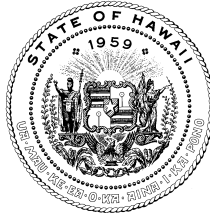


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Hawaii Island Burial Council
Meeting Minutes

DATE: Thursday October 18, 2012
TIME: 9:30 am To 3:40 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
Charles Young, Landowner/Developer Council Vice-Chair
Keith Unger, Landowner/Developer Representative
Nalei Kahakalau/ Hamakua Representative
Leningrad Elarionoff, Kohala Representative
Edwin Miranda, Hilo Representative
Maxine Kahalelio, Waimea Representative

ABSENT/EXCUSED: Gene "Bucky" Leslie, Kona Representative

SHPD STAFF: Kauanoë Hoomanawanui, Hawaii Island Burial Sites Specialist
Mike Vitousek, Hawaii Island Lead Archeologist

GUESTS: Bob Rechtman, Rechtman Consulting
Ku'ulei Keakealani, Ohana of Kaupulehu
Sterling Chow, HDOT
ShirleyAnn Keakealani, Kona Village Resort
Leina'ala Keakealani Lightner, Ohana of Kaupulehu
Lehua Kamaka, Ohana of Kamaka Kama
William Matsumoto, Kohanaiki- Honokohau
Pua'alaokalani Nihau, Ohana of Nihau/Kamaka Kama
Jessica Keka, Keka Ohana
Reggie Lee, Komike o Kohanaiki
Jay Uyeda, Hualalai Resort/Kona Village
Gale Perez, Descendant
Malia Cooke, Kona Village Resort
Joseph Keka Jr, Keka Ohana
David Shideler, Cultural Surveys Hawaii
Isaac Harp, Makani Hou O Kaloko-Honokahau
Jay Keka, Keka Ohana
Joseph Keka Sr., Keka Ohana
Nicole Lui, Pu'ukapu
Joel Keka, Keka Ohana

Justin Keka, Keka Ohana
Janice Keka, Keka Ohana
Jean Keka, Keka Ohana
David Richardson, Hawaii Pacific Brokers

I. OPEN REMARKS:

Kimo Lee, HIBC Chair called meeting to order at 9:33 am.

II. ROLL CALL/ PULE:

Council member Keith Unger gave pule.

Chairperson Lee, HIBC members and the SHPD staff introduced themselves.

III. APPROVAL OF MINUTES

A. September 20, 2012

Charles Young moved and Leningrad Elarionoff seconded motion to approve.

Chairperson Kimo Lee opens the floor for discussion.

Leningrad pg.3 my hands god willing, capitalize God. Pg. 9 correct pass to past and on pg. 10 change the arrangement of the money symbol and put it in front of the number. Pg. 14 its Miranda who makes that statement not me. Keith Unger adds on pg. 11 its spelt maha'oi vs maha 'oe, please address these corrections.

Motion carried unanimously.

VI. New Business

A. Draft Burial Treatment Plan for SIHP Sites 28545 Feature A and 28547, Ki'iokalani Ahupua'a, North Kona District, Hawaii Island, TMK: (3) 5-8-01:015 & TMK (3) 5-9-03:003. Information/Recommendation: Introduction and discussion on the above plan. Presentation by Rechtman Consulting, LLC.

Angie Von Holt introduces herself along with Aaron Spielman, Rhoadylee Architecture and Design architect for this project, Bob Rechtman with Rechtman Consulting to present the subject plan. Bob explains he conducted an Archaeological Inventory Survey (AIS) for two parcels, Ponoholo Ranch and Kahua Ranch. As a result of the AIS we recorded archaeological sites and on pg. 5 you can see the parcels side by side, two of the sites containing human burials. Ponoholo Ranch wants to construct a single family residence on the Ponoholo parcel with no current development on the Kahua parcel. However, since we were doing a BTP for a site on Ponoholo parcel and the other burial site is in the same ahupua'a near Kahua boundary both owners developed an adjoined BTP even though on separate parcels. On pg. 27 there is a photograph showing the two parcels. Site 28547, a multi feature site containing multiple burials located on a hill within the Ponoholo parcel. Site 28545 has multiple features only one burial and the other are habitation features.

Leningrad asks for location purposes where Black Point on here is. Bob answered on the bottom of the map.

Bob adds for site 28547 the one feature that contains the burial although the entire site will be preserved upon future proposed development of Kahua parcel. The development plan as it stands is for a single family residence. There is going to be a new realigned access road and at the site there will be a home developed. This development is taking place in the agricultural zoned part of the parcel. Traditionally this land was used by the ranch as an extension of their makai grazing lands. Mostly this area was used for ranch and recreational activities, which continues today. The AIS was approved, the appendix includes the approval letter from SHPD. Site 28545 Feature A has a vaulted interior; upon discovery we knew there was a burial. Site 28547 may contain as many as eight or nine burials. This place was grown to be appreciated as burials were added through time.

