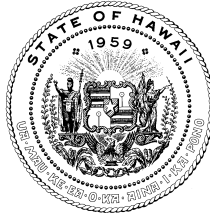


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LAND
STATE PARKS

**HISTORIC PRESERVATION DIVISION
DEPARTMENT OF LAND AND NATURAL RESOURCES**

601 Kamokila Boulevard, Suite 555
Kapolei, HI 96806

**Hawaii Island Burial Council
Meeting Minutes**

DATE: Thursday September 20, 2012
TIME: 9:30 am To 1:40 pm
PLACE: Natural Energy Laboratory of Hawaii Authority (NELHA)
73-4460 Queen Ka'ahumanu Highway
Kailua-Kona, HI 96740

HIBC MEMBERS: Kimo Lee, Landowner/ Developer Council Chair
Nalei Kahakalau/ Hamakua Representative
Leningrad Elarionoff, Kohala Representative
Edwin Miranda, Hilo Representative
Gene "Bucky" Leslie, Kona Representative
Maxine Kahalelio, Waimea Representative

ABSENT/EXCUSED: Charles Young, Landowner/Developer Council Vice-Chair
Keith Unger, Landowner/Developer Representative

SHPD STAFF: Kauanoë Ho'omanawanui, Hawaii Island Burial Sites Specialist
Mike Vitousek, Hawaii Island Lead Archeologist

GUESTS: David Deluz Jr, Kukai'au Ranch
Ku'ulei Keakealani, Ohana of Kaupulehu
Kauilani Keakealani, Ohana of Kaupulehu
Leina'ala Keakealani Lightner, Ohana of Kaupulehu
Elizabeth Young, Ohana of Kamaka Kama
Randae Young, Ohana of Kamaka Kama
Lehua Kamaka, Ohana of Kamaka Kama
Charlett Young-Kaaihue, Ohana of Kamaka Kama
Pua'alaokalani Nihau, Ohana of Nihau/Kamaka Kama
Dru Kanuha, Community
Reggie Lee, Komike o Kohanaiki/ Kahananui Ohana
Jay Uyeda, Hualalai Resort/Kona Village
Pat Fitzgerald, Kona Village Resort
Malia Cooke, Kona Village Resort
John Sakaguchi, Wilson Okamoto
David Shideler, Cultural Surveys Hawaii
Isaac Harp, Makani Hou O Kaloko-Honokahau
Tammy Harp, Makani Hou O Kaloko-Honokahau
Ikaika Mahoe, Ohana of Kauahipaula
Mildred Bailado, Ohana of Kauahipaula
No'eau Peralto, Palau Ohana, Hamakua
Zelda Dela Cruz, Ohana of Kauahipaula
Nicole Lui, Cultural Monitor County of Hawaii

I. OPEN REMARKS:

Kimo Lee, HIBC Chair called meeting to order at 9:32 am.

II. ROLL CALL/ PULE:

Kimo Lee HIBC, Mrs. Maluihi Lee gave pule.

All the HIBC members and the SHPD staff introduced themselves.

III. APPROVAL OF MINUTES

A. January 20, 2011

Bucky Leslie moved and Kimo Lee seconded motion to approve.

Motion carried unanimously.

B. June 21, 2012

Leningrad Elarionoff moved and Leslie seconded motion to approve.

Chairperson opens the floor for discussion.

Leningrad suggested some of the information in the minutes is irrelevant. Lee suggested some information may be relevant for some and not others. Miranda adds the need of verbatim type of minutes instead of paraphrasing because of the distinction of the information to the project. Leslie clarifies the techniques established in the council of the past are acceptable.

Motion carried unanimously.

C. July 19, 2012

Leslie moved and Leningrad seconded motion to approve as corrected.

Chairperson Lee opens the floor for discussion.

Leningrad on the third page second paragraph from bottom, I didn't say that Miranda did, please correct. Also please add page numbers. Lee adds the date on front needs to be corrected. Leningrad, pg. 6 in the 3rd paragraph, change food to good, please make those corrections. Pg 8 on the 6th line, please correct malama na iwi. Also hole not whole, and mano not manu, please address these corrections.

Motion carried unanimously.

I. NEW BUSINESS

Chairperson announces to give acknowledgement to our new HIBC member Nalei Kahakalau and also have a moment of silence for Aunty Ruby McDonald.

B. Draft Burial Treatment Plan for Sites 50-10-19-26695, 50-10-19-19652, 50-10-19-19653, 50-10-19-26696, 50-10-19-26697, 50-10-19-26722 at the Kona Village Resort, Ka'upulehu Ahupua'a, North Kona District, Hawaii Island, TMK: (3)7-2-10:10. Information/Recommendation:

Introduction and discussion on the above plan. Presentation by T.S. Dye & Colleagues, Archaeologists, Inc.

Tom Dye of T.S. Dye & Colleagues representing Kona Village Resort, I would like to begin by correcting the TMK, it is (3) 7-2-10:10. I'm here today with members of Kona Village Resort and family members of the Keakealani Ohana. The resort was developed in the 1960's; I was hired to do an Archaeological Inventory Survey (AIS) for the whole portion of the resort that were completed a couple years ago. This BTP is the last stage of the review process for the resort. The plan was written in consultation with Kona Civic Club and we met with the management committees along with the Keakealani Ohana, including SHPD and an HIBC member came to the resort for a field check. The undeveloped land has been put into preserve areas. The decision was made by the trustees of Kamehameha Schools as they are the landowners and they reviewed the plan that you have reviewed. The treatment of the burial plan is to preserve in place. The lava tubes with iwi will be sealed and we will keep the surrounding landscape natural. Feature of plan is to institutionalize the stewardship role of the Keakealani Ohana. We want to insure the stewardship is firm in moving forward regardless of the Ohana and who holds lease if no longer Kamehameha Schools.

