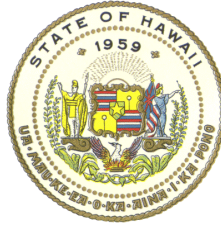


DAVID Y. IGE
GOVERNOR OF HAWAII



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

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

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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
KAHO'OLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

DATE: Thursday, March 21st, 2019
TIME: 9:30 AM
PLACE: Division of Forestry and Wildlife
Conference Room
19 E. Kāwili St.
Hilo, HI 96720

ATTENDANCE:

HIBC Members:

Present:

Chair Nālei Pate-Kahakalau (Hāmākua)
Vice-Chair Kalena Blakemore (Puna)
Member Waiola Higa (Hāmākua)
Member Norman Ka'imuloa (Kona)
Member Clifford Kaponu (Hilo)
Member Scott Mahoney (Ka'ū)

Absent:

Member Maxine Kahā'ulelio (Kona)

SHPD Staff:

J. Kea Calpito, Burial Sites Specialist

Guests:

Alan Haun, Haun & Associates, Inc. (IV.A)
Merrill Mazza (IV.A)
Aaron Steven (IV.A)
Glenn Escott, Scientific Consultant Services, Inc. (IV.B)
Brian Cook (IV.B)
Curtis Tyler (IV.B)

I. CALL TO ORDER

Chair Kahakalau calls to order the meeting at 9:34 AM.

II. ROLL CALL/PULE

Chair Kahakalau conducts pule.

Clifford Kaponu, Waiola Higa, Norman Ka'imuloa, Nālei Kahakalau, Kalena Blakemore, Scott Mahoney.

III. MINUTES

A. Request for Approval of the Minutes for February 21, 2019.

Summary:

- Vice-Chair Blakemore stated to amend “were” to “we are” on page 3; and “can” to “had” on page 4.

MOTION: To approve the minutes with revisions stated

MOVED BY: Member Ka‘imuloa

2ND BY: Member Higa

VOTE: Motion carried unanimously

IV. BUSINESS

A. DRAFT Burial Treatment Plan for Site 50-10-46-24001, Wa‘awa‘a Ahupua‘a, Puna District, Island of Hawai‘i, TMK: (3) 1-4-028-033.

Discussion/Recommendation: Recommendation to the State Historic Preservation Division whether to accept or not accept the above DRAFT Burial Treatment Plan.

Summary:

- Alan Haun discussed the revisions he made to the BTP since the last meeting he attended.
- Member Ka‘imuloa stated his concerns with the 24-hour advanced notification period that descendants had to do before going to visit the burial site. He mentioned that sometimes, local families just pop-up and will they be given access. Merrill Mazza replied that the 24-hour notification can be deleted. Member Kaponu commented, “Any form of restriction that would impede the forward progress of any of the cultural and lineal descendants would be an issue that this council would need to address.”
- Mazza asked, if there was anything the plan should include. Member Kaponu replied, “An audit provision where somehow over a certain period of time this process is reviewed for efficacy.”
- Member Mahoney asked about the gate/fencing and whether or not it was going to be locked. Mazza replied that he doesn’t have plans to lock the gate and has no problem with people who want to visit at any time. Aaron Steven said that there is a trail that goes to the site by a tsunami siren and that there will be no gate so it will be open. He adds that the trail entrance is different than the gate that will be used to enter the property. Mazza clarified that there will be a gate for the buffer zone.
- Chair Kahakalau confirmed to remove the 24-hour advanced notice.
- Member Ka‘imuloa asked for clarification on the 20-foot buffer zone and the type of material that will be used. Mazza replied that they will make a rock wall using stones from around the site. Haun read the description as stated in the BTP regarding the short-term and long-term preservation measures. Member Kaponu asked, “Who verifies the authenticity that this construction will meet the cultural definition of kanaka maoli...do you have that?” Haun replied that it can be put in the plan.
- Member Higa asked if there was a date or a time period for these measures because the BTP stated implementation will be “as soon as feasible.” Haun replied that the language is often in there that way because with undeveloped land, it also depends on the permitting process and asked Mazza if he had a timeline. Member Kaponu stated, “before you answer, I want to make a comment...on this issue of feasibility, it’s a matter

of cost and they haven't submitted a financial plan to determine when those funds will be available or a completion date so I think that just adds unnecessary pressure on the land owner trying to meet our conditions so whenever its feasible, whenever he can afford it, we haven't asked him questions where his capital is coming from, how he's funding, and all these different variables...so in good faith, they're coming forward, so just to answer your question that I get, is that we no need know his financial condition and that's not our concern and were speaking to the integrity of preserving the iwi."