Newspaper advertisement for descendants was put out and we received no responses. As part of preservation planning, we contacted the NHO and asked for recommendation but no response to date. The proposal is to preserve both of these sites in place with a buffer zone of 30ft. During construction activities that buffer zone will be fenced as well as all the other preservation areas on the property. Once the construction activities are done the preservation fencing will come down. This Ki'iokalani parcel has been in ranch hands for over a hundred years.

Chairperson Lee opens the floor for questions.

Maxine Kahaulelio thanks Bob for the site visit, and explains it was nice. I was reading the packet last night and it took me back. The Kainoa family owned most of Kahua Ranch where their lease expired in 2011. Now they have a month to month lease although the lease has expired. It seems Kahua is not giving up their land, although the lease is up. It's not going to be single family dwelling it seems to be a cluster of buildings. It's a beautiful site where you are putting this housing. There are a lot of burial sites and a lot of bulldozing. There are all these sites where you are going to be building your hale. These Hawaiians had their habitation here and there with burials throughout. Area you going to build the same as what the Hawaiians did? Your single dwelling doesn't look to be single.

Von Holt explains the main house will have a kitchen inside and the other buildings are bedrooms and an outside shower. It's not going to be fancy we will use rocks from the grazing areas.

Kahaulelio states it's only 250 feet from the ocean and your bedrooms are located near eyesight of makai. It's not that far from our ancestors and it's not a single dwelling you have a couple structures. Are you putting septic tanks in here?

Lee adds can you clarify single family dwelling and multi family dwelling.

Aaron states the single family dwelling requires a waste water system. We do that by using a septic tank. Civil engineering designs a septic tank. This home has 5 bedrooms for one family the separate hale's allows for a lifestyle choice. This type of structure allows sustainable living with cross ventilation and not just one massive building under one roof.

Kahaulelio says a fale, is what the Samoans called the main living where no woman can go, but they always have clusters with each fale having its own use. You have a kitchen where is the water running through?

Chair Lee clarifies the HIBC is mandated to take care of the iwi.

Aaron answers we will have one septic tank, we have 5 bedrooms per septic tank. We are building it 40 ft above sea level and 250 ft from the ocean and the nearest burial is 80 ft above sea level and 200-300 yards from the house.

Kahaulelio pertains to the roads that are needed to get to the hale and the construction trucks and equipment to build the hale. More people and traffic will be there. The burial site is right above the proposed house site. How are you folks going to get to the hale?

Lee states these AIS have been done for the entire two parcels. Bob answers if you look at pg. 5 all the ranch roads are on this map. There are going to propose a new road that goes away from everything. The house materials will come in on that constructed road to the house site.

Kahaulelio says once they start building we are not going to have a coastal shore and the building will spread. It's a beautiful sight; why not build mauka not so near the conservation area.

Ed Miranda addresses the erosion from wind and rain and where the soil is likely to be carried. What type of conservation measures are you folks doing to protect the sites?

Aaron states the conservation district preserved in the preservation easement which protects the area and is part of the state required best management practice. This area only gets less than 7 inches of rain a year. We will be watering to control dust and erosion during construction. We follow all recommendations that the State put in place prior to any construction.

Miranda asks will you be using a dozer and do some grating. Aaron answers there will be leveling to protect from soil erosion. Miranda asks for a contour map to view the watershed. If you do some terracing I'm afraid of ground disturbance. There are tunnels under these properties and we don't want to open a lava tube. I suggest ground cover to keep the soil in place. Please address some of these issues. I want to protect all around the burial site.

Bob adds both these sites have stone features that have been there for a long time. Miranda suggests creating preventative measures for future fire prevention.

Von Holt says they plan to graze there at least once a year depending on how much feed load is in there. However you aren't able to sustain not even one cow in there due to the drought. As far as people wandering around in there I don't think the fisherman wander up on the hill. There is a fence there now and we will install a gate so you can walk and not drive to fish. We are not blocking access. Bob adds there is an existing coastal trail giving access part of the conservation district and part of the preservation easement.

Kahaulelio addresses on pg. 17 Site 28547, feature C there are road impacts to the site. There are words used stating the features is in need of slight repair. The word slightly scares me as they bulldoze, such as a DC9 it can demolish anything. Bob answers there are no damages but maybe visually offensive, the only bulldozing that took place was only for fence repairs. The bulldozer didn't hit the feature. Kahaulelio says burials are there before the fences and it says we slightly pushed the bones. Bob answers there were no pushing of any bones nor were there skeletal remains scattered. On pg. 18 the bulldozed road in relation to feature C and the bulldozed road were to put up the fence line only.

