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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

**APPROVED MINUTES
HAWAII ISLAND BURIAL COUNCIL MEETING**

DATE: Thursday, August 17th, 2017
TIME: 9:45 AM
PLACE: West Hawaii Civic Center
Conference Room
74-5044 Ane Keohokalole Highway
Kailua-Kona, HI 96740

Attendance: Keikialoha Kekipi, Acting Chair; Puna District Representative
Scott Mahoney, Ka'ū Representative
Maxine Kahalelio, Kona Representative
Norman Kaimulua, Vice-Chair; Kona Representative
Kea Calpito, Landowner/Developer Representative
Terri Napeahi, Landowner/Developer Representative

Excused: Fred Cachola, Kohala Representative

Staff: Regina K. Hilo, Burial Sites Specialist, SHPD
Amy Rubingh, Hawaii Island Lead Archaeologist

Guests: Arthur E. Ugalde
Clarence Perez
Kuulei Perez
Cynthia Galieto (+ a cousin)
Samson Kekumu Hernandez

I. CALL TO ORDER

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

II. ROLL CALL/PULE

*Hawaii Island Burial Council members introduced themselves in the following order:
Keikialoha Kekipi, Scott Mahoney, Maxine Kahalelio, Norman Kaimulua, Kea Calpito,
Terri Napeahi
Prayer offered by Member Kahalelio*

III. Business

A. Discussion on Hawaii Island Burial Council membership, roles, and responsibilities

Information/Discussion: Discussion on the above items.

Chair Kekipi welcomed all guests and thanked the Council members present

Suggestion was made to have a meeting in Waimea

Council Member Kahalelio stated some rules regarding the composition and duration of the Island Burial Councils needed to change

Stated the Hamakua Representative position is currently vacant

Suggested the Ethics Commission should consider having holdover members serve interim

Shared that the HIBC has gone through a transition period the past two years, with no meetings, no minutes; in that time, iwi has been bulldozed, developers are getting their way; alluded that, the government system, as it is currently set up, is not efficient; suggested that Nalei could've been kept as a holdover; suggested that lawmakers consider holding over council members until replacements are appointed

B. Department's Recommendation to Recognize Clinton Keli'i Billington as Lineal Descendant to the Native Hawaiian Human Skeletal Remains of Kekumu Kawa'auhau Located at the 'Ili of Papa, Kona Ahupua'a, South Kona District, Hawaii Island, TMK: [3] 8-8-003:001

Chair Kekipi read the agenda item onto record, asked if the Council would consider moving into Executive Session

Council members did not make a motion, and the audience determined an executive session was not needed

Summary of the discussion below:

Applicant was not present

SHPD recommendation was lineal descendant recognition, based upon collateral genealogical connection of the applicant to Kekumu Kawa'auhau

Council commentary: Kelii Billington has not attended the meeting each time this item has been on the agenda

Audience members, cousins to previously recognized lineal descendant Samson Kekumu Hernandez, and Mr. Hernandez, were in attendance and offered the following testimony (summarized):

- Billington married into the Haaheo family, not Kekumu
- Concerned that the applicant's TMK, as agendized above, is different than that of the burial, which is a red flag for the Kekumu family
- Concerned the applicant is not from the Kekumu line

Council Member Calpito asked if the Council could request, of the SHPD, to see the paperwork that was used to make the lineal descendant recommendation

Chair Kekipi stated that he was under the impression that Kelii Billington was recognized as a lineal descendant at the HIBC's meeting in May 2017

Council Member Kaimulua stated a review needed to be done

Audience testimony and queries:

what can be done when a lineal descendant is recognized?