Miranda stated upon gathering golf balls at the site visit he discovered the exposed human skeletal remains. The concern of golf balls being hit into the burial site and the proper signage to address this concern is suggested. Also the use of grating over the iwi is questionable as Miranda addresses proper protection of the exposed iwi.

Dye clarifies the metal grate is used to hold rocks over the top. Landscapers refer to this as denaturalization so that protection is made with the most natural landscaping. Lee questions Dye's distribution of BTPs' to the descendants. Dye agrees having mailed packets to the identified descendants.

Lee opens the floor for family testimonies.

Aloha mai kakou, I am Ku'ulei Keakealani, I wanted to reassure you folks that I personally made the commitment. As we are recognized in neighboring Ahupua'a Pu'u Wa'awaa and Pu'u Anahulu as lineal descendants and have accepted that kuleana of taking care of our iwi. I personally will see to it that the exposed iwi we came across on the site visit. My hands God willing will be able to malama and secure the iwi. Mahalo regarding the mana'o made by Mr. Miranda for the proper signage addressing the golf balls.

Miranda adds if it wasn't for the golf balls I wouldn't have found the iwi. I meant to collect the balls and throw them away, kalamai. Thank you so much for covering the exposed iwi on that site visit.

Chair Lee asks for any more comments.

Ku'ulei adds one more thing as far as Tom's relations with us has been more than satisfactory. Myself, he, Kepa Maly, cousin Debbie Kahiliwai Rae has been there through the hardest situations to malama the iwi at Pu'u Anahulu. Tom has witnessed us pleading with our kupuna to hui kalamai us as we have no control over what happened. Perhaps presently the owner Mr. Bonett (sp) to malama our sites and as of today the sites are gone. I want you folks to know Tom has been a big help to our Ohana.

Leningrad agrees he is glad to hear the dedication to take care of the iwi is highly commendable. However you can't depend on Tom's good will and good nature to make access always available, sometimes locks change. It's too much of a strain on the family. For some the iwi may not be important for some it is very important. The family should have access concludes Leningrad.

I am Shirley Ann Keakealani, on behalf Ka'upulehu development. Most recently a year ago the tsunami hit the Kona Village Resort. The devastation, I'm sure has reached near the petroglyph area where the exposed iwi were found during the last site visit. I'm sure with the tsunami the land moved and now the iwi has been opened up to us than it was previously. I'm sure with all the work of Tom and his colleagues along with the family the iwi will be protected properly. Again I would like to thank Tom and his colleagues in his communication and efforts in working to malama the iwi.

Kahaulelio explains a sentence in Section 2 of the BTP may not be understood clearly. The Stewardship functions go to the Keakealani family to be transferred to a legal entity such as a non profit that is designed to outlive its members. This caught my eye and my heart, I too have been in court with Mr. Bonet(sp). Because our tutu Pa'alua was in court and lost. Till today we are still in court, one of my kupuna told me this tree is the formation of a person to overlook Pu'u Wa'awa'a & Pu'u Anahulu. As I looked around, I wasn't born in that area I only pictured my tutu walking through there. Why do we need a non profit to carry on what our ancestors left, I'm sure you and I are not going to be here, do we have to have a legal entity? It's going to be our children; we don't need a legal binding to malama our iwi. I see my tutu Pa'alua in my own spirit walking through the trails of that area. Is this the second time your presenting this as I see the date to be 2009, is there a TMK? We need to see it on the front, when it comes to legal matters. It was horrible going to court to Mr. Bonett (sp) he was never present he always sent someone else. Again I will say this is precious to us, every time they come and make promises. Don't break the promises, please, and sometimes we trust. Again we find the words change, the disposition changes. When you see the kala coming in, the Brown family use to be there and now they are gone. Wheres there promise? All I want to say is put a TMK so we can see it, not on the side, not in the back, on the front, it's very necessary. You need to update it; it was done in 2009 and today is 2012. Is this the same one from 2009 when you presented this back then? Update it.

Leslie, perhaps aunty is saying, why, how, and the use with the non profit organization involvement stated in here. It will clarify better. Kahaulelio added, maybe I went to the wrong school and when you read it, seeing a non profit in a historic preservation for our families. Leslie adds if it's clarified the non profit and recognizes what the BTP is trying to do. Dye clarifies; it was to institutionalize the arrangement that have been ongoing and not to switch the kuleana from the Keakealani Ohana to something else. It was to institutionalize that arrangement. Regardless of what happens to the Keakealani, sometimes change; sometimes they move away. Regardless, they will be able to pass on the kuleana in a way that is recognizable to people who lease the land.

Chairperson Lee sees this is as a supplement to help the family out. It's a big sacrifice for the family.

Leslie suggests documenting what you have said to us. That way when you come back we know what is being done. Like Max says this is 2012 things need to be renewed from the 2009. Put those things in.

Chairperson Lee asks the family if they are good with it.

Leningrad adds this is a safety net for the families incase the family looses interest. This way somebody will be there to look after it. I thought it was a good thing.

Kahaulelio, can I make comment on that, knowing Ku'ulei, I don't think this proper, it's a net that can get puka, the eye to big, and the menpachi go through. We don't like the big eye we like the small eye. I know Ku'ulei; she will carry on for her children's children. The net eye is little bit to big, the eye to big, I love kole, I love to eat menpachi, the developers make the net to big for us, and the Hawaiians no more chance. I don't think the family will say I'm tired, I don't think so, I believe they will carry on till the good lord takes us, the terms non profit , legal, I been there in legal courts with Mr. Bonett (sp), that's why I say make the net smaller. E huki lau, bring all the fish and share with the community.

Chairperson Lee suggests the family crafts the net and the family agrees with it, my suggestion for this BTP, the technical part such as the TMK can be added in, I'm just one vote and revisions to move it along.

