

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, April 18, 2013  
**TIME:** 9:30 am To 2:30 pm  
**PLACE:** Waimea Community Center  
65-1260 Kawaihae Road  
Kamuela, Hawaii 96743

**HIBC MEMBERS:** Charles Young, Landowner/Developer Council Vice-Chair  
Nalei Kahakalau/ Hamakua Representative  
Leningrad Elarionoff, Kohala Representative  
Gene "Bucky" Leslie, Kona Representative  
Edwin Miranda, Hilo Representative  
Maxine Kahaulelio, Waimea Representative

**ABSENT/EXCUSED:** Keith Unger, Landowner/Developer Representative  
Kimo Lee, Landowner/ Developer Council Chair

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

**GUESTS:** Curtis Tyler  
Malia Kipapa  
Ed Rapoza  
Gale Perez  
Ken Van Bergen  
Alan Haun  
Nancye Capri  
Gary Capri  
Tom Gibson

**I. OPEN REMARKS:**

Charles Young, HIBC Vice Chair called meeting to order at 9:48 am.

**II. ROLL CALL/ PULE:**

Council member Nalei Kahakalau gave pule.

Vice-Chair Young, HIBC members and the SHPD staff introduced themselves.

**III. APPROVAL OF MINUTES**

## **A. February 21, 2013**

### **Charles Young moved and Leningrad Elarionoff seconded motion to approve minutes.**

Vice-Chairperson Charles Young opens the floor for discussion.

Council member Ed Miranda suggests there is missing information in the minutes, council member Bucky Leslie mentioned at the last HIBC meeting burials were present in a cave when he entered it as a child. Regarding the caves at Kona Country Club, the cave you mentioned may or may not be the cave of the subject plan. Council member Leslie emphasizes it was a frivolous comment that I made. Miranda assumes there are bodies that may still be in there and if not where are the burials. Ms. Hoomanawanui asks for a clear statement of the place and time of the minutes that Miranda has concerns about. Please point out an area of the minutes you are referring to so that I may review. Young asks Hoomanawanui to review the minutes to clarify Miranda's concerns.

### **Vice Chairperson Charles Young withdrew the motion to approve minutes.**

### **Young moved and Leslie seconded motion to defer the minutes to the next HIBC meeting.**

Councilmember Leslie recalls the incident we are talking about as Auli'i was not aware of the subject plan. When I referred to Kamehameha Schools they did not know what Auli'i was doing at the last meeting. Leslie clarifies these minutes are ok. Young adds Miranda's concerns reflect the open issue in the caves you went into and the absence of iwi. Miranda 1962 there were no bodies and in 1959 there were bodies. I want to know if there are any construction going on as the area was so familiar to you. I want to know what happened to the burials. Young suggest in regards to the minutes being accurately reflected and approve. Young asks Mr. Leslie, are you satisfied with your thoughts the way they are captured in the present minutes.

Miranda stated Councilmember Leslie entered a cave in 1959 and at that time there were bodies in the cave. In 1962 he went to the cave and the burials were not in there. At the time Councilmember Leslie asks Auli'i if this is the same cave. Auli'i answered yes this might be the cave. If this isn't the cave and there are caves, how will it affect the subject plan burials?

### **Motion approved unanimously.**

## **VI. New Business**

### **A. Draft Burial Treatment Plan for Burial Sites 50-10-37-18006,18010,18011,18013,18015 located in Pahoehoe 3, North Kona District, Hawaii Island, TMK: (3) 7-7-008:031.**

**Information/Discussion/Recommendation:** Discussion on the above plan. Presentation by the Kipapa Ohana.

Curtis Tyler introduced himself and Young credited the Ohana for their hard work. Ed Rapoza introduces himself as a real estate broker by trade. Five years ago I was contacted by the Kingman family and they offered me to take care of the open-space plan. I called the family in consulting with the plans development. Together we have created a model for others to follow. I learned a lot from the family and the history of this land.

Tyler shares he is born and raised in Kona and thanks the commissioners. I have handed out the chronology of grant 1927 and will be addressing today. Remains of original grant are 4.71 acres. In 1993 Mr. Makuakane sent a letter to SHPD requesting preservation. All the Ohana came together and worked hard, working since 2007. All iwi are contained in parcel 31. The plan is to follow what the council voted

in 2000 to preserve in place. The county currently maintains the property. All the property is to be preserved as an open space. I'd like to thank the county and Ed, the longtime squatter has been removed. Councilmember Leningrad asks Tyler to explain permanent removal. Tyler answers she did not die I meant to say physically removed. The family has been asked by the County to kokua with this as they are not in the business of creating BTP's. Beginning in 1855 as Mr. Rapoza pointed out it is much better to kukakuka to figure out the best way to implement the decision and the wishes of the Ohana to preserve the kupuna in place and respect the unanimous decision made by the HIBC in 2000. E ola na iwi, they are there and they will be perpetually taken care of.