The HIBC agenda has different language and a different TMK

Council Member Calpito made a request of SHPD to see the documentation that was used to make the lineal descendant recommendation

Member Kahalelio stated the applicant's recognition was on the HIBC's agenda on May 18th, April 20th, and August 17th; the applicant was not present; Member Kahalelio is not satisfied in making a motion

Audience members stated that they, too, would like to see the paperwork submitted by the applicant to see what documentation was used to make the recognition recommendation; they

stated they could see a cultural descendant recognition recommendation, but not a lineal descendant recognition recommendation; has asked that line of the 'ohana for kokua

Member Kekipi asked if the guests have gone to the site

Guests stated they are familiar, have gone and taken care

Member Kekipi asked if the applicant, Kelii Billington, has gone to the area before

Guests stated the applicant, Mr. Billington, probably does not know where the site is, nor has been there before

Member Kekipi stated pili koko is necessary

Member Napeahi asked if there was a time limit or time constraint

Member Kekipi replied probably not; mostly a concern on the pending development of the property

Guests stated the applicant's recognition first came out in April 2017; the guests went to visit the site recently, and stated there is now a bulldozer on site

Member Kekipi commented

Member Napeahi commented, asked if there is a time urgency; stated the need to consider the best treatment of iwi kupuna

HIBC members discussed AIS, project proponents

Member Kekipi stated the site is a known burial site, with living claimants; questioned if project proponents were following the rules

Guests stated good discussion occurred at the HIBC meeting on 2017-05-18; no minutes of the discussion were available for Council or SHPD to review and/or consider as testimony; Ulu is Billington's aunty from the Haaheo side. She attended the May 2017 meeting.

Billington did not marry into the Ulu line; Ulu is Billington's aunty

Member Kahalelio commented

Guests commented that no communication between Mr. Billington nor their 'ohana has occurred

Member Calpito stated the BTP comes to the Council to accept; the Council can vote to not accept, or to accept with conditions

Guest, Cynthia Galieto, stated her genealogical ties to Kekumu Kawaaauhau

Member Calpito offered a story from his time at the SHPD, facilitating the Maui Lanai Island Burial Council and the Molokai Island Burial Council

Commentary from guests: Mr. Billington comes under the Haaheo line; Cynthia stated she and her cousins (in attendance at the meeting) have taken it upon themselves to speak on behalf of the kupuna, and are speaking for several hundred people

Member Kahalelio commented the need to 'be pono'; IBC can only relocate or preserve in place; BTPs are not the best and most appropriate ways to handle and protect iwi kupuna

Cynthia stated the families have not had a chance to be proactive and file burial registration

Member Kaimulua commented to fence the iwi with orange fencing

Cynthia stated the location is difficult to traverse; house site pads and extensive archaeology throughout the area

Member Kahalelio recommends getting lantana

Member Kekipi concerned the HIBC is making recommendations; cautioned the HIBC members to be ethically and morally 'clean'

Kekumu Hernandez stated he hoped the applicant, Mr. Billington, would attend, as Mr. Hernandez' concern is to leave the iwi in place.

Member Kekipi commented about his concern as well

Kekumu Hernandez stated the HIBC has recognized him as a lineal descendant

Motion: to defer the applicant's descendant recognition

Moved by: Member Calpito

2nd: Member Kaimulua

VOTE: ALL IN FAVOR [6 YES: Kekipi, Mahoney, Kahaulelio, Kaimulua, Calpito, Napeahi]

Item was deferred

C. Department's Recommendation to Recognize Arthur E. Ugalde as Lineal Descendant to the Native Hawaiian Human Skeletal Remains of Georgiana P. Ugalde, located at Pohakupuka Congregational Church, Kulanakii Ahupuaa, Hilo Moku, Hawaii, TMK: [3] 3-4-003:031

Acting Chair Kekipi read the item onto the record

Summary:

Testimony provided by applicant Arthur E. Ugalde: would like to preserve-in-place his mother's remains at the Pohakupuka Church Cemetery

Chair Kekipi asked if the church was still in operation

Ugalde stated he is uncertain if the church was still in operation

Vice Chair Kaimulua asked if the ownership was under the United Church of Christ

Ugalde replied affirmatively, that the UCC office is located at Nuuanu, and that his niece is the point-of-contact