Leningrad, says not menpachi, uhu. I'm literally talking about us Hawaiians we always fall through the cracks states Kahalelio. Hoomanawanui explains this BTP is not up for determination, only the introduction for information and recommendation.

Nalei Kahakalau comments mahalo to Keakealani to insure the culture stays in tact. Primary question the Keakealani Ohana, if they have received the plan, Ku'ulei answers yes and Kahakalau adds are they in agreement with the plan as of right now. Lee concludes we are all in agreement with the plan and the next meeting to move to approve.

IV. New Business

B. Draft Burial Treatment Plan for SIHP #50-10-27-22415, Honokohau 1st, North Kona District, Hawaii Island, TMK: (3) 7-4-008:999 (State Right-of-Way) and 010 (Kaloko-Honokohau National Historical Park). Information/Recommendation/Determination. Discussion on the above plan, determination and recommendation to SHPD whether to accept the Burial Treatment Plan. Presentation by Cultural Surveys Hawaii, Inc.

I'm Sal Panem, district engineer from HDOT here to seek approval of the BTP, our project is the Queen Ka'ahumanu Highway widening from Kealakehe property to the airport. Along with me is the consultant David Shideler, he will be able to answer any questions.

Aloha kakou, David Shideler with Cultural Surveys Hawaii, is addressing the draft BTP of the Honokohau. I have copies of the BTP and I can make them available to you. A copy was sent to you with a cover letter with comments on recommendations that were addressed. With cooperation with NPS, 31 copies of the BTP were circulated to cultural descendants, concerned parties to Honokohau Ahupua'a. Giving the opportunity for response to any concerns they may have. There was one response of the 31 letters with copies of the BTP, Mr. Reginald Lee, is on the NPS list as a concerned party to Honokohau Ahupua'a. His letter is in support of the draft BTP and the project. So we are here to address any questions you may have. The matter is up for determination; we are for preservation in place for this Honokohau plan. We seek any further guidance you have under review by SHPD.

Chairperson Lee asks for comments.

Lee wanted to address the three comments from the last meeting in June. Historical context of the 'aina was that included in here? Yes sir, Mr. Shideler responds that it is addressed on page 1 and continues on pg 4-5. The history of the property in Honokohau refers to a Miriam Kekauonohi (sp) transitioned briefly to George Robertson than transferred to Henry Nicolas Greenwell, and subsequently Frank Greenwell. There are a number of LCA granted through the Kuleana Act; however, these are all in elevation a 100ft or more significantly mauka of Honokohau and Queen Ka'ahumanu Highway phase 2 projects. Lee concludes the other two comments were included in the revision.

Leningrad, go to page IV, proposed burial consultation to possible descendants to the burial sites, with NHO's are ongoing, and at this time the HIBC has not been consulted. June 21 minutes are intermitted in here. On page 34 the very last line says "guidance was received from the council and incorporated into this plan". Why does it say HIBC haven't been consulted and yet like your testimony with Mr. Chairman, this tells us we have been consulted?

Shideler appreciates the clarification and will be amended of HIBC consultation. Leningrad adds on second paragraph on the bottom that says these recommendations have been developed with consultation with three individuals whom have family ties to the projects. Their names have not been included here for confidentiality and consultation is ongoing. Mr. Chairman, I would like to address that these paragraphs are very troublesome for me. Next paragraph below CSH recommends no specific vegetation changes take place and or near the burial site, in some cases graves are marked by native plants; however in this case such plants would only draw attention to the burial site. Two individuals consulted on this plan specifically requests no plants be added or removed, the third person, what did they say? Shideler answered they had no comment.

Next on pg V, explains Leningrad on the first paragraph NPS required a 15 day advance notice prior to construction so NPS can notify descendants of the burial site. What's the difference between, on pg 15, halfway down the page section 3.2 second paragraph down. What's the difference between descendant families and lineal descendants, what's the difference in the terminology? Are these the same or different people?

Shideler would like to invite the NPS to address the matter themselves, but the first reference in pg V at the top is to descendant families of Honokohau Ahupua'a that may include lineal and cultural descendants of other burials. At this time no specific families have come forward to claim to a specific kupuna, SHPD is welcome to add comment. No individuals have come forward to be recognized to this specific kupuna.

Leningrad understands and on the next paragraph, the fifth line down starting with fencing and fencing again in parenthesis and I realized on pg 36, your using the term fencing, and fencing in parenthesis. Why the parenthesis, with and without. Shideler answers to be clear for the interim use of standard construction orange web fencing temporary interim measure to provide protection during the construction activities of the vicinity. The term fencing in parenthesis is meant for interim short term measures during construction instead of long-term fencing would have chain link fencing. Leningrad adds the last paragraph in V, the site will remain in "perpetuity" this term scares me, if things change, how do we go about it, what is the mechanism for it. This makes me nervous. Shideler adds not to make you nervous but to provide confidence. NPS may have changes and any party would have to come to you with an amendment. To emphasize the longevity it would last beyond my time and provide continuity in the future as we can. Next, pg VI the first paragraph from top fifth line down. The long-term buffer should be demarcated with barriers and fencing during the interim period of the right of way. Explain please. Shideler answer during the construction of Queen Ka'ahumanu phase 2 work there will be land disturbing activities mauka of the burial site, in the proposed area of development. Should there be in the occasion in the future work for any additional work, perhaps maintenance, these protection measures will be reinstated.

The next one is page 16, very top paragraph, states Leningrad, unless stated otherwise all kupuna elders are represented only by initials to protect their identity. HIBC expressed a desire to know who these initials represent. Did anything come out of that? Mrs. Navarro (sp) did get back to us and expresses her Aloha and the desire to maintain her confidentiality. Shideler adds she extended an invitation to respond in case by case basis seeking clarity regarding the identity of the informants. And that's covered on Page 31, Section 2.2.7, questions Leningrad? Shideler agrees.

