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HAWAII



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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

**DRAFT MINUTES, pending HIBC approval, of the
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

(Additional testimony needs to be added from the recording)

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):

- Kelii Billington married into the Kekumu family, and is not a lineal descendant
- 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, Keli 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;

Billington married into the Ulu line

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 familie 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 Kaimuloa
VOTE: ALL IN FAVOR [6 YES: Kekipi, Mahoney, Kahaulelio, Kaimuloa, 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**
[DRAFT minutes in progress]
- 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**
[DRAFT minutes in progress]
- 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] 3-3-004:035**
[DRAFT minutes in progress]

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 Kahaulelio stated her daughter works in the school and called Member Kahaulelio; 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 Kahualelio 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

[DRAFT minutes in progress]

- 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)**

[DRAFT minutes in progress]

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
[DRAFT minutes in progress]

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.
[DRAFT minutes in progress]

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 Kahalelio

2nd: Vice Chair Kaimulua

VOTE: ALL IN FAVOR

Meeting adjourned at 1:16 PM

DRAFT MINUTES of HIBC meeting from 2017-08-17 in progress by Regina K. Hilo, Burial Sites Specialist, as of 2017-09-05.