Van Holt explains in WWII the road was built to protect the coastline during work.

Kahaulelio requests have you contacted any descendants. Bob says Kimo Hoopai, when asked about the sites; he said he does not know who is buried there. Kahaulelio adds Maryann Lim, Kimo Hoopai knows every pohaku, and aunty Emma. Bob asked Mr. Hoopai and he had no comment and there is a provision in the plan for revisions in regards to recognized descendants.

Nalei Kahakalau asks if grazing is once per year, I suggest fencing for protection, this wasn't stated in the report that there was temporary grazing. How far is the roadway from Site 28547? Vehicular vibration

due to heavy equipment may affect the site. I see there was a jeep road in figure 4 on page 5 why are there two parcels in the BTP, the TMK is not in line. It is still in the Ahupua'a. Why? We have never had one BTP for two TMK's in my experience. Lawyers are great at finding loop holes with the law. There is a concern with two landowners and one BTP and two TMK's with two burial sites. I suggest two different TMK's and two different BTP's. Bob answers the construction of their home is going to take place near the other TMK which included the other site. Bob answers if site is close to the boundary the buffers end up stopping at the TMK boundary although this case it will be protected beyond that. Kahakalau suggest two different BTP's.

Chairperson Lee recognizes the point Bob makes with the extension of a buffer with no trigger. Bob adds there would be no trigger for a BTP for Site 28545 Feature A at this time. However Kahakalau suggest the Kahua parcel take care of there own burial site with a BTP.

Miranda adds the other landowner is not here to talk and it's similar to accepting anonymous testimony and I support for another BTP. Does the council require a written statement to suggest two separate BTP's? Everyone should know what the plan is about.

Charles Young agrees this is not a good precedent with two TMK's under separate ownership with one BTP. In the course of excavation and we uncover more burials the adjacent lot will carry the same responsibility. Whatever happens to Kahua side they should have a BTP. Bob adds the plans are site specific not TMK specific. Miranda says what happens on the other side is carried on with the property. Young sees what you're saying although the plan is specific to the lot on one side and not the other. If we approve this plan it's for this lot and the adjacent lot as well. AG should help us with that.

Keith Unger says there may be a problem in splitting this plan up and what if Bob goes back to Kahua and say prepare your own and they say they don't want to do a BTP. And now we have a house with two burials on this property. What if Kahua says they don't want to do a plan and in this case they do want to do a plan? I see it as a good thing.

Mike Vitousek clarifies that if there is no trigger for a BTP with development than none is needed. The buffer that stops at the parcel boundary, creating a half circle. They can destroy a sight on the other property. Now we know it's in the AIS we want to preserve it.

Leningrad states we have to realize that we need to check with the AG office and at the next meeting we need to make a decision. We still have time to discuss this further. Back to the subject of all the bulldozed roads, every time there is a fire the bulldozer makes fire breaks that make up roads. On pg 26, concerns in setting the precedent, eventually there will be houses built and what we do today may be the precedent for the future. In the proposed treatment preservation buffers will be established and also below it says site 28545 and 28547 will not be identified by visual barriers or signage but long time preservation will be achieved in the establishment of the permanent preservation easement. And the preservation easement will be left in its natural state, how will it be identified. Bob says it will be identified in paper and the owners no where the site is. Leningrad adds what about those that maha'oi. Bob says no one comes through there. Leningrad states for the future there should be identification to the burial site and sign that says keep out. Van Holt asks what type of barrier you prefer. Leningrad says a rock barrier would be suitable with a sign.

Aaron adds the costs of a rock wall and sign around the perimeter of the area would not be detrimental to a project budget. Or restrict someone's idea in limiting development. What you're asking for is possible. Leningrad asks what you mean by detriment. Aaron answers if I had a \$100 and the cost of doing something extra was more than a \$100 I wouldn't do anything. Every project has a budget putting that out there and I see that your argument is legitimate. It would be straight forward to address HIBC concerns if

there was a paragraph that stated so. Leningrad states you can hold someone accountable if there is a sign with a barrier.

Leningrad addresses pg 26 on the 2nd to the last line, what is reasonable access? Bob answers you can park and walk inside. Your idea of reasonable and my idea are two different things. Could you put the definition of reasonable in the plan? Van Holt adds it's not unusual to grant access. Lee clarifies someday Pono wont own the land and problems may develop. Bob explains he will make corrections.

Kahakalau questions pg 26, what is the boundary? Bob answers 30feet. Kahualelio asks what is budget. There's no budget to burials. They bury because they love the land and respect.

Aaron adds there is no problem in creating a buffer around the sites. If you accept it we will address. Kahualelio states people from outside don't respect as they sunbath on our graves.

