request you work with the county. Miranda states you might have press this point with the councilmembers. I will look at every avenue for this to get done.

Chairperson Lee opens the floor for public testimony.

Jimmy Medeiros Sr. asks if anyone has come forward for this iwi, Escott answers no one has responded to the public notice. As a native Hawaiian organization we would like to be included in the consultation as this burial has too much of a concentration. Too many issues and insensitivity from the surveyors, I would like to be involved in this project as a NHO.

Kahakalau asks Escott if he has contacted Keiki Kikipi, Kaawaloa, Waipa, Keliihoomalu, and Kalawe Ohana. There are from this area, the Kaawaloa are genealogist are from that area. Escott answers no.

B. Draft Burial Treatment Plan for Kona Country Club Project, SIHP 50-10-37-4689, 50-10-37-7610, and 50-10-37-7630, Keauhou 1st and 2nd Ahupua'a, North Kona District, Island of Hawai'i, TMK: (3) 7-8-010:30 por. , 051 por. , 100 por. and 101. Information/Recommendation: Discussion on the above plan. Presentation by Cultural Survey's Hawai'i, LLC.

Hal Hammatt of CSH introduces himself along with Trevor Yucha, Sidney Fuke, Lily Kong, and Mr. Yukon. To begin, this project had surveys beginning in the 1980's working with Kamehameha Schools. It began as a housing development alongside with a golf course. The present project is 81.5 acres for housing development associated with the golf course. There was a cultural impact assessment done in 2009 for part of the area. There was an outreach to the kupuna of the Kona area involving Lily Kong, Billy Paris. In 2009 the AIS was completed that included 52 sites recorded with 11 possible burials and a data recovery plan that was prepared for those sites. Later to follow with preservation plan that we are working on and today a burial treatment plan. Basically the BTP is in connection with the data recovery. At the February meeting there was concern of the possibility of more sites. In February the data recovery was not complete. We would like feedback from the council. We propose a 75 foot buffer for the 3 confirmed burial sites, 4689 consisting of two platforms. Two lava tubes 7630, 7610, all three of these sites were identified in the 1980s and again resurveyed in 2009. We propose to seal the lava tube entrances and for the burial platform sites they will be protected by the 75 foot buffers. At the present time the landowner has orange fences for temporary protection. We are open for questions and comments as this is a briefing of the proposed BTP.

Chairperson Lee opens the floor for discussion.

Miranda reiterates the amount of times this plan has come to us. At first, the plan had everything, the second time there were three burials. I had a few concerns, there is the confirmed and the possible, they are there until proven not there. The mitigation recommendations for 23 sites and interpreted as possible burials. On page 8 we have data recovery and those same site numbers are classified as non-burial sites and the other table says possible burials in regards to the sites. On page 3 the numbers 7622, 7624, 7669 and the possible. On page 6 they are possible and on page 8 they are not. Another thing, I'm not familiar with is a non-burial preservation plan. Vitousek adds it's a preservation plan for non-burial sites. Miranda asks you say it's here and then it's not here. I am coming around to understand the significance of things, a, b, c, d, e. when we get to the d and e, we need to tread slowly. The places where you plan to homes will impact the burials, possible or not. I would expect to see a diagram of before and after. Hammatt clarifies

the table was put on here from the data recovery without the results of the data recovery info because it is still underway. The report is massive and we have tested all the possible burial sites and confirmed that they are not burials. From the February meeting that was a great concern for this case. Miranda asks Jimmy Medeiros about the site visit if there are any unusual depressions in the agricultural sites that would be of concern. Medeiros answers yes I have many concerns that the development will impact the sites. Especially as the possible burials turned into none burials as in the 70s, possible burials, 80s they knocked it down a little and it wasn't known as a burial by the 90s they removed the corridor of sites. The whole complex is rich in culture besides just the burials. There is a large pueo habitation in this area and they need protection also.

Lee reiterates the AIS were approved by the state and the consultant was hired to identify the possible burials and burials. The possible burials and burials will all be protected in the preservation plan. Miranda explains the map with the possible burials, site 7688, near 7682, 7687, possible burial, those are in the buffer and will be protected. They sites below, 18340, that large area may have burials too.

Kahaulelio elaborates the pictures are beautiful for our ancestors as their view is of the ocean. You can see the ocean and the hotel from the burial sites. Those are going to be ruined aren't they? Are you afraid of our ancestors, or shall our ancestors be afraid of you. You remove our ancestors, that is their home and there is a reason for them being there. You cannot tell me there aren't burials here, why are destroying our land for a golf course. Why do you want to build a resort on our dead people? Respect us, and our ancestors. Come back after you have completed the plans.