Leningrad asks Chairperson to make a motion to reject all anonymous testimony forms including interviews. Nalei Kahakalau seconds the motion.

Chairperson Lee opens the floor to discussion.

Leningrad, a couple of reasons to reject this type of testimony, includes the earlier testimony by the Keakealani. The families come here say this is me, I am here to take care of my kupuna and for those who are hiding and giving testimony is not right. It's like the young brother who came to me in what I said.

We cannot be hiding, hey I believe this; this is how I feel lets work together. Not like I slip a piece of paper and everyone is wandering what they are talking about. We work together and talk about it. How can we agree? That's another reason why I'm saying this if we accept testimony from anonymous people. If Mr.Haun brings in 200 anonymous testimonies in support of his development, how are we to react? And we cannot even talk to them face to face. Come join us and we can do this together. Even though we disagree it's not a problem.

Leningrad adds, what are we saying to our children? Last time there was a 17 yr. old who didn't know much but came here to stand up for his kupuna. I don't like this anonymous. What about those who have come before us, they are in the shadows. Are we too going to remain in the shadows and not be seen? Another thing is I think we are going against the roots of our culture. For one thing we face and say aloha, I am facing you with ha with life breath. In your response you say aloha and face me with this same feeling. Let's not start anonymous testimonies, we are in this together, lets work & talk together.

Leslie adds comment, shame on Cynthia to tell you we as individual board members to come kukakuka with her, 'aole, it should be written down, requested this when you first came here, shame on you, you didn't do this. When we go back to this documented history, who has said, not the shadow, it's the history of the face.

Lee agrees in not having anonymous kupuna testimony, in justification, but what is the reason of why the kupuna wants to remain anonymous, if you could explain?

Shideler states clarification, this initial outreach was conducted with Mrs. Navarro (sp), recognized leader as a party to represent the native Hawaiian community of Kona district. This effort was in part of a good faith outreach to gain referrals to knowledgeable parties, concerned parties. None of these individuals has see fit to come forward to be recognized as lineal or cultural descendants of this particular kupuna. It was simple in good faith outreach; none of these individuals had a referral to speak for this kupuna. E kalamai I hear what your saying, I'm personally suspicious when people don't come forward. They have submitted on a generic basis expressing there heartfelt mana'o to iwi kupuna of Honokohau. They are not kamali'i of these kupuna; they have no weight in this case. It would be appropriate as they may feel they are related to the iwi kupuna of Honokohau in a generic sense. The reason they were contacted is because they may feel a relationship or know parties connected to the Ahupua'a. The good efforts were in the burial notice, running twice with no responses.

Chairperson Lee offers you have a number of options when you bring it back; you can delete the testimonies, add it as a supplement and third, those people can come forward and not remain anonymous.

Leningrad states they can leave the testimony, when we vote on it, we list what we vote on, if we vote to not put merit to testimony, it's listed, and if we go the other way, then so be it. We should also include the public comments of the room to the subject matter.

Kahaulelio, adds, I read every one of the interviews, I'm not looking at what you just said, addressed to CSH, you went 420 down the four lane highway that you're planning to build and put the iwi aside. All these people don't want the highway, they are Hawaiians the blood is the same. I don't know what you are blabbing about, kalamai your words are not pono. What I see is they telling you don't go over go around. Don't stretch the highway for some body's convience to Costco from Walmart. Don't go forward and do not build already. That's QLCC lands that they are giving to HDOT for someone to go 40-50 mph to Costco. I read everyone and couldn't believe, these people want to be identified, and one aunty said she like kukakuka. Who is CN, who is CNN, Shideler adds that is Cynthia Navarro (sp). All the tears falling down, the cries are not being heard.

Chairperson Lee asks of anymore comments from council members.

Shideler, to address your concerns, if the council wish remove or put in the appendix, we will be happy to delete this, I don't see how it changes the presentation of the proposed treatment.

Lee emphasizes that the last time you were here we disagreed with the testimony. If you bring it back again you're going to hear the same comments from the same people. I gave you some options.

HDOT answers we will take a look at it and make the necessary revisions.

Chairperson Lee opens the floor for public testimony.

Aloha, Isaac Harp, we have been consultation with federal and state highways and NPS. We made it pretty clear that we are recognized to the park that we have a kupuna graveyard in the park. How do we become recognized descendants? Ms. Hoomanawanui answers have you been before this council in recognition or did you receive a letter from the Department stating your recognition? Isaac answered, no I have not. How do I go about that process? Hoomanawanui suggest contacting our department in requesting an application.

Lee, states you need to go through the formality of making a descendancy claim.

Isaac states I spoke to Cynthia regarding her anonymous comment. I have never experienced an anonymous testimony; where every kupuna is anonymous, everything you say should be transparent.

Miranda understands respecting the wishes of our kupuna, it's about a third party situation. The only party in getting the evidence is confirmation from the State staff. If the burial specialist or archaeologists can confirm this is what we talked about and this testimony is legit. I don't know what kupuna's reason for not coming is. I won't make kupuna come 100 miles when they cannot. It's more for confirmation that this took place and this person does exist, her concerns will be noted. That's my mana'o thank you.

Chairperson Lee opens floor for public testimony.

Aloha, I'm Lehua Kamaka, I just got off the phone with descendants for Honokohau, and she wanted to know if her family can be recognized as the Kalekina-Kepa Ohana. Hoomanawanui agrees this process of recognition can be done, the family needs to come forward. Kahaulelio adds no be shame the families need to come forward. Of course there were mountain and ocean people and did they live and die here, yes they have. We only can do so much, the families need to come forward, no scared, don't hide in the shadows.

I'm Reggie Lee, I hate to talk in public, we need to address, and a lot of our people don't understand why we have to be labeled in a cultural or lineal descendant. I know where I come from and yet we still need to apply to be recognized. May be its good maybe not, it's like the word has not gotten out. I was told the other day I'm not a lineal descendant and that I would have to submit a descendancy claim to be recognized for these iwi too. We need to be educated as how we go about taking care of the iwi and get the word out to telling these people about the process and definition of those labels.