Malia Kipapa introduces herself and mahalo's the council for their time. I have some of my Ohana that have come to support the BTP. I started coming to HIBC meetings as soon as I moved to Kona 2010. I am originally from Keaukaha. My tutu Kane is from Kona; his great great grandparents are buried here. I saw my tutu's names in the paper and began my involvement. We have been meeting for a while. It opened a lot of our senses in connecting to our tutus. Taking pictures, going to the site and seeing the site and integrating our work into the plan. To do the right thing in the best interest of our kupuna that is buried there. Discussing page 8, access on page 9, asphalt to the mauka burial area. No access is provided at this time. The access present conditions are overgrown with weeds. Research, in Emerson's 1891 map on page 33, points out the land grants that we mapped out. Kaupehe is the mother of Kipapa showing lineal ties that we have to this place. I don't know if my generation with or above me knows this information. It's gratifying to know we are headed in the right direction. We would like to take questions and suggestions to make it better. We have met with SHPD to get things all maukukaua and pa'a to guide us in the right direction. Kauano'e and Mike's mana'o was very helpful. Any thoughts questions to improve the plan.

Councilmember Leslie commends the Kipapa Ohana; I have one question, when you pass the Ali'i Drive, the open space. Malia answers I believe what you are suggesting are the Pahoehoe 1 area. We are near the White Sands beach. Leslie states if you pass there you know where I am talking about. I think the treatment you have done here is awesome. I wish that more of us Hawaiians would be more considerate in doing something like that. Malia emphasizes the County gave us the opportunity to malama the sites and get ma'a to the area. The area is currently overgrown with invasive species. Mr. Rapoza clarifies we cleared the property by hand and some equipment. Leslie adds I commend you folks again for doing this plan.

Tyler thanks the council again. The more we work and the more I read I learn something new. We have been down there when the I'o comes and other members have experienced this when they go there. This plan is representative of the whole family and the many generations that have lived there. Kipapa ma had all the lands of White Sands. From the boundary of Pahoehoe 2 & 3 to the pa Kuakini was all Kipapa, some are in public use and fortunately no burials are near there. The other thing Malia mentioned is that the family wants to take an active role in restoring this area in honor of our kupuna. It's amazing the things we find that we didn't see before. Another item I would like to mention, in previous BTP's archaeologist and AIS and data recovery reports they are a bit reckless to curation. In respect to the stored artifacts, if any, possibly pohaku stored in respected offices we would like to preserve.

Councilmember Maxine Kahalelio explains when you go back to the grants, its land granted. We don't need TMK if the Bureau of Conveyance documented as a grand. How did Kingman get the land? Malia answered, the only history we found was a transfer Cook to Kingman. My gran-aunty is only familiar with Kamalumu. Today the landowner purchased it from the newspaper for \$70,000. Kahalelio explains the ink pen changed our names and borders. Why only four acres left, what happened? Now you guys need access. People never went small with burials as all of our kanaka are buried in this land. Let us not forget the bull dozers are coming over the land. Malia explains it is the system we struggle with every day but we do what we can. We were discussing as a family how did this ever happen to us. Kahalelio states make sure your pu'uwai is pono. This is Gods land.

Councilmember Leslie describes the Hawaiian families sold the land for money. My family is still having problems and our land falls within the trust of the judge.