Lee summarizes Bob will contact descendants and request to contact Kahualelio as she may know more people. Define the access buffer and take out the subjectivity.

Kahakalau points out do we want SHPD to contact the Attorney General for the burials on one BTP. You folks are putting in 30 feet buffers, and seem generous. A larger buffer is always better. Bob suggests the potential for vegetation control with a yearly graze; permanent barriers will be in place. What kind of barrier is undefined yet and is not my call; however the rock barrier takes away from the natural landscape and dislike adding rock features to the area. Recently we have done Keawe fencing as barriers instead.

Young asks what the zoning is, Aaron answers conservation district makai of the trail with a 15 ft buffer and mauka of the trail is zoned agriculture. Young adds you have a shape where the septic will be located, and lastly the disagreement on the road. Are we considering that jeep road part of the Ala Kahakai, as the road ended at fence and then turns is this where the jeep road adjoins to connect again? Will this one have a gate on? Von Holt states they can still walk in. How close that is to the burial sites, from mauka Bob adds is 1000 feet or more and from makai site its 120 feet. The reason for the question is for the barriers as the project has a possibility of high density. Bob suggests if there is a yearly graze we could offer a temporary fencing.

Miranda requests a contour map with 10 feet intervals and I have my reasons for that with the watershed in that area. Bob adds there are contour maps in the BTP at 40 feet intervals.

Lee asks if Ms. Hoomanawanui can contact the Attorney General (AG) regarding the legal standpoint of two landowners doing one BTP. Unger adds what the legal opinion is regarding the down side of having two landowners, two TMK's, and one BTP, please address with the AG.

Chairperson Lee opens the floor for public testimony.

Aloha I am Gale Perez; we just found out about this and I would like to receive a copy of the BTP. Mr. Hoopai is my uncle I would like to request a site visit to see for ourselves what is there. I will be making a descendancy claim for the project.

Aloha I'm Lehua Kamaka, claiming as cultural descendant to this project. We would like to know about this project. I don't agree with the plan as there plan is not at heart. When Leningrad asked what would be the marker and no answer. Feeling the ranch owner's aura we don't feel any heart. My tutu fished over there and we are responsible for the iwi. We not knowing who those burials but knew who were of the land? Whoever they may be it is our responsibility to care for the iwi.

Gale Perez states now families' are finding each other and support each other as we are the same. Kahalelio questions how many families, there is Aunty Emma, Uncle Kimo, Maryann Lim and I'm sure there were more. Gale adds we live there and we want to protect. Kahalelio explains Pono Von Holt has taken care of my grandson and continues to care for him. They give back to the keiki's and let families work together and see each others thoughts. It will teach my grandson to be grateful. Gale concludes she is happy to see HIBC here and you understand and give us a chance. Mahalo nui. Lehua Kamaka adds protecting the land that connects us to our kupuna.

B. Draft Burial Treatment Plan for SIHP Site 50-10-27-17836, Kapa'au Ahupua'a, North Kohala District, Hawaii Island, TMK: (3) 5-4-09:027. Information/ Recommendation: Introduction and discussion on the above plan. Presentation by Rechtman Consulting, LLC.

Bob Rechtman with Rechtman Consulting and David Richardson from Hawaii Brokers representing EWM introduce themselves. I used the term cemetery in the title only to mean a location of a cluster set of burials. Bob addresses that this is not a registered cemetery as the name on the BTP has Pu'ukapu Cemetery and the Agenda doesn't include cemetery. It's a reference used in early history. Burial site located above Pratt Road and below the hospital on a 43 parcel. There is no development planned and on the market currently for sale. The owners had an obligation to prepare the BTP to pass on to the new landowner and they bought the property without the BTP. It was originally recorded in 1984 by IARI, this was a previously know site but no regulatory trigger for a BTP. This site was recorded as a historic cemetery as there is one known headstone and it is not Hawaiian, Chilean. The assumption with the other burials onsite characterized as Hawaiian burials. It's considered a site with Hawaiian burials and sits on a Pu'u, Pu'ukapu. The Hawaii territory government saw this area to be a perfect spot for a concrete survey station that is now located in the middle of the cemetery. One headstone marked and dated 1882 and another flat concrete headstone feature along with several stone clusters that appear to be burial features. Fencing was developed to keep grazing animals were introduced and the area around was cane field and ranch land. On pg 6 figure 7 we identified 13 possible burials and a scatter of possible features. Although Pio Dias is not Hawaiian and isn't subject to the council. I found a reference of Pio Dias being admonished by a reverend for having bull-fights on Sunday. Also mentions through marriage he was an uncle to Lucy Peabody, if that's the case if he was the real uncle he would be married to one of her Aunties.

