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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

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

DATE: Thursday, August 20, 2020
TIME: 9:30 AM – 1:30 PM
PLACE: Online via Zoom

Zoom Meeting Link:

<https://us02web.zoom.us/j/88367757888?pwd=WjdMV1RLdUFkVkNhMTRHLzRFvDmUT09>

**Meeting ID: 883 6775 7888
Password: 2B3zd6**

ATTENDANCE:

HIBC Members: **Present:**
Chair Nālei Pate-Kahakalau (Hāmākua)
Vice-Chair Kalena Blakemore (Puna)
Member Norman Ka'imuloa (Kona)
Member Scott Mahoney (Ka'ū)
Member Waiola Higa (Hāmākua)
Member Desmon Haumea (Ka'ū)
Member Clifford Kapono (Hilo)

SHPD Staff: Kea Calpito, Burial Sites Specialist
Chris Omerod, Burial Sites Specialist

Guests: Lokelani Brandt, ASM Affiliates, Inc. (V.A.)
Tracy Tam Sing (VI.A.)

I. CALL TO ORDER

Chair Kahakalau calls to order the meeting at 9:31 A.M.

II. ROLL CALL/PULE

Member Higa conducts pule.

Nālei Kahakalau, Norman Ka'imuloa, Clifford Kapono, Waiola Higa, Kalena Blakemore, Scott Mahoney, Desmon Haumea.

III. RULES OF CONDUCT

IV. MINUTES

A. Approval of the Minutes for July 16, 2020.

Summary:

- Kea
 - Draft minutes not ready

MOTION: To defer until next meeting
Moved BY: Vice-Chair Blakemore
2ND BY: Member Ka'imuloa
VOTE: Motion carried unanimously

V. BUSINESS

A. DRAFT Burial Treatment Plan for Sites 50-10-74-24403, Features A, B, C, H and Site 24407, Hi'ona'a Ahupua'a, Ka'u District, Island of Hawai'i, TMK: (3) 9-5-014:017.

Information/Discussion: Information and discussion on the above DRAFT BTP.

Summary:

- Lokelani Brandt
 - Update since the previous month's meeting and PowerPoint
 - Current landowner is proposing a subdivision into 29 lots
 - Two burial sites were originally documented in 2004
 - Ka'u Mahi purchased the property in 2015
 - ASM conducted a second AIS
 - Results and findings of the survey
 - Of the 48 sites, 29 will be preserved
 - There are 5 possible Hawaiian burial sites and one Japanese cemetery
 - Possible burial site means testing by ASM was not conducted to confirm the presence remains
 - Two confirmed burial sites are included in the BTP and the other five possible burial sites will be included in the preservation plan
 - Has been in contact with those descendants who has been recognized
 - A total of 16 individuals came forward, 10 have been active in working with the development of the BTP and 6 have been formally recognized by the HIBC
 - HIBC concerns will be discussed with the descendants
 - Asking for 50-foot buffers from the edge of the site
- Member Ka'imuloa
 - Cave opening
 - (Brandt, the council that the descendants want the cave sealed)
 - Descendants are cultural and not lineal
- Member Kaponu
 - Ka'u Mahi's principal owners
 - Foreign registered corporation
 - Mitigation and dispute resolution
 - Consultation with kupauna in the area regarding the burial sites
 - Who has authority over decisions warrants the AG Office

- AG Office should be able to attend a Zoom meeting
 - Outstanding land claim disputes and whether or not they have been settled
- Member Mahoney
 - Cave opening and whether or not to seal
 - Spiritual aspect and family access
 - Cultural can make decisions when there is no lineal descendants
- Vice-Chair Blakemore
 - Burial caves can be violated when left open, but a gate as an alternative is good because to leave small opening for spiritual access is
- Chair Kahakalau
 - Agrees with Member Kaponono that Kea should reach out to the AG Office to attend a Zoom meeting
 - Preserve the whole cave complex
- Kea
 - The burial council has the final say on any of the determinations with respect to lineal and/or cultural descendant
 - If there are lineal and/or cultural descendants, in general practice, the council would lean more in favor of what the lineal descendants want over the cultural descendants but it's ultimately the council's decision

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

Summary:

- Chair Kahakalau
 - New directive from SHPD regarding possible burial sites
 - Agrees with Member Kaponono that this thought comes from a developer's mindset
- Member Kaponono
 - Is development the motivator regarding possible burial sites
 - If there is no development, this wouldn't be an issue
 - Motions that no developer issue can come to this table during COVID-19, until the HIBC can convene as the courts convene
 - Developers are taking advantage of this situation
- Vice-Chair Blakemore
 - Authority to interpret the definition of possible burial sites
 - HIBC can't protect iwi that is put into a preservation plan
- Member Ka'imuloa
 - Follow-up regarding Kahalu'u Makai Project
 - New meeting location in Kona at the new prosecuting office
- Kea
 - Possible burial sites
 - Would be placed in preservation plan
 - Biggest difference between the BTP and the PP for the burial sites would not be if, but when, the burial site is addressed by the council
 - The burial site would be considered a possible burial site and according to the rules, possible burial sites that are "discovered" later are still under the jurisdiction of the council as if they were previously identified
 - Protection of the site is similar as they would both be agreed upon by the owner

- If the possible burial sites were written into a preservation plan, then activity should not be occurring within the buffer zone, however if the burial sites were not written into a preservation plan and there was no development occurring, then there is no issue, but if they did decide to do ADR on the site, the determination would still go back to council as long as the site was deemed a possible burial site in the beginning
- Has been informing firms that if in their professional capacity, believe a site is burial site but cannot confirm, then classify the site as a possible burial site
- Oral history does have weight
- *Vice-Chair Blakemore exited the meeting during discussions.*

MOTION: To defer item until after inadvertent discussion with Tracy Tam Sing
MOVED BY: Vice-Chair Blakemore
2ND BY: Member Higa
VOTE: Motion carried unanimously

MOTION: No developer issue can come to this table during COVID-19
MOVED BY: Member Kapono
2ND BY: Member Haumea
VOTE: Motion carried unanimously (Vice-Chair Blakemore left the meeting before discussion and was not present for the vote)

VI. INADVERTENTS/COMMUNICATIONS

A. Inadvertent Discovery of Unidentified Human Skeletal Remains Encountered at the Shoreline Cliffs of Waipi'o Valley, Waipi'o Ahupua'a, Hāmākua District, Island of Hawai'i, TMK: (3) 4-9-003:005.

Notification/Discussion: Notification and discussion on the above inadvertent discovery.

Summary:

- Tracy Tam Sing
 - Was approached by landowner 5 to 6 years ago
 - On June 13, was notified of the inadvertent discovery and went to site
 - Believes the individuals were caught up in a landslide and were not intentionally buried as they are, based on context
 - Large boulders are set above the iwi
 - Suggests building a retaining wall to protect iwi and for support to minimize further erosion and protect the embankment
 - Dry-stack stone wall approximately 7 to 8 feet in width and 7 feet in height
 - Will contact OCCL regarding a permit to perform the work
 - Roughly 30 by 20 cm are exposed, but no idea how much is in the embankment or have been eroded away
 - Attempting to disinter would be dangerous
- Chair Kahakalau
 - Went on site visit with Tam Sing
- Member Kapono
 - Effort to discover for cultural/lineal descendants
 - Does the landowner have building permits (Tam Sing, yes)
 - Agrees with Member Ka'imulua for concrete wall

- Member Higa
 - How steep would the wall be (Tam Sing, vertical)
- Member Mahoney
 - Wall wouldn't stop mother nature
 - Follow up with descendant search
 - Prefers natural wall over concrete
- Member Ka'imuloa
 - Cement wall would provide better protection than dry-stack
- Member Haumea
 - Time sensitive issue
 - Excavation is not an option because of safety
 - Move forward immediately
 - Best option is to build a wall
- Vice-Chair Blakemore
 - Solution with wall is good

VII. ANNOUNCEMENTS

A. The Next HIBC Meeting is Thursday, September 17, 2020, 9:30 A.M. Location TBD.

VIII. ADJOURNMENT

Meeting adjourns at 11:48 A.M.

*****THE ABOVE MINUTES WERE APPROVED AT THE 09/17/2020 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.

Pursuant to §92-2.5(d) HRS, if a meeting must be cancelled due to lack of quorum, the present council members may elect to continue to receive testimony and presentations on items on the agenda.

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 located at 40 Po'okela St., Hilo, HI 96720. Individuals requiring special assistance or auxiliary aids or services (e.g., sign language interpreter, wheelchair accessibility, or parking designated for the disabled) at the HIBC meeting, please contact staff at least 72-hours prior to the meeting at (808) 933-7653 so that arrangements can be made.