Councilmember Elarionoff starts off with page 3, purpose of BTPP is to finalize...and on page 4, 2 lines from the bottom. What is BTPP? Curtis and Malia answers, we meant to change all of them to BTP. Kalamai, it's a grammatical error on my part. Elarionoff continues on page 3 beginning with "it is important..." Why is it important? Tyler emphasizes the cultural landscape is not only what you see but what feel. If you were to go there today you would think it is very old. Basically it is the way it was with exceptions to the hale that may have rotted away. Cultural landscape is much larger in Pahoehoe and Kamalumuale because of the connecting family trails. Kipapa's trail goes from the sea to mountain, and was long before Liliuokalani. The Highways Act of 1892 was passed all public and private trails are to remain in perpetuity. I hope we are able to continue to walk these trails. We would like the walkway to include access for kupuna with wheelchair. Elarionoff would like Curtis to provide emphasis on why this place is important. You understand but at this time I don't know why it's important. Could you state why it is important, so that the next generation may understand? Curtis reminds us to remember our kupuna once lived here and buried here. The spirits live there untouched and represent one of the few areas makai Kona Akau that are undisturbed. As councilmembers stated earlier we remember what the cultural landscape was and will continue to be an example. Representing what ought to be done. Malia suggests the reader should understand whether they been there or not. The reader needs initiative to respect in the place as this may be your tutu hanau. When the generations come together and touch the sight the tutus will feel the presence. Yes we do need to explain things on the importance. On the part of the reader they need to do their part too. Everyone believes differently and we cannot ignore that and we welcome all mana'o.

SHPD Hawaii Island Lead Archaeologist Mike Vitousek simplifies from the regulatory side of it you have to establish integrity of the site in order for significance. This includes historic criteria workmanship, location, setting materials and association to the area. In this case we talk about historic landscape pertaining with preserving the setting of the site. It's important to keep the landscape because it preserves qualities of that sites historical integrity. In an additional graph that could be included. Leningrad includes the state thinks it's important but has no emotion as they do. Leslie asks if you could visualize it in a photo so that Leningrad may see the significance.

Miranda adds the term cultural landscape is a very broad term. It could mean the landscape over there is an agricultural community. The people live in shacks; they don't have running water like we do. That's the definition of a landscape. They bury their family members in their family land. You can include the men wore malo's. It's a broad term and how you folks feel as the setting is with the living part of it. I want to understand to agree that we have an interpretation of it and how you feel about it. It shows how it used to be in history. I want to wear my malo and go up there too.

Elarionoff continues page 4, the top paragraph, second to the last line to the bottom. The walls will have a dry stack appearance. Is it going to be dry stacked? If so please state it will be dry stacked and not only have the dry stack appearance. On page 13, what is the number 2 underlined in the code for criteria for site significance line. Curtis corrects Elarionoff explaining the reference on the bottom referring to source HAR 13-284-6 is referenced with the underlined 2. Who is "our" in the line beginning with B. Malia answers it's the key provided to compliment the code for criteria table. Leningrad continues on the line beginning with D, when does prehistory begin? Curtis answers prehistory is precontact, I think 1778. Vitousek adds history starts with writing in the administrative rules. Other than that it's precontact in 1778. On page 14, site number 18006, third line down, end of the sentence, "a small hearth alignment..." Curtis adds it's a hearth. What's boulder size asks Elarionoff.

## **Vice Chairperson Young calls a recess at 11:04 am due to loss of quorum.**

Elarionoff begins page 32, was Mr. William Ellis expedition in 1963, isn't he way before that? Curtis answers it's based on the Honolulu advertiser reprint in 1963. We know that he came through in 1820. On page 35 continues Leningrad the interim protection methods section, "temporary construction fences will be erect around the area..." Curtis answers that it will be erected, and we haven't put any up yet because we don't want to draw attention to the area. The last sentence on page 35, "these buffers will be..." it will allow for a private way. Curtis adds some of the graves are near the property boundary and secondly the pathway for kupuna to access. Elarionoff continues the first bullet on page 38, the BTPP, please correct again.

Council member Kahakalau echoes the recognition of great work from the Ohana. I was the chairperson in the end of 90's and 2000's acknowledges Mr. Tyler for participating at HIBC. I went through this BTP, piece by piece and enjoyed what I saw. The hard work and effort is evident, the hoomana helps the community and our families. As an educator, you folks have created a Mo'olelo and we love to share Mo'olelo. Thank you to all of you for setting precedence on what burial treatment plans are capable of doing and please continue to share what you have learned.

Miranda adds the two references of describing the pohuehue on pages 5 and 21. Two different species one you put ipomea indica, and the other ipomea pes-caprae. I don't know what reference you used but it's the same thing. You folks probably used another reference during your research. I want to make sure it's not another species I understand. On page 5 you got ipomea indica and page 21 you use ipomea pes-caprae. You guys know what the plant looks like over there. Malia answers I haven't seen it down there. We are citing from Borthwick research. A'ole mana'o about the species. We need to be correct with the species and we plan to put back native plants. Curtis asks where the other description is. Miranda answers page 21. Malia asks do you know the difference. Miranda answers only if I can see the plants. They are both the same but I'm suspecting the names would have been changed. Council member Leslie explains they are both Native medicinal purposes. Miranda adds native plants are my hobby. On page 24, excuse me council members cut it down over there. The 10ur should be 10yr. and the next one page 32, last sentence after sandalwood. My understanding of the spelling is ua'u not uwa'u. Regarding interim protection methods, on-site monitoring during use of heavy equipment is recommended. If anything happens I want the archaeologist to hold it up. My last one on page 37, I want to make sure the families understand with the covenants and conditions. We are thinking most of the time its preservation in place. There might have more than the identified 5 burials. I wanted to make sure all additional burials are kept on property. And to be documented as 18006 and that will be the reinterment site.