When we advertised, Nicole Lui researched a marriage registered to Huel Davis. Hopefully other descendants come forward. In Kapa'au there was a Pio Dias store. We remapped this property and the landowner is now marketing the property for sale. It affords opportunity to create a buffer off the bow of the hill, proposed at 30 feet. Except on one side where the ranch road connects near that side where it's a 20 feet buffer.

We plan to create Keawe post with fencing and remove the fence line to create a preservation buffer. To landscape we don't want to remove the canopy only trim up the under story cleaning from the ground up. There are no short term measures since there is no development and only do long-term measures. A sign will be placed at the gated entrance shown on pg. 16. Responsibility of maintaining will be passed on to the future landowner and hopefully work with the descendants that come forward. Access is part of this plan and presently proposed is pedestrian access from the gate. I will remove words like reasonable and when other descendants come forward I will follow up with SHPD. On page 19 it shows the old fence being removed and the location of the new fence and gate. I am not sure if you're interested in the genealogy, if you would like to view please let me know. Chairperson Lee asks why this information is not in the plan, Bob answers I didn't include it for Pio Dias as he is not Hawaiian.

Tammi Halliwell, Kauano Hoomanawanui and Nicole Lui did a site visit adds Bob. Unger asks how far is the sight from the highway. David Richardson answers you can't come off the highway you have to go

through the gulch. Through the old cane road which is now Pratt Road on the bottom of the parcel and parking at the gate.

Miranda asks if any info on the old graveyard, or looking where it's from, a camp graveyard area. This was probably a sugar cane area and might be an old camp. Bob says it's probably the family graveyard of Pio Dias's wife's family.

Kahaulelio asks David are you the owner, David answered no he represents the landowner. Did the owner know he bought a cemetery, David says no. Kahaulelio says you should get your money back. I have a question why don't they give the land back to the families. I remember when Kohala was in the sugar cane business and workers bought land for a dollar. There are many families that should be able to get there land back and burials back. I know now they leased the land from the Hawaiians and they never give the land back. Bob clarifies the LCA patent lease was to Naihe, kuleana claim were not always accepted if the parcel was large. Eventually they would acquire the property through a grant.

Leningrad addresses pg 1 the last paragraph second line, in addition to Dias marker, another concrete grave marker was observed. When you say another concrete marker where is the other? Bob clarifies another concrete marker was found. There is one concrete grave marker and one headstone and the other triangle survey is a concrete marker. On pg 6, it says there is an ulu maika, where is it? Bob answers its right there sitting. Do you have any idea possible graves? Bob says unless we dug things up I wouldn't be able to tell you. There may be a cluster of rocks that represent graves. Leningrad explains how do you clarify the possible gravesites? On the top in the first paragraph 6th line down on page 11 the inserted paragraph including conclusions based on their culture not ours. On pg 16, 3rd line larger Christmas tree trimming to insure no other maintenance. No removal of trees. Make it visible in the access.

Miranda explains some removal and let it turn to rot later on as there are different erosion processes. Please include maps with the natural processes. Kahaulelio questions how many descendants have you contacted, not very much? The Naihe Ohana is my Ohana, there are descendants out there. Have public meetings, look for descendants. My cousin Libby Naihe probably doesn't even know about this.

Lee clarifies the burial was identified in an AIS and the landowner didn't disclose the information. Bob answers they only disclosed a historic site although we now know there is a marked grave of 1882. Miranda adds was there stacking of rocks to give you a distinction of Hawaiian graves. Young clarifies the state accepted BTP on premise of native Hawaiian graves. Unger says there should be a construction buffer. Bob explains we captured the burial site. Miranda asks Bob if there were any camp records to give record of the burials. Bob answers we looked and couldn't find any camp records.

Kahaulelio asks are there eleven burials, Bob answers there are two plus eleven equaling to thirteen burials that are known for now.

Chairperson Lee opens the floor for public testimony.

Aloha I am Nicole Lui a descendant of Kohala from my mama and papa's side. I have been doing genealogy for twenty five to thirty years. The Davis Ohana is royalty and I found Kaho'iwai the wife of Pio Dias is my seventh cousin which makes me related to Dias through marriage. The other graves up there may be part of her family. Is the whole Pu'u going to be preserved, if any construction I do not want the Pu'u to be destroyed? Lee asks are you in favor of the BTP, Nicole answers yes.

I am Gale Perez and this is the first I have heard of this plan, we can notify each other. We want to make sure burials are recorded and taken care of. We have issues of access and a phone call would have been nice. We would have come up there; we have video of Papa Auwae, testimonies to take care. Families have to come forward. If burials are not recorded how are we to malama? I have the Hewahewa chart that

includes Kalanikauleleaiwi who marries more than one time. I would like to be notified, a BTP and a site visit. I am concerned if they are removing burials if we are not notified.