Lee asks why the buffer is 75 feet. Hammatt explains the sincerity in accommodating the sites. The open space extends to the makai and overlooks the ocean.

Chairperson Lee opens the floor for public testimony.

Lily Kong introduces herself born and raised in Keauhou. I have a tutu man that is buried at the top of the hill. I am very concerned of the area being developed. Mr. Takahashi called me to hear my side of the story. My tutu man is buried there with 10 more over there, I want it saved and the terrain of the land saved. I work with numerous developments like Hilo Lagoon, and Hokuli'a. I am going to help Takahashi, I don't get paid but for tutu man I will do it. Tomorrow I am doing the blessing while they put the fencing up. I don't want the terrain to be knocked down I want the landscape to blend with the Kuamo'o battle ground. When Takahashi said all the burials will be preserved in place. I promised Takahashi I will do Hawaiian pule for all the graves if he preserves all the burials. I do not want a Waikiki in that area. My mana'o is this and he promised. We don't know the outcomes of the past we have to learn since our tutu don't talk. Respect everybody and just don't stand, help, this is what I am doing.

I am Fumiyo Okuda I represent the landowner of the property, applicant and thank you for allowing us to present the plan. I apologize for not introducing myself earlier and if you have any questions please don't hesitate to ask. We plan to leave the burial as is and put the signage at the 75 feet buffer. The signage will be presented free standing at 13x18, which is quite large. On page 87 the sign is shown. We took your recommendation and made the sign bigger and free standing. Kahaulelio adds the concern of not embedding the sign in the pohaku. Do not embed in the pohaku, it is not allowed; we rather eat pohaku than go the American way. Okuda states we made a change for freestanding and much larger. Kahaulelio recalls the vegetative buffers that may have been proposed. Lee clarifies maintenance of vegetation in the dry areas were a concern so no vegetation was offered.

Kahakalau asks if the large boulders will be put in place to demarcate the buffer area. Is this still in place? Hammatt initiates the intention is to demarcate. Okuda adds we would like to keep the area as natural as possible.

Miranda questions Lily Kong as she stated she grew up there, and there was a tube filled with bodies that were dressed up in church clothes. Are you familiar with that and please don't tell me where it is at. Could the development impact the area in the lava tube as those burials are there. You are familiar with these lava tubes in this area and they still exist, Kong answers yes. Kong asks if the owner of the property is responsible for all the burials and not the leasee. I ask because the developer puts their hand in and they expect us to communicate with an association to put flower on the graves. Your ordinance leaves it up to the Ohana. Who is responsible? Kahaulelio emphasizes this is the kind of stuff we fight for here at the council. Till today we are still unable to access our graves due to money. The ones with money prevent us from malama our graves. I want to see the building plans! Kong agrees that our burials have no voice and an ordinance shall be set by HIBC. In order to allow the access to malama the kupuna we must fight. I respect it. Kahaulelio states the respect goes both ways, they need to respect us regardless. Its money and developers ruining our islands and they need to respect us. Nobody owns land, Keakua owns the land.

Kaonohi Kaleikini introduces herself and asks Hammatt of CSH of the buffers and if we are included in consultation. What are the buffers going to look like and Hammatt answered there are going to be boulders demarcated the buffer area. However this has not been decided. Kaleikini confirms are the discussions going to take place regarding the buffers. In addition will this be completed before any work begins? Hammatt agrees no work will take place till the BTP and Preservation Plans are approved.

Medeiros clarifies the need for stonewalls as the owners and management changes. A rock wall is more permanent and can't be destroyed. Kaleikini asks when is consultation going to start and Hammatt answers it's ongoing. My concern is when construction begins will there be impacts in between the preservation areas. You will be impacting the burials like Hokuli'a and Lee answers if it's found now and then if not it would be an inadvertent. That's why I would like to be part of consultation as I am a recognized descendant to the area. Medeiros emphasizes his concern with the whole developments. If intact this would not be happening. In early developments they destroyed all the cultural history. This area is fully developed by our culture.

Kahakalau asks Medeiros if you are in agreement with stone walls instead of boulders and you are ok with no development inside the 75 feet buffer area. They plan to permanently seal the lava tubes how do feel about that? Medeiros answers from experience we prefer permanent stone wall buffers.