Elarionoff suggest for discussion, on page 5, the third line from the bottom. The type of soil is Punalu'u. I am from Ka'u, we start off from Puna, known and called because of its Pahoehoe. Punalu'u the way I understand the Puna is the Pahoehoe and the lu'u goes into the ocean. Mr. Tyler explains this is just the name that is a geological term and nothing to do with translation and more about soil composition. Elarionoff asks does everybody know why it is called Punalu'u. Like the name Kipapa how did that name come about? Do you folks know why? Malia answers papa is the foundation and kipapa is bringing the family together. If it was a longer name it could have meant something different.

Council member Kahaulelio explains my last name is Kahaulelio, going back to my name, it means the man who fell off the horse. I found out the background of our name for my moopuna and keiki. With your name, papa could mean peninsula. I found out what my name went and I had to go all the way to Kauai. The prince of Kauai was saying Kahaulelio when watching the Hawaiians learning how to ride horse. I cut out from the February newspaper, the advertisement next to yours is about Kauwila Street. These are the places I grew up with, they are gone. Kaka'ako is gone, the Primo Brewery, it's gone. Please hold on to what you have. You folks are the beginning of waking up a lot of kanaka's, Lalamilo is being destroyed, and the iwi are being destroyed. Holomua.

Curtis Tyler would like to correct the record regarding an affidavit submitted by Eileen Brown not Alice Kipapa. Thank you Mrs. Kahaulelio for sharing that information and wanted to let you know our names are still on the County website. Kahaulelio adds the County's condemnation is an avenue they take to take the land.

Vice Chairperson Young echoes comments from council member Kahakalau during his chairmanship. There are a couple of items on the chronology that are important for us. The unanimous decision made in 2000 by the HIBC to preserve the burials of the BTP. I have a question about maintaining the original determination to preserve in place. Tyler adds we do not want to change the decision made by the HIBC. Vitousek adds the first vote was to preserve in place and against the burial treatment plan that recommended removal. This plan that is being presented is in favor of preserving in place burials of the plan. Tyler reaffirms the council's decision, and we had the first appeal that we have ever experienced. The appeals board was also unanimous decision confirming the initial HIBC determination. Young adds the appeal was taken during a time when Hawaiians were asserting their rights to get their land back. In response the landowners were putting forward the American constitution. If I buy a piece of property and I cannot develop it successfully, economically that represents a "taking" in which you have to pay me for the land. This case helped to reverse that. Through your efforts the steps are in place and under the guidance of the family banner and not necessarily the nations. I have more questions regarding burial that may be encountered. How will the burials be treated if inadvertently found? Vitousek adds the inadvertent process begins with the State. Is it contingent with the council, Tyler answers yes the councils comments will be included in the covenants. Regarding the comments on page 37 regarding any new burials found possibly reinterred in the proposed site. I cannot speak on behalf anyone else but myself. Ms. Hoomanawanui clarifies any inadvertent discoveries should be treated in accordance with the law and should be stated in the plan.

Mr. Tyler adds we will be including the affidavit of publication showing May 16 -19, 1994 that notice was published in the Star Bulletin. So that you may view all the notice published since 1993.

**Council member Leslie moved and Kahakalau seconded the motion to recommend SHPD to approve plan as amended.**

Vice Chairperson Young opens the floor for public testimony.