Nicole adds if there were camps they would be Chinese or Portuguese post contact graves. Kahualelio asks does all your genealogy have any burials to relate to. I couldn't find to Pu'ukapu, only for Kapa'au area answers Nicole. It's all over grown how did it get over grown. Nicole answers my concern is with the new owners. Kahualelio explains somebody new about this and now we are here with a cemetery. Malama before grass grow.

V. OLD BUSINESS

A. 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/Determination: Discussion on the above plan, determination whether to preserve in place or relocate human skeletal remains, and recommendation to SHPD whether to accept the Burial Treatment Plan. Presentation by T.S. Dye & Colleagues, Archaeologists, Inc.

Aloha I am Tom Dye from T.S. Dye & Colleagues; we finished the checklist, added the TMK to the cover, and removed the non-profit from the stewardship program as the descendants were opposed. We consulted with cultural recognized descendants Bucky Leslie and Gale Perez they agreed with the BTP. I wasn't able to contact Boniface Aiu after good faith effort. The plan that you have the stewards will consult with recognized descendants. For now and the future they will be taking care of the burials. We added the appendixes of burial notices thank you for mentioning that. We picked up all the golf balls and noticed the balls coming from the staff area. Kona Village will be monitoring that.

Chairperson Lee opens the floor for questions from the HIBC.

Leningrad addresses pg 4 the very last line, the proposal to establish non profit was removed from the plan. On pg 7 first paragraph, the plan is intended to Keakealani Ohana and its successors. Tom adds the stewards aren't the regulators although we want to pass it down to generations. Leningrad understands but yet at the bottom it says they can act as the please, I'm concerned. Tom states that's not the intent just want to put the intention in there. In the last few words you say they do as they please, add Leningrad. Miranda explains the plan is carried out by the landowners and there responsibility. Leningrad clarifies; stewards have a role however it says they can do what they want.

Leningrad states first time visitors can re familiarize themselves implies a second visit not a second. Tom answers this refers to family who has been there and hasn't been there in awhile and would like to visit. However I can have that removed. Leningrad adds 2nd paragraph on page 8, third line from top, I don't know this word foci, what is that. Tom answers are a plural for focus.

Chairperson Lee asks for anymore questions.

Kahualelio states I'm not comfortable with the stewardship program. Vitousek suggests the landowner to act in accordance with law. Miranda adds to keep the light out and off the human skeletal remains.

Chairperson Lee opens the floor for public testimony.

Gale Perez addresses the letter she submitted to the HIBC and SHPD along with T.S. Dye. Beginning with the problem with the non profit and having no connection to that. The stewardship was a problem also as they are related to us, I think. I don't mind however Ms. Keakealani is an employee; it's a conflict of interest unless other families are involved. Balance and Pono with no questions about it is where I had

a concern. If an employee they shouldn't be involved. We weren't notified by these families and I don't think they should be alone since employed. Burials have been removed in the past and seems like discussions have been going on. We would like a visit and see the construction that is going on.

Kahaulelio explains its divide and conquer actions that developers put on us. Don't want a family clashes due to developers and palapala. Can't let the developers do what they want as they divide during development. Please work it out since we have kamali'i now.

Lehua Kamaka adds she is Ohana to Keakealani Ohana and other Ohana want a part of it. We learn to agree to disagree. It's like a canoe and not everyone plays there part. I am here with all my Ohana. On behalf of the Keakealani Ohana I am grateful to be raised with them.

Isaac "Paka" Harp states a lineal descendant and cultural descendant don't have to be of the area and OHA should create a descendant database. Regardless of where we are from, if we are Kanaka, I want to malama the iwi. Answer to living Ohana not only the iwi. Miranda suggests we tend to follow the lineal descendants however every island has own issues about status. Paka adds issues in Kona, construction restraint zone, no equipment near buffer wall. Prevent vibrations; I like the making of the burial buffer walls.

Lee clarifies if we pass the BTP today it would be inclusive of all recognized cultural and lineal descendants. Gale adds she reassures Keakealani Ohana but there should be other families that are connected allowed down there. Are the burials going to be visible by the visitors? Miranda understands where the burial is, is not where is accessible to visitors. Maybe the visitors should be educated to what Kapu means.

Kahakalau clarifies as of now the recognized Ohana should be implemented in the plan and it should reflect that. Unger addresses on pg 7, it's stated as those changes are made. We could make a motion subject to that change. Where it states the landowner and lessee will make a commitment to consult with the stewards as they please and strike that to make any effort to work with all recognized descendants. As Mr. Vitousek said earlier they will abide by all subject rules and regulations.

Lee clarifies once you have addressed these amendments; delete we are free to act and to also change, in accordance to, also please include all descendants. The landowner representative is good with that than we will make a motion to approve as amended. Young shows concern on the development of the property. The BTP is specific to the burial but doesn't encompass the construction buffers. Young wants to insure buffer zones around the lava tubes.