- Member Mahoney asked if the blue line on the map in the BTP was the pathway. Haun replied that the blue line is a 10-foot setback to prevent construction and any vertical structure adjacent to the 20-foot buffer. Steven added that the path is next to the road and they were going to make it nice and accessible. Member Kaponu asked Steven, "Excuse me, what's your definition of nice? You referenced that you're gonna make it nice...I don't know what that means." Steven replied accessible.
- Chair Kahakalau requested that they also make it accessible for elders with wheelchairs.
- Vice-Chair Blakemore asked about what to do if people began loitering because the site was so accessible. Mazza replied he agreed and that they didn't want people there who shouldn't be there and that they want the site to be a safe place. Member Kaponu stated, "Whatever that practice would be implemented to ensure some sense of security, there's gotta be a provision that transfers to whoever owns that property so therein in that audit provision there's gotta speak to that continuum so whatever it is that we finalize on, that plan has got to be fast forward into perpetuity."
- Vice-Chair Blakemore made a motion that SHPD accept the BTP with the revisions that were discussed and Member Ka'imuloa seconded the motion. Member Kaponu asked, "How is it that we accept a draft without these provisions that we're now agreeing to amend to, that this draft would have to be amended and would have to come back now with the amendments before we can consider this so that there's no misunderstanding as to what was passed and what wasn't so I have reservations about entertaining this motion simply because it's ambiguous." Haun stated that the current version uses the word draft and it would go to Kea to make sure all the provisions are in place before it is accepted.
- Vice-Chair Blakemore stated that she feels OK moving forward because Haun has addressed the councils concerns and made it clear that he has been meeting the requests of the council.
- Member Mahoney asked how wide the parcel is. Mazza replied 100 feet wide. Member Mahoney stated that they have about an 80-foot buffer as the temporary buffer except for 20 feet for the road and that if they commit to this zone, then they only have that 20 feet.

MOTION: To recommend that SHPD accept the BTP with revisions stated
MOVED BY: Vice-Chair Blakemore
2ND BY: Member Ka'imuloa
VOTE: Motion carried by majority [YAY: 5 (Higa, Ka'imuloa, Kahakalau, Blakemore, Mahoney); NAY: 1 (Kaponu)]

B. 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.

Discussion/Determination: Discussion and determination on 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 DRAFT Burial Treatment Plan.

Summary:

- Glenn Escott provided background information about the project and introduced Curtis Tyler, a descendant, to share his mana‘o about the burial site. He also informed the council that the “lowest” burial is not under the road. He said that the lava tube does go under the street, but the cars are not driving over the burial. Escott mentioned that the burial, however, is not within the project boundary and that it is the County’s property.
- Member Ka‘imuloa asked about Cook’s association to the property and whether or not he was the registered owner of the property. Cook replied that he didn’t own the lower parcel but is representing JKS Partners. He said that he signed paperwork to handle the documentation.
- Chair Kahakalau asked for clarification regarding the site numbers. Escott responded that 26602 is the site number for the cave itself and that 26620, 26621, and 26622 are the site numbers for the iwi. Chair Kahakalau confirmed that 26622 would be stricken out of the plan since it would be outside of the property boundary.
- Member Kaponu stated, “So last month we had a discussion about an audit provision to make sure that this...I fail to see that in there.” Escott responded that it is in the plan, on page 37, under the installation of preservation measures section of the plan, and in maintenance, regular inspections will be done by the property owners and/or descendants. Member Kaponu asked, “Are we talking once a month, once a quarter, biannually, annually...without that specificity, it’s just a narrative so we need to tie that down within a scope which is acceptable to the council and to the lineal or cultural descendants to know that this plan in fact is being enforced and that this condition would also transfer with the property title as an addendum to their responsibility to continue into perpetuity.”
- Curtis Tyler introduced himself and informed the council about his connection and history with this cave. He mentioned that he had known of the cave and the burials from before. He talked about his history with John Makuakāne and the knowledge that was shared with him. He continued with discussing his own genealogy. Tyler mentioned that it was Uncle John had told him about the cave and that he had taken care of the cave based on what he was taught by his kūpuna. He said that he wasn’t able to show him the cave, but told him where the location was. After Uncle John had passed away, Tyler went to his sister, Luciana Makuakāne Tripp who told him she never went with her brother, but showed Tyler where he would go, pointing up mauka. Tyler mentioned that he wasn’t able to determine exactly where the opening of the cave was, but that Uncle John described to him the opening, the stairway, and the pathways, and the platforms and when Cook asked Tyler to come and kōkua and saw the report, he knew that this was the exact cave that John went to.
- Member Ka‘imuloa asked Tyler about the cave entrance and if it was always open or if it was closed in the past. Tyler responded he believes the cave entrance was always opened but disguised and hidden and is referred to in the original palapala. Member Ka‘imuloa stated his concern that today is not like years before and that people wander into caves. He asked if there could be a cover or a vault that can be opened for the family to go inside. Tyler responded that signage will be placed to recognize that the site is a wahi kapu and that there will be a low wall with a locked gate, though if the council and other members of the ‘ohana felt that a metal gate with a lock to the entrance is appropriate, he would have no objection to that because his primary concern is the protection of the iwi. He also mentioned that he wants the pōhaku that’s there at the site to be used.
- Vice-Chair Blakemore asked about the caves in Kahalu‘u being closed and locked, though for this cave, he wants them accessible and asked Tyler how he and his ‘ohana come to this decision and what the differences are. Tyler responded that neither is intended to be open to the public other than as a church and that even the church and parking lot is going to be separated from the site; the cave in Kahalu‘u that has been