I am Malia Kipapa's father. The Magic Sands, mauka and makai are our Ohana; we are the descendants of the area. We are learning more and more about our ancestors. It is a blessing and Mahalo so much. How did the Kingman get the land? Oliver Kelley talked to me, Kipapa; there is a public notice in the newspaper. The advertisement was really small and it stated if you don't claim the land you will lose it. When I was young I thought my aunty or uncle takes care. Then my dad and my aunty Malia, she is my father's only sister. He is the only boy and he was called Ula, because he was red. When he was 11 years old he went on his own. He used to go Kahalu'u. When you look the ocean you can see the Papa, it means stand firm, foundation. Regarding preservation we do not want any bulldozer, only use your hands. The Pohaku are very important, we must respect and Mahalo our ancestors. From the first time we went to the burial council, it was because they wanted to move the burials. I believe the trust was getting frustrated with us not allowing them to move our kupuna graves. My brother Loten was very active with Mikiala Roy in coming to council meetings. He was illiterate but read all the minutes and taught my daughter to malama our Ohana kuleana. This is our aina, do not touch. The Ali'i Drive has all burial grounds and they are all our Ohana. It is not about us it is about our kupuna. I thank everyone for being here.

**Motion approved unanimously.**

**B. Draft Burial Treatment Plan for Burial Sites 50-10-37-24201, 24203, and 24204 located in Puapua'a 2 Ahupua'a, North Kona District, Island of Hawaii, TMK: (3) 7-5-20-069.**

**Information/Discussion/Recommendation:** Discussion on the above plan. Presentation by Haun & Associates.

Alan Haun of Haun & Associates introduces himself and the applicants Nancy and Gary Capri of the burial treatment plan. This plan was prepared for three burial sites located on a 5 acre parcel on the mauka side of Ali'i Drive and currently undeveloped except for a parking lot on the northwestern corner of the property. The BTP proposes preservation in place of the burials and the applicants intend to build a family residence on the property. Three burial sites were documented during an inventory survey in 2004 which covered the current parcel and the adjacent property to the South. A total of 21 sites were recorded in those studies. The burial sites on the current property consist of a terrace of two platforms, site 24203 and two platforms 24201 and 24204. During the preparation of this notices were published seeking descendants. The notice appeared in 2012 December and February 2013 Kawai'ola. One response said they would be subsequently contacting Kauanoe to seek descendancy. Long term preservation of the burial site will be achieved by the establishment of permanent buffer zones of 15 ft. delineated with an alignment of boulders and ti plants. With the exception of appropriate cultural activities and maintenance no land modifications are to occur within the preservation buffers. Additional, a setback of 10 ft. surrounding the buffers will be established in which no buildings will be constructed. Landscaping, sidewalks and parking and other uses will be permitted. During ay construction a temporary buffer of 35 feet will be protected by orange fencing. The sites will be plotted on grading plans prior to construction. No activity allowed inside these buffers. No permanent buffer markers will be installed. Construction personnel will be briefed on the significance of the site and its buffers. Long term responsibility of maintenance and safety lies in the responsibility of the landowners will be included in the covenants with the deed of the land and will be outlined in the BTP. Access to the sites will be permitted to descendants recognized by the council with at least a 24 hour notice in advance directed to the applicant. This summarizes the BTP, any questions.

Vice Chairperson opens the floor for the council to respond. Council member Leslie would like to make it possible for the lineal families to come to this site. You're saying they need permission from the burial council and then the landowners. I have a hard time understanding the 24 hour notice; instead I would like to call when I am ready and gain access. We need to acknowledge the mana, we live and breathe it.

Council member Elarionoff begins with page 7, second line down, pua pua'a, literally translated piglet. Pua is a flower and pua'a is a pig. Loosely translated yes to piglet not literally translated. On page 14, conservation measures, 2<sup>nd</sup> paragraph down, establish a 15 foot permanent buffer. Does the family agree? There was one person that responded, Haun answered there was a call and she stated she would be contacting Kauanoe. On page 17, the first full paragraph, last line. Bureau of Conveyance normally includes, please change it to will be included. Under short term preservation third paragraph down, first sentence "permanent buffer zone can be undertaken", please change to will be undertaken. I the same paragraph on the fourth line down beginning with mature can be left in place. Haun answers will be left in place can be added instead. On the very last sentence of the last paragraph besides parking what are the other uses that will be permitted. Haun clarifies there will be no buildings within 10 feet but anything low to the ground like sidewalks or gardening will be allowable. Page 18, third paragraph from the top, the SHPD should be notified, can you change shall or will. The next paragraph under Warning Signs, what do you mean by small. Haun answered something legible but not intrusive, most commonly 8x8 or 8x12. I'm concerned because it only states small, please define exact measurements. The last sentence of the first paragraph states guaranteed. The second paragraph of the same section, all violations will be documented and prosecuted; only the court can prosecute. The plan should defer to prosecutor as it is not in your place to prosecute.

Leslie asks where this parcel exactly in North Kona is. Haun answered it's near the marketplace that abuts the south side of the parcel. It is currently just a forest.

