

Douglas Le
Keone Kalawe (VI.A.)
Keikialoha Kekipi (VI.A.)
Cecily Robinson (V.D.)
Maikalani Dias (V.G.)
Cybil Glendon-Baclig (V.J)
Edward Glendon (V.I.)
Jojo Tanimoto
Lono Lyman (VI.A.)
---Unidentified Zoom Usernames---
“kuulei”
“aaron”
“fox”

I. CALL TO ORDER

Chair Kahakalau calls to order the meeting at 9:36 A.M.

II. ROLL CALL/PULE

Member Higa conducts pule.

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

III. RULES OF CONDUCT

IV. MINUTES

A. Approval of the Minutes for February 20, 2020.

MOTION: To approve the minutes
MOVED BY: Member Haumea
2ND BY: Vice-Chair Blakemore
VOTE: Motion carried unanimously

B. Approval of the Minutes for June 18, 2020.

- Vice-Chair Blakemore
 - Include name in roll call

MOTION: To approve the minutes
MOVED BY: Vice-Chair Blakemore
2ND BY: Member Haumea July
VOTE: Motion carried unanimously

V. BUSINESS

A. Hale Kuawehi Solar Project, Waikoloa Ahupua‘a, South Kohala District, Island of Hawai‘i, TMK: (3) 6-7-001:025 (por.).

Information/Discussion: Information and discussion on the above project.

Summary:

- Mara Mulrooney
 - Introduction of project and individuals
 - Julia Mancinelli of Innergex Renewable Energy Inc.
 - Eddie Park of Innergex Renewable Energy Inc.
 - Working on project since 2018
 - Project area is roughly 363 acres
 - 18 archaeological surveys have been done in the vicinity
 - Most of the cultural features are historic
 - Nothing in the immediate vicinity
 - No iwi have been identified
 - Did a pedestrian survey
 - Ranching features such as a water tank and concrete trough
 - Area has been heavily impacted by ranching activities
 - No cultural deposits were encountered during trenching
 - Backhoe testing was done to get “below” the ranch layer
 - The location of the project is not located on the pu‘u
- Julia Mancinelli
 - Project is located on Parker Ranch lands
 - Working with Waimea Hawaiian Homesteaders’ Association
- Member Ka‘imulua
 - Project plans and what the design will look like
- Member Haumea
 - Excavation work
 - Depth of backhoe and adequacy of testing
 - What was there before the ranch came
 - Iwi would be low, prior to ranching
- Member Mahoney
 - Iwi is most important
 - Intent of the 54 trenches should be to look for iwi
 - Trenching seems like an intrusive type of testing
- Chair Kahakalau
 - Confirmation that no iwi were discovered
 - Requests for copy of PowerPoint
- Vice-Chair Blakemore
 - Appreciate the AIS being brought to the HIBC
 - Supports natural resource such as the sun for energy

B. DRAFT Burial Treatment Plan to “Preserve in Place” the Remains of Kaluahine Piliwale at 28-1073 Old Mamalahoa Highway TMK: [3] 2-8-016:002.

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

Summary:

- Arthur Ugalde
 - Prepared the Burial Treatment Plan
 - Asks council to preserve-in-place
 - Burial site is grandmother’s
 - In 2016, submitted three sets of documents to protect iwi at three different locations but at one of the sites, a burial registration was done but the burial was disturbed because no permit was needed by the County

- Was told by two SHPD representatives to prepare a BTP
- Document that was prepared contains information necessary for the HIBC to approve request
- Selling property and escrow is closing within the month
- Requesting an easement be placed in the BTP to access the graves
- Hired a surveyor to create boundaries of the gravesite
- Asked the State about an in-situ burial agreement
- Acquired property quiet title court case
- Next step in the process and council's involvement
- Chair Kahakalau
 - Location of the burial
 - Is it possible to remove the burial from the sale of the property to keep for family and maximize protection of the iwi (Ugalde, there are over 30 descendants and can't get them all to agree)
 - Concur that the rest of the family has an opportunity to comment
 - Long-term preservation measures and signage
 - Nice to see kanaka preparing the BTPs
- Member Ka'imuloa
 - Why is the family selling the land – to eliminate the problem, don't sell the land
 - All these other issues come in when the new owner wants to develop
- Member Mahoney
 - Consensus of the rest of the family regarding disposition (Ugalde, some want and some don't)
 - Conclusion of the rest of family
 - Problem when half the family wants to preserve-in-place and the other half wants to relocate
- Member Haumea
 - Supports consulting other family members
- Vice-Chair Blakemore
 - Other graves in the vicinity
 - Family needs to be consulted
 - More inclusion – include other burials in buffer and family opinions