Chairperson Lee suggests a motion to approve the BTP as amended.

Leningrad makes a motion to approve the BTP as amended and Miranda seconds.

Council member Kahaulelio opposed however motion passed unanimously.

Young makes a motion to preserve in place and Miranda seconds.

Motion approved unanimously.

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 whether to preserve in place or relocate human skeletal remains, and recommendation to SHPD whether to accept the Burial Treatment Plan. Presentation by Cultural Surveys Hawaii, Inc.

Sterling Chow, district engineer of HDOT and David Shideler of CSH, whom produced the plan introduce themselves. The preservation in place of the burial site was approved at the September 20, 2012 meeting. We want to address the changes made based on the last meeting. CSH presenting the third version of the BTP with recommended corrections. In the appendix are the AIS acceptance letter and consultation efforts. The proposed sign size has been increased and access has been clarified with NPS, on pg 26 change the matter of removing the invasive vegetation, HDOT will remove koa hale within fifty feet of the site. Miranda adds NPS side access, access to gravesite parking of alongside of the highway.

Leningrad states pg IV, understanding this is a summary, at the very last sentence. The fence will go up to the NPS property and on pg 23 there are long term permanent measures. The long term buffer will be around the site, buffer, and an imaginary line? CSH answers yes. Leningrad adds on pg 19, the overview, in comparison to the picture on pg 21 is different. CSH answers it's a linear retaining wall in figure 11 on the mauka side. Are the walls going to be on three sides? HDOT states wall only on the mauka side and we are not going to build a wall on the other three sides. Leningrad asks what the dotted green line on pg 21 is, is it no activity? What if I misunderstand it from pg 19, how will you clarify? CSH answers by creating the wall the buffer zone will now be 27 feet on the side to subject state land. Not the wall but the buffer zone, clarifies Leningrad. We also asked for you to work with NPS to include with consultation, how is that going? CSH answers it's focused on access, vegetation removal and the NPS provides adequate protection for the makai side.

Leningrad suggests to the Chair instead of an imaginary line we need a physical barrier. To hold someone accountable the site needs to be identified. This is our last chance to put a wall or barrier around. Now we have the NPS, we can ask them to work with the state to create a barrier. Are you satisfied with no barrier? Lee clarifies the site is isolated, although in the future there may be more things going on.

Young visualizes from pg 3, it's going to be on the north side, on figure 11, and I see the wall going north south. Chow says parallel to the redline, it's the HDOT ROW. Young adds the chain link fence, is it in the yellow portion of the diagram or is closer to where the dotted line is. Chow explains there is a cross section and on pg 24 where the burial site retaining wall and the fence is mauka. On the outside of the ROW, Chow adds it varies. The highway shoulder is on the downside of that area. Young adds with just experiencing the triathlon where people set up way stations and a lot of opala gets thrown around. Although isolated the traffic should be observed more if these types of things are going to be happening.

Leningrad says on pg 23 the second paragraph on the left, if for any reason the site gets threatened there will be a more permanent barrier. Instead of waiting till that happens do it now. Young clarifies, you are asking for the barrier to be on the buffer line. Leningrad answers I would like the barrier closer to the site. They writing in here waits for SHPD to tell them to do it, why not do it now. Chow adds at some point in time there was an idea to put a stone wall on the site, although it came from an anonymous, so it was removed. And with HDOT we can go either way. Leningrad explains since we are all here it is best if we can talk about now.

Miranda asks if the drainage area is on the bottom of the property line. Chow explains the red area is where the low spot is. Miranda addresses a height difference in the case there is a culvert above this spot. Chow answers the culvert is right above the low spot, we are not changing the direction of the flow. Miranda clarifies I am asking if the direction of the flow goes over the site. Lee interrupts to finish Leningrad's concerns.

Kahaulelio addresses to protect or not protect the iwi. If you have to build what is right build it. Lee explains it's a bit more complicated as the site goes into NPS. Leningrad wants NPS to address since they are here today.

Tyler Paikuli-Campbell of NPS addresses the concerns the preservation of our kupuna with the possibility of barriers around the burial. Hearing your suggestion to introduce a new cultural landscape and need to review what is exactly on the ground in the case of impacting other sites. Our policies and activities are limited and restricted in that particular area of the park. Visitors are to stay on the trails with no wandering off. We would like to monitor all the time since in close vicinity to the visitors center. Leningrad asks NPS if they are willing to work with the state in putting in a barrier, NPS answers yes. Lee states we don't need separate protection measures. Unger suggest deferring to the descendants.