Chairperson Lee says we are having a clash of western society and our Hawaiian culture. Reggie adds there are more names than said on here that should have there mana'o put in. It is our responsibility to come here. I am here my grandparents are here and we have never left. Lee suggest to continue stepping forward and taking responsibility. Reggie thanks the HIBC council for their time.

Leslie states a lot of us cannot relate to lineal or cultural. Cultural to me means where I grew up and lineal, in identifying all the iwi, how can we do this. The state determines a lineal to identify a particular

set of iwi. How can the state tell you, you are not related to the bones? Who is the state to tell us where the lineal are. We can bypass the state because we can all go as lineal, we are all kanaka ma'oli. We have the koko, they don't, and we are all lineal descendants. That is the puzzled part of this all. We can all be as lineal and when the po'e hau'ole comes in to tell us the difference in cultural and lineal descendants.

Chairperson Lee asks for any other public testimony to the motion on the floor.

Lee announces motion on the floor, to reject all anonymous testimony in any form.

All in favor, unanimous vote, motion carried.

Council member Leslie to make a comment, we are not talking about this subject plan; Leningrad adds it sets the precedent for all testimonies. Leslie adds it should also be stated.

Leningrad continues on pg 42 under 4.4.1 access to burial preserves, recognized cultural and or lineal descendants shall have access to the burial preserve area with specific terms of access should be developed with State and NPS, when will this take place. We have had in the past where they have agreed to do it and we say thank you and they don't say when and it never gets done. I would like specifics.

Chairperson Lee asks if you want specifics when the meeting will happen or when the access will occur. Leningrad answers when the consultation will take place upon plan development.

Shideler, as you know there have been previously identified descendants to this Ahupua'a, and at this time there is no one identified to relate to this specific kupuna.

Chairperson Lee addresses in the next draft explain it.

Leningrad 4.2.2 signage, consideration to all parties a small sign with the following language. I think it should be a small sign that is recognizable. You cannot hold person responsible if they can't see it. The reason I do this now is that all the testimony we have is irrelevant. We have to affirm it. Below at 4.3.3 the permanent burial preserve with passive preservation with no improvement. I would like to see the invasive species removed. It's a grave I don't think these invasive species should be growing on it. If you say leave it as is that's fine although I don't like the invasive species.

Kahaulelio would like to add comment. If you read the access and burial preserve, and signs to not go there. If you read the 3 columns get access but there is a sign that you will be fined \$25,000 if you walk through there and go walk and see your kupuna. If you want to put ho'okupu you will be charged \$25,000, by a little sign. When I read this I wanted to fold it and throw it away.

Leningrad continues 4.4.3, two individuals consulted for this plan has specifically requested no plants be added or removed.

Lee states clarification to get the recognized descendants comments.

Miranda adds lot of the graves that has come before us now, the families never took the time to take care, or they were lost. If you really want to show that they are taking care of the graves. You are going have a fire and it will be visible. If it was my family I would want it to be kept clean. To the families they should be able to clean the area and prevent invasive growth.

Leslie suggests he is for signage and have it beautified, instead of covering it up with invasive species. You can observe up mauka that many graveyards that are not being maintained. The BTP should include

these things, I don't know who this anonymous people who want grass to grow on the kupuna shame on them for allowing grass to grow over the kupuna.

Leningrad asks for clarification on pg 42, the second paragraph down, buffer zones will not extend makai beyond makai limits to the Highway on NPS land. All burials and fencing shall stop at the makai road. Are we talking about during or after construction, is there going to be a set back near the gravesite and stop at NPS. How is it going to work, can we work together?

Shideler says it's unusual as the burial is partly on federal land. The state cannot encumber the federal land especially without the permission of the NPS. As you see on pg 10 figures 4 & 5 this is in a koa hau'ole grove and to maintain to keep the koa hau'ole out. So in terms of obligating the NPS to maintain maintenance procedures is not something normally to be done.

Miranda adds one more comment talking about state and NPS, where is the access part coming from NPS or State land, could you answer that question. Please define the access, if lineal descendants get access, can I have an idea where it's coming from.

Lee, Thank you to CSH & HDOT any other comments?

Isaac Harp has more comments, A dozen descendants have come forward for the property mauka of this burial site, SHPD should have that list and I would like to recommend SHPD should keep a list of the individual Ahupua'a. I believe we are recognized to this Ahupua'a and included on that list. I want to request a delay in decision making on this BTP, I am the coordinator for NHO Makani Hou of Kaloko-Honokohau, serving as Vice President. Also in the Hui is the Kona Civic Club, Royal Order of Kamehameha trying to mitigate the destruction of the cultural sites. A quick history of the project begins with AIS was created phase 1 and phase 2 from Palani road to the airport. There were 17 sites identified, and only 2 sites found from Palani to harbor and harbor to airport there was 16 sites in the original survey. NPS and some of the Native Hawaiian Organizations did another survey and came up with 73 sites, just in the phase 2 section. We are trying to get a supplemental environmental assessment produced and a consideration of a 4F alternative, and they propose to destroy 35 sites. We retain the legal corporation to help with this and discuss federal highways administration and they plan on circulating a MOA. I'm not sure they can do that if the BTP is not adopted. They refuse to consider the new findings and the alternative in the original plan was Ane Keohokalole and that is almost completion. Which have lessened the traffic drastically? The new information available is not being accepted. Until litigation is resolved I ask that the HIBC delay on any decision making.