sealed with metal gates was done by Kamehameha Investment Corporation when iwi were found in connection with Ka Hale O Kahalu'u. Member Mahoney added that he commended Tyler with the suggestion of leaving the cave open, that it was ideal, and having the flow kept open for present descendants and also the spiritual kahu who still have to go in and out, which never ends.

- Chair Kahakalau confirmed with Tyler that preservation in place is what he wants and Tyler agreed and also, if Tyler accept the BTP with the revisions that had been discussed and Tyler responded that he does because of the considerable time Cook and Escott spent reviewing considerable comments that he's made on the plan.
- Member Kaponu stated, "For clarification, there's some addendums that you need to put to this proposal of this revised burial plan and so its clear on my mind specific to this audit provision, that a term be included and that term can be, so here's the deal, so when does that happen...?" Tyler said annual reviews would be good and Escott said that he would add it in. Member Kaponu added "annually so there's a review period at least once a year we know in fact it's going to hold people accountable to the provisions being made." Tyler stated that the permanent buffer walls will be put up before grading and construction as opposed to temporary orange fencing. Escott added that on page 37, preservations measures listed in the burial treatment plan will be installed prior to ground disturbing work.

MOTION (1): To preserve in place
MOVED BY: Vice-Chair Blakemore
2ND BY: Member Ka'imuloa
VOTE: Motion carried unanimously

MOTION (2): To recommend that SHPD accept the BTP with stipulations that have been included, the audit, and also the possibility of some kind of a gate for the cave
MOVED BY: Member Higa
2ND BY: Vice-Chair Blakemore
VOTE: Motion carried unanimously

C. Discussion on Hawai'i Island Burial Council Membership, Roles, and Responsibilities.
Information/Discussion: Discussion on the above item.

Summary:

- Vice-Chair Blakemore updated the council on her communication with Kai Markell from OHA regarding training. She asked the council for a date that would best work. The council agreed to see if Markell was available on Tuesday, 30 April 2019, to conduct his training. Vice-Chair Blakemore stated that she would convey the message.
- Member Ka'imuloa stated that he would like Billy Fields to come and talk about their work with burials and Chair Kahakalau asked about Halealoha Ayau.

V. ANNOUNCEMENTS

A. The Next HIBC Meeting is Thursday, April 18, 2019, 9:30 AM at the West Hawai'i Civic Center Council Chambers, 74-5044 Ane Keohokālole St., Kailua-Kona, HI 96740.

Chair Kahakalau reads information for the next HIBC meeting.

VI. ADJOURNMENT

Meeting adjourns at 11:53 AM.

*****THE ABOVE MINUTES WERE APPROVED AT THE 04/18/2019 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.