Kahakalau continues to ask Hammatt what is an islet? Hammatt answers those are artifacts that are just found sitting there. There were a total of 74 sites spread out with islets. Kaonohi clarifies the sensitivity and the need for cultural monitors along with archaeological monitors. It's a village that needs a cultural monitor. Kahakalau concurs with the need for the cultural monitor and in the short term I want to see more than just fences. Lee agrees that when CSH consults they can get an approved cultural monitor acceptable by the descendants. Medeiros elaborates the concern of possible moepu and artifacts just lying around. Kahakalau asks where the islets are being stored now and Hammatt insures they are intact and some are in lava tubes.

Medeiros adds the need for all inadvertent discoveries to be preserved in place. They use this mechanism to wipe out sites with corridors. I want us to agree now to preserve in place all burials as Takahashi promised Kong.

Kahaulelio continues to say if you cover our lava tube you are covering our history. Japan is a new volcano can't you build in your own land. Volcanoes and lava tubes are our cultural. No cement our culture and wisdom. The lava tube is our birthing system, why come if you don't want to live our ways.

Kaonohi asks when we can consult as I have not been included. Hammatt answers we will make sure of consulting with you. Vitousek suggests a meeting with all participants.

C. Recognition of Wallace Aeae Ishibashi Jr. as a Cultural Descendant to Unidentified Native Hawaiian skeletal remains located at Mauna Kea Science Reserve and the Mauna Kea Access Road Corridor, Ka’ohe Ahupua’ā, North Kohala District, Island of Hawaii, TMK: (3)4-4-015:009 and (3) 4-4-015:por. 001. Information/Discussion/ Recognition/Determination: Discussion and determination on whether to recognize Wallace Aeae Ishibashi as a Cultural Descendant to the above unidentified human skeletal remains.

Ed Miranda made a motion to approve and Maxine Kahaulelio seconded.

Chairman Lee opens the floor for discussion.

Wallace Ishibashi introduces himself. Kahakalau asks if Ishibashi is Hawaiian. Ishibashi answers yes. Unger thanks Wallace for coming forward. Ishibashi continues to explain that his great-grandfather was a cowboy from Kukaiau Ranch. Not too much Ishibashi families are left up there. Miranda states Mr. Ishibashi is the DHHL chairperson for their commission, a cultural specialist for OMKM. Kaonohi asks Ishibashi if he is sincere in his participation as he is an employee of OMKM. Ishibashi agrees he is loyal to his ancestors.

Motion approved unanimously.

D. Recognition of the Named Individuals (See attached List) as Cultural Descendants to Unidentified Native Hawaiian skeletal remains located at Mauna Kea Science Reserve and the Mauna Kea Access Road Corridor, Ka’ohe Ahupua’ā, Hamakua District, Island of Hawaii, TMK: (3) 4-4-015:009 and (3) 4-4-015:por. 001. Information/Discussion/Recognition/Determination: Discussion and determination on whether to recognize the Named Individuals (See attached List) to the above unidentified human skeletal remains.

Ed Miranda made a motion to approve and Nalei Kahakalau seconded

Motion approved unanimously.

V. SHPD INADVERTENT DISCOVERY

A. August 14, 2013 at Waimea Trails and Greenways, Lalamilo Ahupua’ā.

Vitousek states the AIS an old inadvertent was identified and SHPD now awaits the Burial Site Component of a Preservation Plan from CSH whom is contracted by the COH. COH is the applicant that discovered the inadvertent.

B. September 2, 2013 at Waiakahekahe Ahupua’ā, Puna District.

Hoomanawanui clarifies the inadvertent was discovered while vegetative clearing and remains in place awaiting a Burial Site Component of a Preservation Plan from the landowner, Kenny Huntington.

VI. CONSULTATION

A. Cultural Surveys Hawaii, Inc. Request for Cultural Consultation and Comment Regarding the Preservation Plan for the Kona Country Club Project located at Keauhou 1st and 2nd Ahupua'a, North Kona District, Island of Hawaii TMK (3) 7-8-010-30 por., 051 por., 100 por., and 101.

Item deferred as no presenter was present.

VII. ANNOUNCEMENT

A. Next HIBC meeting scheduled for Thursday December 19, 2013.

VII. ADJOURNMENT

Chairperson Lee adjourned the meeting at 12:15.

Respectfully Submitted,

Kauanoe Hoamanawanui