Vice Chair Kaimulua asked if there was a structure on the Pohakupuka Congregational Church grounds

Ugalde replied affirmatively, adding that the structure is falling apart; he has applied for descendant recognition to protect the gravesites of his parents

Member Calpito asked about the church location

Ugalde stated the church is located about two miles from Ninole, at Kulanakii Bridge, on the makai side; mother was native Hawaiian, therefore the recognition request for HIBC determination was to Ugalde's mother's remains only; church is located in Kaikea, before Laupahoehoe

Chair Kekipi commented about a gate on the church grounds

Ugalde stated the church is falling apart; his family were from the area

Council member asked if Ugalde had contact with UCC about their plans for the property; UCC takes over once the church structure falls down

Ugalde stated the UCC manages other churches too, on other islands; he has written letters requesting help in his efforts to preserve the gravesites of his parents, and was put in contact with his niece, the UCC coordinator; Ugalde has gone through the process of contacting the church and can provide the communications; the church structure has deteriorated and is not safe

Chair Kekipi asked who the church kahu for Pohakupuka Church is currently

Ugalde stated the church kahu is his niece; previously, the kahu was Ugalde's father, then Ugalde's brother, and now Ugalde's niece

Council member stated the property is overgrown, too

Ugalde restated his intention and concern about protecting the graves

Chair Kekipi asked the applicant to share his mookuauhau

Applicant shared his mookuauhau

Motion: to accept the Department's recommendation to recognize Arthur E. Ugalde as Lineal Descendant to the Native Hawaiian Skeletal Remains of Georgiana P. Ugalde

Moved by: Member Calpito

2nd: Members Kaimulua and Mahoney

VOTE: ALL IN FAVOR [6 YES: Kekipi, Mahoney, Kahaulelio, Kaimulua, Calpito, Napeahi]

D. Department's Recommendation to Recognize Arthur E. Ugalde as Lineal Descendant to the Native Hawaiian Human Skeletal Remains of Kaluahine Piliwale, located at 28-1073 Old Mamalahoa Highway, Kulaimano Ahupuaa, Hilo Moku, Hawaii, TMK: [3] 2-8-016:002

Discussion between applicant and HIBC members

Motion: to accept the Department's recommendation to recognize Arthur E. Ugalde as Lineal Descendant to the Native Hawaiian skeletal remains of Kaluahine Piliwale

Moved by: Napeahi

2nd: Mahoney

VOTE: ALL IN FAVOR [6 YES: Kekipi, Mahoney, Kahaulelio, Kaimulua, Calpito, Napeahi]

E. Department's Recommendation to Recognize Arthur E. Ugalde as Lineal Descendant to Valentino U. Ugalde Jr., Wendell Ugalde, and Wesley Ugalde, located at 34-1208 Hawaii Belt Road, Kulanakii Ahupuaa, Hilo Moku, Hawaii, TMK: [3] 3-4-003:035

Discussion between applicant and HIBC members

Motion: to accept the Department's recommendation to recognize Arthur E. Ugalde as Lineal Descendant to the Native Hawaiian skeletal remains of Valentino U. Ugalde Jr., Wendell Ugalde, and Wesley Ugalde

Moved by: Napeahi

VOTE: ALL IN FAVOR [6 YES: Kekipi, Mahoney, Kahaulelio, Kaimulua, Calpito, Napeahi]

IV. INADVERTENTS/COMMUNICATIONS

A. Inadvertent discovery of human skeletal remains on July 31, 2017, at Kohala High School, Honomaka'u Ahupua'a, North Kohala, Hawai'i, TMK: [3] 5-4-007:014

Read onto record by Regina K. Hilo, Burial Sites Specialist

Summary:

