MINUTES
HAWEI'I ISLAND BURIAL COUNCIL MEETING

DATE: Thursday, December 17, 2020
TIME: 9:30 AM – 1:30 PM
PLACE: Online via Zoom

Zoom Meeting Link:
https://us02web.zoom.us/j/85715927201?pwd=VzUxalkxZGZDdmR6bVhlVWxbkkrkdz09

Meeting ID: 857 1592 7201
Passcode: BMsq3V

***Audio Recording at https://dlnr.hawaii.gov/shpd/about/branches/ibc/meetings/ ***

ATTENDANCE:

HIBC Members: Present:
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)

Absent:
Chair Nälei Pate-Kahakalau (Hāmākua)

SHPD Staff:
Kea Calpito, Burial Sites Specialist
Chris Omerod, Burial Sites Specialist
Cindy Young, Deputy Attorney General (Attorney General Office)

Guests:
Lokelani Brandt, ASM Affiliates, Inc. (V.A.)
Laverne
Angela Neller

I. CALL TO ORDER

Vice-Chair Blakemore calls to order the meeting at 9:35 A.M.

II. ROLL CALL/PULE
III. RULES OF CONDUCT

IV. MINUTES

A. Approval of the Minutes for November 19, 2020.

Summary:

Recording: 04:30 – 06:15

- Motion at 04:35
- Member Mahoney (4:45)
- Vote at 6:05

- Have responses from AG Office in writing

MOTION: To approve the minutes
MOVED BY: Member Haumea
2ND BY: Member Higa
VOTE: Motion carried unanimously

V. BUSINESS


Information/Discussion/Determination/Recommendation: 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:

Recording: 06:30 – 57:45

- Lokelani Brandt (7:15, 29:50, 45:10, 53:25)
- Member Mahoney (15:25, 17:00, 28:30, 30:50, 40:10, 46:10, 52:05)
- Member Kaʻimuloa (18:15, 32:35, 41:15)
- D.AG. Young (24:25, 43:15) (see below)
- Motion 1 at 32:35
- Vice-Chair Blakemore (34:30, 35:35, 42:10, 44:40)
- Member Haumea (36:40, 54:45)
- Member Higa (38:50, 47:45)
- Vote 1 at 41:55
• Motion 2 at 51:00
• Vote 2 at 54:25

• Descendants
• Buffer and walls, timeline
• Audit provision and compliance
• Implementation responsibility

D.AG. Comments

• The enforcement provisions really are set out in the statute without statutory authority and a lot of times rules, enforcement is what the statute says it is, you cant put in penalties in the burial treatment plan, that's not the purpose of the burial treatment plan, the plan is the plan. It's not really a contract either where it's an agreement by parties, it's a plan, it gets accepted ultimately by SHPD with a recommendation from the burial council along with the determination by the burial council to preserve in place or relocate the skeletal remains.

• That's a really good question, there's no really good answer, enforcement is difficult. The Vice-Chair is correct, for there to be more teeth there needs to be a change or amendment to the statute, just to remind the council, the decision, in this case the decision to preserve in place, is supposed to be under the rule, recorded in the bureau of conveyances, that decision, and what that does is it lets future owners know that, that is the decision of the council, to preserve the remains in place.

MOTION: To preserve in place
MOVED BY: Member Kaʻimuloa
2ND BY: Member Haumea
VOTE: Motion carried by majority [(YAY: 5 (Kaʻimuloa, Blakemore, Higa, Mahoney, Haumea); ABSTAIN: 1 (Kapono)]

MOTION: To recommend that SHPD accept the Draft BTP
MOVED BY: Member Haumea
2ND BY: Member Mahoney
VOTE: Motion carried unanimously

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

The Council may elect to go into executive session pursuant to HRS §92-5(a)(4), to consult with the council’s attorney on questions and issues pertaining to the council’s powers, duties, privileges, immunities, and liabilities.

Summary:

Recording: 58:00 – 01:10:00

• Kea (58:15)
• Laverne (01:02:40)
• Vice-Chair Blakemore (01:05:30)
• Member Kaʻimuloa (01:06:05)
• Meeting locations
VI. ANNOUNCEMENTS

A. The Next HIBC Meeting is Thursday, January 21, 2020, 9:30 A.M. Location TBD.

VII. ADJOURNMENT

Meeting adjourns at 10:49 A.M.

***THE ABOVE MINUTES WERE APPROVED AT THE 01/21/2020 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.