Kahaulelio asks isn't all of this information public? We try not to argue with media and highway folks. We trying to work through mitigation and have them understand once you destroy it will be gone forever. They have proposed \$800,000 for mitigation into cultural education programs funneled into the UH for 4-5 years and after we have to live with our permanent losses. There were no cost litigation measures to transfer Ho'ona Historic Preserve as well as the 100 acres of Holualoa Forest Reserve transferred to the trust for public lands and a few parcels at the ocean to make canoe landings.. The NHO would work with them in developing cultural programs. They denied these suggestions. The only one they offered was the \$800,000 in mitigation funds to UH. The NHO's have discussed it at length, and we are not satisfied with permanent losses of cultural sites and temporary mitigation.

Kahaulelio in addressing access, our kupuna is half of body of state and the other half on federal land. And the fed's are telling you we are going to go over it regardless of litigation. The NHO thought that should be brought to the council at this time. NPS wrote comments of the sites being burial. I'm not sure why this data recovery is not completed. I would have expected the other burial discovered outside the right of way to be introduced in this plan. Like on Oahu they didn't do complete AIS and then they

stopped the project. I don't know why they are not doing this here to. The NPS asked them not to excavate, and I'm not sure why this burial is not here.

Mike Vitousek talks about the cultural and lineal descendants recognized on the business park across the street. The previous branch chief was having the descendants apply to each project. Isaac adds the burden on the families during that process.

Lee clarifies the process, the descendant applies and the process is worked out through SHPD. Ms. Hoomanawanui states the Department does have record of recognized descendants.

Mr. Miranda, Mike when you went to that site, is it on the same TMK. How far away is the burial of discussion? Vitousek answers it is within the private land parcel makai of the right of way. The HDOT has attempted to do a BTP but the landowner is at its discretion. Since you can't do a BTP on private land and it is outside the project area.

Miranda made a motion to recommend preservation in place. Nalei seconded.

Chairperson Lee asks for discussion.

Motions carried unanimously.

Leslie made motion to defer the BTP till the next HIBC meeting upon revisions. Kahalelio seconded.

Chairperson Lee asks for discussion.

Motion carried unanimously.

C. Recognition of Elizabeth Kaiokalani Kamaka Young as a Cultural Descendant to Unidentified Native Hawaiian skeletal remains located SIHP 50-10-27-29275, O'oma II Ahupua'a, North Kona District, Island of Hawaii, TMK: (3) 7-3-09-004:22. Information/Discussion/Recognition/Determination: Recommendation by the Department.

Council member Miranda made a motion to recognize Elizabeth Kaiokalani Young as a cultural descendant and Leslie seconded.

Chairperson Lee opens the floor for discussion.

Elizabeth Young, I am here to represent Samuel Kamaka Kama my great grandfather and my grandfather Jacob Palakiko Kama. This was his playground; the house is still there in Kalaoa, just above Mastuyama Store. In Hawaiian way you don't ask questions and they tell us no maha'oi. We always try to listen to what grandpa folks say. We say where is your dad where is your papa? He tells me he is buried down the beach. I don't have to tell but he is there on the beach we don't know where but he is there. Two of his daughter is in the sand. Every time I go there I have chicken skin. I know my Ohana is there and in wahi kapu, his Ohana is there. When I went to the burial site I could feel my Ohana watching, and goose bumps. I know my grandfather told me his Ohana is buried there but didn't tell me exactly where. My parents are buried at Mt. Ziona in Kalaoa. I am privilege to tell you there are here. I can't pin point exactly where they are. They are in the caves and the elders don't want to say anything. I only know they told me they are all buried over there.

Lehua Kamaka addresses where she is talking about is the black gate to Kohana'iki is supposed to stay closed. We do show the paper that is supposed to have a sign and now the sign is not there. Now the gate is open and they are driving over the graves. Mrs. Young saw sunbathers on the graves in the area where the gate is open. Mrs. Young refers to BTP for Feature E SIHP 1915 on TMK: (3) 7-3-009:023 as where her kupuna is.

Miranda thanks Elizabeth Young for coming here and stepping up.

Lee asks Mike Vitousek if he knows where the site is and if you could notify SHPD. Mrs. Young asks why they let them come over and someone spray painted the sign. Vitousek agrees to follow up.

Chairperson Lee asks if all in favor of the motion.

Motion unanimously carried.

II. OLD BUSINESS

A. Update for A Burial Treatment Plan for SIHP# 50-10-35-22080, a Burial Cave Wai'akea, South Hilo District, Hawaii Island, TMK: (3) 2-4-001-:170. Discussion on the updates for the above plan. Presentation by Cultural Surveys Hawaii, Inc.

John Sakaguchi contracted by DAGS on this project. I am Here to bring you background on why we are here as this BTP was brought to u in October 20, 2011. At the time we had some preliminary access plan included two long access driveways and a fence-line.

David Shideler of Cultural Surveys Hawaii asks to pass out a brief summary with figures as the circumstance has been formally introduced.

Sakaguchi continues we had two long access driveways and a fence plan included in fig.1. That access would involve about 300 ft of driveway plan and 600 ft of fencing and also 5300ft of clearing of vegetation. That plan in fig.1 was approved in October 20, 2011 subsequently we met with DAGS and the County Water Department. They are under executive order. On figure 2, the discussion with the County Water Department to look at a shorter access route that would connect to an existing roadway. There is no longer a fence in the property that would be within a hundred feet of the burial. At this point we need a use permit with the County Planning Department. We are bringing forth an update of the plan so we can move forward.

David Shideler of CSH includes this BTP is discussing a human femur bone. Preservation in place is the approach to the HIBC. There are no recognized descendants. The only real changes are that there is no need for the freestanding fence line. Movement would be from figure 1 to figure 2.

Chairperson Lee asks for questions from the council.

Miranda, adds where is Mr. Lerma? Instead of coming to us with changes and what is Mr. Lerma's take on it. Where is the site on the map? Sakaguchi adds its in fig 1 at the center of this preserve area. Where is the electrical fence that is on the backside of on the map?