C. Descendancy Recognition Application of Clarence A. Medeiros, Jr. to Unidentified Native Hawaiian Skeletal Remains Located within SIHP #50-10-74-24403 and -24407, Hi'ona'ā Ahupua'a, Ka'ū District, Island of Hawai'i, TMK: (3) 9-5-014:017.

Information/Discussion/Determination: Discussion and determination whether to recognize the applicant as a cultural descendant to unidentified Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever location or description of a Native Hawaiian Burial site is under consideration. The chairperson, by concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

MOTION: To accept the applicant as a cultural descendant
MOVED BY: Member Haumea
2ND BY: Member Ka'imuloa
VOTE: Motion carried unanimously

D. Descendancy Recognition Application of Cecily J.K. Robinson (Whittington) to Unidentified Native Hawaiian Skeletal Remains Located within SIHP #50-10-74-24403 and -24407, Hi'ona'a Ahupua'a, Ka'u District, Island of Hawai'i, TMK: (3) 9-5-014:017.

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MOTION: To accept the applicant as a cultural descendant
MOVED BY: Vice-Chair Blakemore
2ND BY: Member Higa
VOTE: Motion carried unanimously

E. Descendancy Recognition Application of Claire E. Cordero (Whittington) to Unidentified Native Hawaiian Skeletal Remains Located within SIHP #50-10-74-24403 and -24407, Hi'ona'a Ahupua'a, Ka'u District, Island of Hawai'i, TMK: (3) 9-5-014:017.

Information/Discussion/Determination: Discussion and determination whether to recognize the applicant as a cultural descendant to unidentified Native Hawaiian skeletal remains at the above location.

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MOTION: To defer until applicant can attend meeting
MOVED BY: Vice-Chair Blakemore
2ND BY: Member Mahoney
VOTE: Motion carried unanimously

F. Descendancy Recognition Application of Elizabeth Legaspi (Whittington) to Unidentified Native Hawaiian Skeletal Remains Located within SIHP #50-10-74-24403 and -24407, Hi'ona'a Ahupua'a, Ka'u District, Island of Hawai'i, TMK: (3) 9-5-014:017.

Information/Discussion/Determination: Discussion and determination whether to recognize the applicant as a cultural descendant to unidentified Native Hawaiian skeletal remains at the above location.

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confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

MOTION: To defer until applicant can attend meeting
MOVED BY: Vice-Chair Blakemore
2ND BY: Member Mahoney
VOTE: Motion carried unanimously

G. Descendancy Recognition Application of Maikalani Dias (Whittington) to Unidentified Native Hawaiian Skeletal Remains Located within SIHP #50-10-74-24403 and -24407, Hi‘ona‘ā Ahupua‘a, Ka‘ū District, Island of Hawai‘i, TMK: (3) 9-5-014:017.

Information/Discussion/Determination: Discussion and determination whether to recognize the applicant as a cultural descendant to unidentified Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever location or description of a Native Hawaiian Burial site is under consideration. The chairperson, by concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

MOTION: To accept the applicant as a cultural descendant
MOVED BY: Member Haumea
2ND BY: Member Higa
VOTE: Motion carried unanimously

H. Descendancy Recognition Application of Mary-Laurietta Paris (Whittington) to Unidentified Native Hawaiian Skeletal Remains Located within SIHP #50-10-74-24403 and -24407, Hi‘ona‘ā Ahupua‘a, Ka‘ū District, Island of Hawai‘i, TMK: (3) 9-5-014:017.

Information/Discussion/Determination: Discussion and determination whether to recognize the applicant as a cultural descendant to unidentified Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever location or description of a Native Hawaiian Burial site is under consideration. The chairperson, by concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

MOTION: To defer until applicant can attend meeting
MOVED BY: Vice-Chair Blakemore
2ND BY: Member Mahoney
VOTE: Motion carried unanimously

I. Descendancy Recognition Application of Edward Glendon to Unidentified Native Hawaiian Skeletal Remains Located within SIHP #50-10-74-24403 and -24407, Hi‘ona‘ā Ahupua‘a, Ka‘ū District, Island of Hawai‘i, TMK: (3) 9-5-014:017.