Kahakalau asks the area is away from the road how far away, Chow answers around 75 feet. Kahakalau prefers signage and protection at the edge of the buffer zone. We don't want the maha'oi clan going there to check it out. Events happen and a greater slope should be made. On pg 22 in figure 12 below the existing culvert is the water maybe extending into the part of the project? Miranda adds this is why I request contour maps.

Kahaulelio asks is the mustard colored areas the draining and grating area. Who knew 20 years ago we would be here today. I agree you want to go around our burials and protect them by a wall if needed.

Leningrad adds the next question, what and how far, as this is different from most, I'm not pushing the issue of far. If we had a barrier 5 feet of the site itself I feel it's sufficient, even though everyone wants to put the barrier as far away as possible. Lee adds there will be signage.

Paka supports the wall outside the buffer zone extended 30 feet outside the buffer zone so no disturbance in the buffer area. At 3-4 feet of the highway with natural support with topography to area with signs are ideal. The wall should be on the buffer line.

Lee clarifies to add the additional buffer, Leningrad suggest a closer barrier wall to the site. It's only my idea however you should look at the total picture. This is not a normal burial site scenario. Miranda asks for a buffer 5 ft away from the blue line on pg 21. Leningrad agrees yes that is what we are looking at. Miranda explains we don't want too much attention to the sites including a little maintenance.

Reggie Lee suggests could someone do a visual of the plan on the board. Kahakalau adds before the buffer it use to be in the middle of the buffer zone and now they suggest it to be at the outer edge and others next to the site. Unger suggests accepting this plan subject to the HDOT/NPS and descendants finalizing the plan.

Leningrad presents the interim buffer, with an imaginary line and the retaining wall is here. If this stays in place will another wall be available to protect it. The plan says if in case something happens they will come up with a plan. HDOT is willing to help. CSH points out two additional protection measures a guardrail a fence and a wall with a height that's a factor of consideration with a maximum of 8 feet. NPS adds they are committed to the kupuna and are willing to work together with everyone.

Chairperson opens the floor for public testimony.

We are the Keka Ohana; our moku'auhau connects us to this area and we come forward for this Ahupua'a. In our hearts we know for a fact these are our descendants. We came to the conclusion that we don't want the same situation with Hokuli'a. Our descendants are still in Matson containers in bags. Why don't we do a DNA since there is money to extend the Highways? Henry Akona whom was running Honokohau and he is not Ohana. The Greenwell's have captured the title and we are here today to let you

know we are here. I spoke to OHA and Ruby did not do anything for us in regards to these Ahupua'a. We are here and now we want to make sure you malama those iwis. Just remember what goes around come around. We are not going to stay silent we are going to use our waha's as you are responsible for our iwis. Everyone uses Hawai'i as a commodity and now its times to join together and move forward as we are equal under god. If we don't recognize that then it will be like the a'ama in bucket. Either we make pono now or we are going to pay for our mistakes. We know we come from the aina we don't have to prove we know who we are. We will be serving the bonified doctrine for our kupuna. I'm tired of seeing our Ali'i Drive disappear to funny money. When I was dealing with OHA, Ruby Keanaaina has hid our family. We stepped back and told ourselves why. She told us we are the Hawaiians coming out of the woodworks. That's vicious and I found it out with Reggie Lee whom is not koko blood. That is nasty for OHA to say that.

Lehua Kamaka introduces herself again suggesting no chain link and I got no update. I haven't submitted my genealogy. No widening, we should know even if we are proven or not. Kahalelio asks if and when these things happen; please tell us what is right and what could be done. I don't hear access. The Keka Ohana would like access and wants to know when.

Keka Ohana if the federal government is going to arrest people for trespassing when gathering cultural materials. It is my duty to make sure that our iwi kupuna are happy. All we see is the outsiders coming in and it's a political world surrounded by money. Please protect the iwi as what goes around comes around.

Paka recommended a wall at 30 feet attached wall to that. NPS will work with us in deciding access. There's a need for more descendants.

Lee asks will water from culvert effect burial? Chow answers no the slope as the culvert will drain. Thank you for clarifying concludes Lee.

Chairperson Lee explains the need to make a determination. Young adds we recently voted to preserve in place and now we need to make a recommendation for SHPD to accept the BTP.

Vitousek suggest to CSH investigate any sites to be effected by the construction of the buffer wall.

Leningrad made a motion for recommendation to SHPD to approve BTP with amendments and additional recommendations of descendants. Young seconded.

Council member Miranda opposed however motion approved by majority vote.

VI. SHPD INADVERTENT DISCOVERY REPORT

VII. ANNOUNCEMENT

Chairperson Lee announces HIBC recruitment & HIBC next scheduled meeting.

VIII. ADJOURNMENT

Chairperson Kimo Lee adjourned the meeting at 3:40 pm.

Respectfully Submitted,

Kauanoë Hoomanawanui