The access easement is looking from right to left with no fence line required anymore states Sakaguchi. Miranda states please clarify the distance its going to be from the site and make sure that Mr. Lerma understands the changes.

The distance is going to be a hundred feet clarified Shideler. Mr. Lerma wanted it a 100 feet away with no fence. Miranda people tend to forget that with no fence drivers may think they can reverse near that area.

Chairperson Lee and Miranda give mahalo to CSH and Sakaguchi for coming.

B. Update for a Burial Treatment Plan for SIHP 50-10-14-28534 and SIHP 50-10-14-28557, Kukai'au, Koholalele and Ka'ohē Ahupua'a, Hamakua, Hawaii Island, TMK: portions of (3) 4-2-008:008, 013, and 021; and 4-4-015:001. Discussion of updates with Natural Resource Conservation Services (NRCS). Presentation by David Deluz J of Kukai'au Ranch and NRCS.

David Deluz explains the biggest item of clarification and discussion with USDA, NRCS and FSA is the letter confirming their participation. Please see the letter distributed to the council. In regards to NRCS needing to be involved in the mitigation process, until their fiscal budget is approved, they were unable to attend. We are coordinating all the activities to make it more comprehensive for NRCS and working with the descendants in consultation and mitigation. We are coordinating a field inspection from the top of the Pu'u to Mana road. Two reasons we need have CSH complete the survey is to remove the communication tower and starting maintenance on the road with everyone. On October 10th NRCS will work with us in working with the descendants in a site visit.

We will come forward in completing the BTP so we can remove the HELCO receptor. We currently have 2 burials and a cultural site Pu'u is located where the communication tower is. We as the landowner are not getting anywhere with NRCS because of the project that was done. That was the primary purpose of bringing an update. And still have NRCS should come before the council and bring to the table a more comprehensive.

Is there a way we can meet with NRCS faster asks Miranda, Deluz states Diane has been communicating and we have been able to move along. Regards to this and refer to her letter, it includes a scope of somewhat of a timeline of what the process should be. Miranda adds its time for NRCS to come to the table.

Leslie questions who wrote the letter? We are forgetting of the past and what has transpired and nothing has been done. I have a difficult time understanding this. Leslie questions Mr. Deluz, how long have you been coming here, and he answers a year.

Lee clarifies how big of an area is the AIS from Mana road to the Pu'u. Mr. Deluz states 30 ft. wide and 2.5 miles long. That doesn't include the Area of potential effect (APE). That is the part we were hoping NRCS would assist us in. The agency has more clarity on that and correct you are Chairperson in how we gain clarity. We don't want to delay and now we have collaboration with NRCS and we allowed CSH to move forward. Leslie states weren't you in escrow Mr. Deluz? Deluz answers he hasn't sold this area only on the makai side. We developed a timeline and develop a composite with a cover with the timeline in which I will forward to Ms. Hoomanawanui.

Miranda suggests to Mr. Deluz we want you to support the families and work with NRCS. There may be other recommendations from this group to take care of the situation.

Kahaulelio addresses to Mr. Deluz is the road 2 miles long and how wide are you going to make it. We needed a definitive space estimated 30 feet wide. Two phased to take down the tower and maintain the road for the cell towers. We are maintaining the road to be able to go up and down for access to the sites. Are you talking about the veterinarian part of Mana road and meets at Kahilu? Pass that side states Mr. Deluz. It's a bumpy road states Kahaulelio and there was a fatal accident. Mr. Deluz clarifies our property starts at the guard rail after the stone corral and at the gate on the mauka road. Its roughly gravel dirt but

we are taking a safety approach in the case of updating the road for access. Kahalelio states this access will allow for the building of more towers. Mr. Deluz clarifies I can't answer you that and this point we don't control is the cell tower. We indicated that area to be conservation and nothing can be built there. We felt we needed to remove the HELCO tower.

Kahalelio is the USCG tower still going to stay there is there iwi? Mr. Deluz clarifies that USCG tower is about a mile away. I can't answer that there is iwi on the Pu'u but based on the oral history the family has done there is reference to iwi there. I think USCG was proposing a 0.5mile radius AIS. The area on the mauka side is Mauna Kea Forest Reserve and then on this side it's an Agricultural lease which had a county tower. We are trying to get more information from the USCG and coordinate that as well.

There is a dangerous spot on the road 12-13 miles away from our parcel adds Kahalelio. To address your concerns, the biggest reason is the maintenance in the rains washout responds Mr. Deluz. Unfortunately to remove the tower we may require larger equipment. Eventually we would have had to have done a field inspection.

Miranda questions Vitousek about the 106 process, Vitousek adds going back to this March 2nd letter Analu laid out five requirements, one is after the fact 106 consultation to NRCS. No, they haven't completed it and this response letter they sent is saying there are on their way. Continuing on this SHPD requested AIS from the Deluz family. Vitousek questions Deluz on their progress on this AIS. Mr. Deluz states they are finishing it up and CSH is close to completing that. Ms. Hoomanawanui asks for the APE, Vitousek estimates 8 acres. Mr. Deluz seeks clarity in the completion of certain project areas. I could be misunderstood by Auli'i however I will send an email on what the area to be completed on the AIS and the project area that we are doing the study on. We have more consultation for the BTP and the time frame includes finishing by the end of the year.

The challenges are the erosion of the, if we can get assistance from NRCS to carry that out, it would be fantastic. Ms. Hoomanawanui explains the agencies working with the landowner and families sharing their plans in indicating the technical support in removing the tarp. This may include addressing the procedures and options available in removing the HELCO tower.

Chairperson Lee opens the floor to public testimony.