Information/Discussion/Determination: Discussion and determination whether to recognize the applicant as a cultural descendant to unidentified Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever location or description of a Native Hawaiian Burial site is under consideration. The chairperson, by concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

MOTION: To accept the applicant as a cultural descendant
MOVED BY: Member Haumea
2ND BY: Vice-Chair Blakemore
VOTE: Motion carried unanimously

J. Descendancy Recognition Application of Cybil K. Glendon-Baclig to Unidentified Native Hawaiian Skeletal Remains Located within SIHP #50-10-74-24403 and -24407, Hi‘ona‘ā Ahupua‘a, Ka‘ū District, Island of Hawai‘i, TMK: (3) 9-5-014:017.

Information/Discussion/Determination: Discussion and determination whether to recognize the applicant as a cultural descendant to unidentified Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever location or description of a Native Hawaiian Burial site is under consideration. The chairperson, by concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

MOTION: To accept the applicant as a cultural descendant
MOVED BY: Member Haumea
2ND BY: Member Mahoney
VOTE: Motion carried unanimously

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

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

Summary:

- Lokelani Brandt
 - Introduction
 - Update 2006 AIS for SHPD standards
 - Consultation phase for BTP
 - BTP for 2 confirmed burials sites and a preservation plan for 22 other sites
 - Used results from previous AIS and didn't re-test
 - Working with descendants who came forward
 - Can coordinate site visits if the family wants
- Chair Kahakalau
 - How big is the property (Brandt, 1249 acres)
 - What is the project (Brandt, no specific plans for subdivided lots)

- Vice-Chair Blakemore
 - Appreciates pre-BTP consultation
- Member Mahoney
 - Wants to see draft BTP

L. Discussion on Hawai‘i Island Burial Council Membership, Roles, and Responsibilities.

Information/Discussion: Discussion on the above item.

VI. INADVERTENTS/COMMUNICATIONS

A. Letter from Keone Kalawe, dated June 29, 2020 RE: Keone Kalawe, New Discovery of Hawaiian Burial Desecration on June 27, 2020 Located at Kumukahi, Kula, Puna, Hawai‘i, TMK # 40020920000 Oda-Ching, Rosanne A Trust (80.73 Acres).

Notification/Discussion: Notification and discussion on the above correspondence.

Summary:

- Keone Kalawe
 - Multiple cemeteries in the Kumukahi and Kapoho area
 - Would like to see a preservation plan and archaeological survey of the area
 - When the desecration occurred back in 2000 the AG did not want to take on case
 - HPD and DOCARE did not read Miranda rights to the three individuals who desecrated the burial crypts and so they got away without punishment
 - How can the HIBC help to bring the iwi back
 - Would like copies of the documents
 - Opening of Highway 132
 - Did not consult with descendants
 - ATV tours
 - Running over petroglyphs
 - Road should not have been opened in the first place
 - There was one big cemetery and the road took out the middle
 - Kumukahi is sacred and not a place to make money or development
 - Requests for executive session
- Keikialoha Kekipi
 - Went to NHLC in the past and met with Moses Haia
 - Road being used only for recreation
 - Area will be heavily impacted and coast will change
- Member Haumea
 - The HIBC can do a strong recommendation to do something to move forward
- Vice-Chair Blakemore
 - Went on site visit with Keiki and Kea
 - Had a community meeting and found that six more burials have been disturbed
 - Solution to start the process and move forward and think outside the box
 - Motions to enter into executive session to discuss the burials at Kumukahi
 - Follow-up when the site numbers were given
 - Motions that the discovery of all information be cc’ed to Kamakana Ferreira, Keone Kalawe, Keikialoha Kekipi, and Lono Lyman
- Member Ka‘imuloa
 - Try a different route – seek legal assistance
 - Agrees with Member Mahoney to start the process from the beginning
- Kamakana Ferreira
 - Compliance Specialist for OHA