Hilo provided a summary of the inadvertent find; stated Mr. Hanalei Fergerstrom had been present on August 12, 2017 on site during the scheduled and planned reinterment excavation with a number of kupuna, but did not provide information regarding where the kupuna were from or their genealogies

Clarence Keli Perez and Kuulei Perez offered testimony and records; has records, baptismal documents, death certificates, locational information regarding Honomakau; Clarence stated he is a direct descendant of Kapaona, a male

Kuulei Perez stated Ellen Kalaukaua and Robert Kahulanui Naipo married, are her 'ohana Clarence stated he has lineal connections to Kapaona; in discussing that area, Clarence stated there are more burials there

Kuulei stated additional genealogy providing information that she is a 6th or 7th generation direct descendant

Member Kekipi stated the treatment and disposition jurisdiction was with SHPD, not the HIBC

Clarence stated he did not want to point fingers, but that type of action has happened before Kuulei stated that when the grave was inadvertently discovered, the discovery was kept hush-hush. Asked if the discovery was supposed to be a public notification.

Member Kekipi stated it was upsetting that someone was talking on behalf of the iwi; first protocol is to call the SHPD; SHPD is supposed to make an effort to contact the descendants
Member Kahalelio stated her daughter works in the school and called Member Kahalelio; statement was made that students had been 'walking over the graves this entire time'; directed her daughter to call Fred, who it was assumed would call the 'ohana from Kohala; Member Kahalelio stated she should've called directly
Member Kekipi stated he wasn't certain if Member Cachola was notified or had investigated further
Clarence stated he spoke to, and had called Member Cachola
Member Kekipi stated the protocol is to check with the department, and the IBC district representative
Clarence stated Hanalei is not from Kohala
Member Kaimulua stated SHPD should've come to the HIBC; preservation in place
Kuulei stated other families are buried there and she would like to protect those unmarked graves
Member Kekipi commented
Kuulei stated there was a garden there previously, but it was covered with grass
Member Kekipi commented the iwi were an inadvertent find; thinking about the kupuna, preservation part of not having any other disturbance; on private land, call police; on public or state land, contact DOCARE; maka'ala; when people hala, there are no written records; any concerns about development need to be addressed now; mihi and mahalo
Kuulei commented she didn't want the iwi moved, and is aware there are other graves at Kohala High School; spiritual issue with Kohala residents; disappointed they were not notified; aware now that they need to be maka'ala; education; how to respect iwi kupuna; don't want concrete on the grave
Member Kekipi stated preservation in place has been done already
Member Mahoney stated any other work in the area should be subject to an archaeological inventory survey (AIS)
Hilo offered comments regarding the inadvertent find, disposition, treatment;
Member Kekipi asked if the blister in which the iwi were discovered has been mapped
Hilo stated it has been mapped, and has an SIHP number assigned to it
Member Kaimulua stated that if an IBC member cannot make a site visit, that the IBC member should notify other members
Member Kekipi stated when the community notifies IBC members of concerns, IBC members need to be mindful of the landowners' rights; burial sites within IBC jurisdiction
Comments by Member Kaimulua and other HIBC members; maka'ala; SHPD requires IBC input
Member Kaimulua asked SHPD Hawaii Island Lead Archaeologist Amy Rubingh to comment
Rubingh commented
Hilo commented and offered mihi to Clarence and Kuulei that they were not contacted following the inadvertent find; asked them to provide their contact information
Member Kaimulua stated the HIBC needed to look at the HAR and HRS
Member Kekipi stated that everyone was now on notice about the process and to be maka'ala moving forward
Kuulei provided Hilo with her email address; Kuulei stated the group is called Na Kupuna Council o Kohala

B. Correspondence from the United States Department of the Interior, National Park Service, Pu'ukoholā Heiau National Historic Site (PUHE), dated August 3, 2017,

received at the State Historic Preservation Division on August 7, 2017, Re: NAGPRA assessment of PUHE museum collections housed at Kaloko-Honokōhau National Historic Park (KAHO)