Aloha, I am Noe'au Peralto; I wanted to bring up concerns from the last meeting two months ago. As council member Leslie stated this has been going on and on and on to finalize this BTP. It has been taking a toll on the family. To take care of the iwi has been delayed because of the access delay. It has been delayed since we had go notice in August of a key change. We have brought this to the council and seek support. Not all of the issues have been resolved; we want to work with NRCS and the USCG. We only found out yesterday that this is only an update and about the AIS on the road is coming about. We understand the need for the road. It just has been troublesome going thru the process.

Miranda questions the access issues. Initially we were told the locks were going to change. There are three or four locks to get to the site. It has continuously been pushed back and we haven't gotten access to malama the iwi. Mr. Deluz can you answer this. It was brought up a year ago about access. The landowner felt a need for the Ohana to have access to. It took a year to get the language to develop to give access and dealing with the capacity of the families. The area is remote. It is set up like there are four key family groups that will manage the key and access to that. It is a very remote place and we have issues in safety also the road is not in a good condition. It was difficult on my part to distribute the keys. I believe there are things that we don't need to discuss before the council. The biggest challenge is access and the roads conditions. The road work in other areas, in my email to descendants I should have informed them a little sooner. The monitoring will always be offered to the descendants no matter. Were any of these things done intentionally? Does the landowner like what is happening, no. do we have a lot to learn, yes? This

unfortunately this is the legal portion. It's a guide and how we develop it is going to be valuable. I do recognize there are areas that we need to improve. If you call me I will respond, if you don't try to get a hold of me you don't give the opportunity to amend. I can't go back in time to amend. We do have others who use the gates which becomes a problem. These keys are for them, there are so many contractors that go up there and don't know how to use. We gave access prior to any requirements made by SHPD. We can't do anything that was done in the past. We made it diligently clear to USCG to do a 106. If I denied access I deny that, if no one contacts me I won't know.

Leningrad adds if I hear you have a mutual relationship, it's much better than having us involved. Mr. Deluz shares there is nothing that requires of access however we have offered it from the beginning. I wanted to understand what the landowner's responsibility prior to hiring an archaeologist. If I'm not responding please call me. Again let me know what you want.

Miranda acknowledges the second level of collaboration where the families can meet with the landowners. Now this is the next level where the keys are exchanged. Now we are going up there and make sure there is an understanding. Lets not break that bond and families and landowners can work together. I want to hear in a year that you folks are working together and included in taking care of the kupuna iwi. We move into the third level, anything the council can do we will help to communicating with NRCS. All of us are the elements to make this work. Thank you for being patient and actions speak louder than words. For this council, we can accomplish many things together right here. We are going to need your help right now and work on that. It's a long process and has faith that we will do the right thing. Keep the dialog strong.

Kahaulelio wishes she had a recorder to hear what you just said. The minutes begin from December, January and all the way to February minutes. On and on and on. All your books in front of you is this your 10,000 acres. They never had a key they had paths and trails to take their loved ones up there. All of a sudden we have liability. A simple key to open the locks, yet we can open and widen the road to make it better. We can build what to destroy our aina. If I had a recorder and listen to what you talking about. Sometimes you get mana and then at the end you're hesitant. They are just giving their love to say good bye I love you. You sound like you have so much hatred sometimes, makes me feel funny. I know you. I read all this stuff and see all these plans. You need plans for people like this to have access. You cannot put a buffer around feelings or hold back our love for kupuna through towers. You're a business man, maika'i, god made everybody with a soul. If I had a recorder and you heard yourself you make yourself sick. I don't have a degree and I never went to college. My kupuna taught me respect and don't answer back. We need to respect, so what you're a big landowner. It's not your land its god s and Ke Akua going to come huki. I have experience to go Kahuku and they put double lock and we can't go. You got to go with 4wd did our kupuna have 4wd, no do you need 4wd, no. they had mules or they walked. Stop David, I cannot believe what you doing. You cannot forget the hurt you put on this people. The hurt that they have is not going to be resolved with a key. They not going build a tower or a building they only want to malama their iwi. What is so hard? I have tons of things of you, when is it going to stop? Help these people you are going to live better. Do unto me as I have done unto you, give them access. They not going hurt these people only want to love there ancestors. You said Aunty I know where you coming from. Today your mo'olelo and kukakuka was harsh. Why do you have to do that David? You going up there drink and smoke ice? You get thousands of acres, how many acres? David answers this area has 9,600 acres. NT Maxine please understands I have feelings. I have a personality conflict with Noe'au, prejudice of me to be or not to be. My intentions are not impure they are pure. I do believe I make very effort to make corrections s to my wrongs. I personally feel uncomfortable with Noe'au. The advisory board will buffer the problems I have and they will be able to manage themselves. Its not malicious, sometimes I revert to a safe side. If I did disrespect I sincerely apologize. It is my goal that whoever will be involved. I would like to feel comfortable in moving along. I do listen I may be hard head. Kahaulelio concludes we can wake up and die tomorrow.

Lee ends with acknowledging progress is being made and appreciate the effort of the landowner.

Deluz confirms to the council, we will handle the internal things like keys. Hopefully I can arrange with my parents and the agencies. I was harsh I apologize.

D. Update for A Burial Treatment Plan for Burial Sites in the Mauna Kea Science Reserve and the Mauna Kea Access Road Corridor, Ka’ohe Ahupua’a, Hamakua District, Island of Hawaii, TMK: (3) 4-4-015:009 and (3) 4-4-015; por.01. Information/Recommendation: Discussion on the updates for the above plan. Presentation by Pacific Consulting Services (PCS) Archaeologist, Inc.

Withdrew there presentation at the start of the meeting.

III. SHPD INADVERTENT DISCOVERY REPORT

A. None

IV. ANNOUNCEMENT

See I. New Business. Chairperson Lee welcomes the new HIBC member Nalei Kahakalau and announces a moment of silence for Aunty Ruby Mcdonald.

V. ADJOURNMENT

Chairperson Lee adjourned the meeting at 1:45pm

Respectfully Submitted,

Kauanoë Hoomanawanui