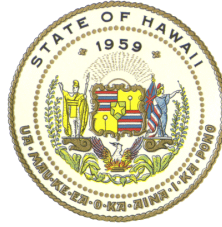


DAVID Y. IGE
GOVERNOR OF HAWAII



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LAND
STATE PARKS

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

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

**MINUTES
HAWAI'I ISLAND BURIAL COUNCIL MEETING**

DATE: Thursday, February 21st, 2019
TIME: 9:30 AM
PLACE: West Hawai'i Civic Center
Conference Room
74-5044 Ane Keohokālole Hwy.
Kailua-Kona, HI 96740

ATTENDANCE:

HIBC Members: **Present:**
Chair Nālei Pate-Kahakalau (Hāmākua)
Vice-Chair Kalena Blakemore (Puna)
Member Waiola Higa (Hāmākua)
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

Guests: Glenn Escott, Scientific Consultant Services, Inc.
Brian Cook, Property Owner

I. CALL TO ORDER

Chair Kahakalau calls to order the meeting at 9:40 AM.

II. ROLL CALL/PULE

Member Kahā'ulelio conducts pule.

Waiola Higa, Kalena Blakemore, Norman Ka'imuloa, Nālei Kahakalau, Maxine Kahā'ulelio, Schott Mahoney, Clifford Kapono.

III. MINUTES

A. Request for Approval of the Minutes for January 17, 2019.

Summary:

- Member Kapono stated “Given that these proceedings are recorded, I would ask that whoever is interpreting, stick to what’s been said, so for comments that were made about me, it was assumptions as to what I was saying and that I would appreciate if you would just take the quote, if not, I’m gonna oppose the recordings of these proceedings, because this becomes a matter of record and unless it is factual, then, the suspicion is it’s not true, and anything that has to do with my testimony, has to be accurate...so I’m gonna give you a pass on this one...if its an assumption as to what is being said, that’s not what the minutes are supposed to review...the minutes are supposed to summarize what happened objectively, not draw on any conclusion, that’s a matter of law.”

MOTION: To accept the minutes as is
MOVED BY: Member Ka’imuloa
2ND BY: Vice-Chair Blakemore
VOTE: Motion carried unanimously

IV. BUSINESS

A. DRAFT Burial Treatment Plan for Burial Sites #50-10-28-26620, #50-10-28-26621, and #50-10-28-26622 Located within Cave Site #50-10-28-26602, Kahului 2ND Ahupua’a, North Kona District, Island of Hawai’i, TMK: (3) 7-5-017:040.

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

Summary:

- Chair Kahakalau clarified whether or not the item was for determination. Kea responded that it was only for discussion today.
- Glenn Escott provided background information about the project and introduced Brian Cook who is working with Living Stones Church. He stated that Mr. Cook is selling the property to the church. Escott informed the council about previous archaeological work that had been done. He stated that he consulted with Curtis Tyler, a recognized descendant, who had been active in determining preservation measures and that Tyler would be present at the next month’s meeting to present his genealogy and everything he knows about his association to this burial tube. According to Escott, Tyler would like to see a dry-stack rock wall that goes around the perimeter of the tube with a locking gate. There will be access and creation of a parking area with signage. Also, as a descendant, Tyler would like to participate with his family in the landscaping and what plants will go inside. Member Ka’imuloa asked for clarity on the rock wall if it will go around the cave and Escott stated that it would go around the whole lava tube that is on Cook’s property, which will become the church property. Member Ka’imuloa stated he’s concerned about protecting the lava tube from bulldozing over it.
- Member Ka’imuloa asked Cook if he owned the adjacent parcel 40 and Cook stated that he only owns parcel 41 and that his partner owns the adjacent lot.
- Member Kapono, “Mr. Cook, first I’d like to thank you for your cultural sensitivity and due diligence. So my question is, in this flood mitigation plan that you have, those costs, were they subsidized by the state or the county in anyway, or was this your investment part of your development plan?” Cook responded that it would all be developers cost. Member Kapono asked, “This concrete channel that you reference are they in place?” Cook responded, no, they were just designed, in 2004 they came up with the idea of the concept. Member Kapono, “so this is a mitigation plan that you have?” Escott stated that

this is separate from the burial treatment plan. Member Kapono, “The bones are on this property that are subject to the potential rainfall and flooding that would impact the integrity of the burial plan would it not?” Escott stated that he hasn’t been in the tube itself, but according to the report, there’s no mention of sediment or flooding within the tube. Member Kapono, “But, let me just say this, we are speaking to this lava tube which is only one feature, one site in the total area that may be considered a burial area or a sacred site, so the iwi that are found are only, are not only specific to this particular lot, but there is a possibility, and I defer to Dr. Escott for his archaeological opinion, that there could well possibly be other iwi around the adjacent area cause typically, these sacred sites or these burial grounds are in a different type of condition so that being said you’re addressing how these iwi impact the property that you have title to and that expression manifests itself in your plan, now, I don’t know if that’s part of when you purchased the property you have to show how you divert water from your property to the next and from what I understand as long as you can show the diversion of water moves off your property then that becomes the responsibility of whoever owns that other lot, is that true?” Cook stated that the topography, that the flood plain and water doesn’t run anywhere near the entrance to the cave. Member Kapono, “So Mr. Cook is it your opinion that you’ve exhausted all your local remedies to ensure the integrity and preservation of the archaeological findings on your property.” Cook replied that that’s what they’re trying to do, preserve it and protect it.