- 6E enforcement
- Had a conversation with Sean Nāleimaile at SHPD and was told that there would be a site visit with SHPD and DOCARE to investigate the recent incidents
- Informed that the State might not have the iwi
- Who currently owns the property (Kea, the two original owners are still the current owners, according to the County's TMK website)
- Would like to request a copy of the DOCARE report and confirmation that SHPD has custody of the remains
- HIBC should pass a motion to have the landowners take responsibility of the remains
- Were the sites registered burials at the time of discovery (Kekipi, they have site numbers)
 - Jurisdiction to HIBC
 - If there were site numbers, then they are previously identified (Kea, does not know when the site numbers were given)
 - Confirmation whether the sites were or were not previously identified because they have a site number (Kea, they might have a site number but that doesn't indicate that they were previously identified because it depends on when they site numbers were given – before or after discovery)
 - SHPD to figure out when the site numbers were given to determine jurisdiction
- Member Mahoney
 - There is only a preservation plan and not a burial treatment plan
 - Start the processing from the beginning
 - Why would not UH agree to the original agreement
- Lono Lyman
 - Represents Lyman family and is aligned with what Kalawe is asking for
 - The vision for the area is preservation
 - Land swap between Kapoho company to take possession of land
 - Kapoho Land and Development Co. Ltd.
 - Property owner of adjacent 1000 acres
 - TMK that everyone is using to trespass
 - Would like to see the issue move forward
 - Has an agreement with the County for access
- Member Higa
 - Would like to see maps
- Kea
 - The DOCARE report from 2000 stated that Marc Smith took possession of the remains and therefore, was able to locate the remains in the SHPD collection
 - Can do a transfer of custody when the descendants are ready
 - Nāleimaile has been looking for the right person to contact at UH to work with
 - Will look for more background information
 - Are the remains to be considered previously identified or inadvertent discoveries
 - Original document was written as a Memorandum of Agreement and UH didn't sign the document
 - Spoke with Kamana'o Mills who said he didn't really remember the case
 - Include History & Culture staff when emailing SHPD

Council went into executive session at 12:45 P.M. with Kalawe, Kekipi, and Kealoha, and exited executive session at 12:53 P.M.

MOTION (1): To enter executive session to discuss the burials at Kumukahi
MOVED BY: Vice-Chair Blakemore
2ND BY: Member Ka'imuloa
VOTE: Motion carried unanimously

MOTION (2): To exit executive session
MOVED BY: Member Haumea
2ND BY: Vice-Chair Blakemore
VOTE: Motion carried unanimously

MOTION (3): That the discovery of information be cc'ed to Kamakana Ferreira, Keone Kalawe, Keikialoha Kekipi, and Lono Lyman
MOVED BY: Vice-Chair Blakemore
2ND BY: Member Haumea
VOTE: Motion carried unanimously

B. Inadvertent Discovery of Unidentified Human Skeletal Remains Encountered on May 19, 2020, within the Kopua Cave System in Eden Rock, 'Ōla'a Ahupua'a, Puna District, Island of Hawai'i, TMK: (3) 1-1-100:006, 011, 012, 037, and 051.

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

Summary:

- Kea
 - Site visit was attended by SHPD staff, HPD, and DOCARE
 - HPD was present until jurisdiction was determined
 - Remains will be preserved-in-place

C. Inadvertent Discovery of Unidentified Human Skeletal Remains Encountered on June 09, 2020, at the Kamehameha Schools Kahalu'u Makai Project, Kahalu'u Ahupua'a, North Kona District, Island of Hawai'i, TMK: (3) 7-8-013:002.

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

Summary:

- Kea
 - Remains were discovered during excavation activity
 - Were fragments and not an in-situ burial
 - Objective is to relocate
 - Based on consultation with recognized cultural descendants, the HIBC regional representative, and the landowner

D. Inadvertent Discovery of Unidentified Human Skeletal Remains Encountered on July 07, 2020, on the Shoreline of the Old Kona Airport, Lanihau Ahupua'a, North Kona District, Island of Hawai'i, TMK: (3) 7-5-005:007.

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

Summary:

- Kea
 - Remains were discovered on the shoreline and retrieved by DOCARE
 - Will be reinterred within the same ahupua'a

VII. ANNOUNCEMENTS

A. The Next HIBC Meeting is Thursday, August 20, 2020, 9:30 A.M. Location TBD.

VIII. ADJOURNMENT

Meeting adjourns at 1:16 P.M.

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.