R. Hilo introduced the item

Summary of discussion:

Coffin wood, 1978 Rosendahl excavation; 1996 initial NAGPRA inventory, these items were found during recent inventory check, and are currently in curation, park superintendent would like to discuss with the HIBC

Council discussion

Iwi are not part of this inventory, only the coffin wood

Items are currently in curation at Kaloko-Honokohau NHP

Council considered a site visit, R. Hilo will request the Kaloko-Honokohau NHP superintendent attend next month's HIBC meeting

Council requests an inventory sheet

R. Hilo stated she would request

Council requests if a copy of the Carter and Rosendahl study is available

R. Hilo stated she would look at the SHPD library records at SHPD to determine if a copy was available; if not, a copy would be requested of the Kaloko-Honokohau NHP superintendent

C. Information from the Hawaii State Ethics Commission, Re: The State Ethics Code – A Quick Guide for New Employees and Board/Commission Members; and The State Ethics Code – A Quick Guide on Gifts

Item read onto record by Kekipi

R. Hilo introduced the item

Council discussion

Request for training

R. Hilo stated she would follow up with the Hawaii State Ethics Commission to see if HIBC training could be offered

D. Field visit and inspection at Metzler property, Waimea, South Kohala, (3)6-5-008:015. Information/Discussion: Information and discussion about the above parcel.

Item read onto record by Kekipi

R. Hilo introduced the item and distributed a field inspection report to the HIBC members

Council discussion

Site meeting on August 3rd; boundaries of the property for which the field inspection was completed does not include a burial cave or a burial cave entrance; entrance may be on an adjacent property

R. Hilo in contact with Andy Lindsey, R. Hilo asked SHPD staff to do cultural landscape study and history of the area regarding royal patents and land grants for the entire puu area, do wahi pana studies, collect oli and moolelo for the area to have more information as to determinations for future projects

Current project has imported fill to a depth of 30 feet, therefore the house platform planned for the TMK has been built up 30 feet from the original land surface, the toe of slope goes down approximately 30 feet

R. Hilo reiterated the burial cave and entrance is not on the property, and the burial cave does not appear to run under the property; the adjacent property was built in 1963, and based on testimony by Andy Lindsey and Lloyd Case on August 3rd, they mentioned that in excavation

for the cesspool on the adjacent property, there was a large void encountered, an empty space, underneath the house

R. Hilo stated she hasn't seen the plans from 1963, but did look into the land ownership of the adjacent property, which has passed through different owners, the most recent transaction was a quiet title land claim, and the owners purchased it in 2015, and they live in San Jose

R. Hilo reiterated that there were no archaeological properties discovered on the Metzler property

Council asked about a burial registration form

R. Hilo stated that Andy Lindsey has started to submit something to the SHPD, R. Hilo talked with him, and stated she would work with him

R. Hilo stated Andy expressed interest in having a kahu come out to that area for a blessing

Council members stated Andy knows everyone in that area

Amy Rubingh stated that Andy had contacted her, as the SHPD had a permit review for the project come through the office, which is where the archaeological survey request came from;

Andy wanted to be contacted by the site archaeologist to discuss the project and projects in the area, then filled out the Burial Registration Form, which necessitated a site visit by Amy

and Regina to clear up the issue; Bob Rechtman was also there

Council member Kahaulelio stated that Paka called her

Additional discussion, comments by R. Hilo

V. Announcements

A. Next meeting date is scheduled for Thursday, Sept. 21st, 2017 at 9:30 AM, location TBD.

Motion: to adjourn the meeting

Moved by: Member Kahaulelio

2nd: Vice Chair Kaimulua

VOTE: ALL IN FAVOR

Meeting adjourned at 1:16 PM

APPROVED and ratified at the Hawaii Island Burial Council's meeting on March 15, 2018

Respectfully prepared and submitted by Regina K. Hilo, Burial Sites Specialist, History and Culture Branch, on 03/16/2018