- Member Kapono, “At the March meeting, will there be an addendum to this plan that speaks to an audit provision to ensure compliance with whatever conditions are recommended and what you agree to so that it’s not just a one-time deal, that the property will be revisited over some term into perpetuity to ensure there is compliance?” Cook stated that right now, they have an agreement with Living Stones Church and for them to acquire the property, they need a special use permit and before they can get that, they need to address the cave and burials. Escott stated that’s something that can be worked out and is reasonable. Member Kapono, “would be in favor of the plan if it included an audit provision to the condition into perpetuity so there will be a process to go back to review if there’s any breach to the condition of the offer and that would hold someone liable whoever that might be, SHPD, DLNR, the landowner, whomever, this would help the community to ensure that your intent of preserving the culture and integrity of those people is reflect in the deal, by law.”
- Member Ka’imuloa asked how big the church will be and Cook stated that the total area is 15 acres and the church will be 600 seating. Member Ka’imuloa asked about how many people attend each service. Cook stated that the early service is the least number and the 9:00 is the biggest with about 450 people.
- Member Mahoney asked what the landscape was above ground and how it will be cleared. He stated that he didn’t want it to be machine cleared and Escott replied that it would be by hand.
- Member Kahā’ulelio asked how many properties does Cook own around the church property. Cook replied that they have the two upside, 30 acres, and makai, 62 acres. She asked if Cook saw the longevity of his plans in putting a church and if that’s why he purchased around the perimeter. Cook stated that the plans have changed since the property was originally purchased.
- Member Ka’imuloa stated that one of the burials looks like it’s in the middle of the road and how would the buffer be built. Escott replied that the buffer can only go to the end of Mr. Cook’s property and that they can’t extend the buffer onto someone else’s property.
- Vice-Chair Blakemore mentioned that on page 32, burial site 26622 is in the middle of the cave and on page 5, 26622 is by the road. Escott said they he needs to look at that again.

- Chair Kahakalau stated that he likes that the wall is going up first, instead of the orange fence and that most of elements of the burial treatment plan look good for now. He mentioned that he had a concern about the location of 26622 and that hopefully it's on the property and not off and stated that if it is off, how did the road get built. Chair Kahakalau asked about when the gunite channel had been built and Cook replied that it hasn't been built. He asked if there was evidence of previous collapses within the tube. Chair Kahakalau asked Kea if he could look into when the road was built.
- Vice-Chair Blakemore asked about the design of the parking lot and if it could be redesigned to give more space between the preservation area and the parking lot. Cook replied that it would be adjusted and that if they feel the buffer needs to be increased, then they can work that out.
- Member Ka'imuloa asked about the closing of the cave and stated that Curtis' letter asked for the cave to be opened and why he came to that conclusion. Escott said that it was because he claimed it's his family's burials and that he wants to be there to care for it. Member Ka'imuloa said that when the people passed away, he's sure the cave was closed and that erosion caused the opening. Chair Kahakalau stated that if it was Curtis' mana'o to keep the cave open, then the council should validate the mana'o of descendants and what they want.

B. Discussion on Hawai'i Island Burial Council Membership, Roles, and Responsibilities.

Information/Discussion: Discussion on the above item.

Summary:

- Vice-Chair Blakemore informed the council that she had communicated with Kai Markell from OHA regarding training and discussed potential dates to have a meeting where they would have enough time to only discuss training.
- Kea informed the council that they can have the training on a separate day from their regular meeting date if they find necessary as long as it is posted as a meeting and is in compliance with the Sunshine Law.
- Member Ka'imuloa proposed a 10:00 AM start time for council meetings. The council decided to stay with their normal schedule at 9:30 AM.

V. ANNOUNCEMENTS

A. The Next HIBC Meeting is Scheduled for Thursday, March 21, 2019, 9:30 AM at the Division of Forestry and Wildlife Conference Room, 19 E. Kāwili St., Hilo, HI 96720.

Chair Kahakalau reads the information for the next HIBC meeting.

VII. ADJOURNMENT

Meeting adjourns at 11:23 AM.

*****THE ABOVE MINUTES WERE APPROVED AT THE 03/21/2019 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 Hawai'i Island Burial Council at its November 17, 2005 meeting, oral testimony for items listed on the agenda is limited to three minutes per person, per agenda item.

Pursuant to §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 Kākuhihewa 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.