Miranda asks have you considered all the options of removing the trees, so you don't have to get up there and cut it. The set back of 15ft, you were going to take it away so that cars may park. Are you taking that set back from the boulders and ti leaf? Haun answers no that is 10 feet beyond. You have the regular 15 ft. set back and an additional 10feet set back and another temporary buffer of 20 feet giving a total of 35 feet in radius. Miranda asks you're going to remove two buffers. Haun clarifies the outer temporary 20 foot buffer will be removed after construction. Miranda directs Vitousek, what is the term innominate, how you use that term when describing. Haun states the pelvic bone is fused to the innominate; it is the large fan shaped hip bone.

Council member Kahakalau suggest is this parcel a 5 acre parcel and why did you choose to put you home right near the burials. Mr. Capri answered the area has been cleared earlier and it has a natural breeze in the area. Kahakalau continues on the 5 acres there are many other places to put your home on your property. With 5 acres, buffers can be a bit more extensive and if your home is placed elsewhere the buffers can be larger giving the iwi kupuna full protection. Another suggestion is during short term, the construction crew should be advised along with monitoring, during the whole construction period. In paragraph two, please include the monitoring in that section. Please consider moving your home in the safety and protection of the iwi kupuna.

Maxine Kahualelio elaborates council member Kahakalau's feeling of the placement of the home. Mr. Capri comments it is not for sure of a permanent spot for the home. Kahualelio states you knew there were burials there and it is where we put our loved ones. Why would you folks want to build, go next to the ocean and feel the breeze not next to our ancestors? I don't care for the buffers or fences, it's a burial, and this is where our kupuna are. We are not going to dig them up for you to build your home there. Mrs. Capri adds there is no disrespect to the council. Kahakalau continues please respect our kupuna, you have 5 acres, please move your home.

Vice Chairperson Young asks Haun were these properties subdivided before. Haun answers it was always two lots. Is it your professional opinion the gravesites are related to each other on both properties. Haun continues on the shoreline you find a consistent pattern of burials, within the general area there is no other evidence to assume a cemetery. It's an area where there are places in the rock that would be used as a burial. Ms. Hoomanawanui did you receive any new claims? Ms. Hoomanawanui adds there are previously recognized descendants that Haun should have a list of. Mr. Capri is this first property you have owned in Hawaii and is the first time before the HIBC? Mr. Capri answers yes. Young asks were you made aware that there were burials on the property. Mr. Capri answered yes we were aware of the burials but not the extent of the process. I echo the concerns of Kahakalau and the location of the house. You were here prior and witnessed the earlier property of discussion and the sensitivity and frustration as you are going as close to the burial as possible. It wouldn't be the best selection for you but less desirable by the council. We have worked long to establish the set buffers and insuring the protection of the burial. The council has established a 20 foot buffer. There was a case of building at the buffer and an overhang went into the buffer than set an additional set back. We fought long and hard for those buffers and we are not asking too much with a 20 foot buffer. There is no intention to have public on the property for the purpose of the signage. We have had developers who would build for the purpose of renting. Mr. Capri regarding the permanent set back. We would like to use the land as effectively as possible by organic farming. The more property, in the lay of the land, you could be doing fruit trees and maximize the ground by organic farming. We were thinking of crops and it is easy for me to move the home, and the spot we chose was to use the graded area. For what you are accusing us we wouldn't think of those things as we saw a dozed area. It's less expensive to put the home in the middle of the property and we did not have ulterior motives when we sought this out. Young addresses the elevation and sewage and if the home is above the burial the sewage may run off over the burial. We applaud you for farming on Ali'i Drive,

Leslie emphasizes the gardens on Ali'i Drive are beautiful, and the Pikake farm there and it is beautiful. We are bringing in our flowers, and we should be farming our own. I still emphasize my 24 hour disagreement. Mrs. Capri states she wouldn't deny access unless something of an emergency. Leslie suggest as a Hawaiian we speak from our na'au as people we have a heart. There are so many negative Hawaiians and less positive Hawaiians. We need to talk about it. I would be happy if I am a grave and there is life around me. I have seen graves all my life and no one takes care of the graves. We are trying to help you take care of our iwi kupuna.

Miranda adds a couple things like outcropping and the driveway is a 600ft driveway, I have concerns of the cement truck and they start from the bottom if a slope is involved. Mr. Capri clarifies they will be starting at the bottom. Please plan out the path and if there are any drainage in the area. Haun answered there is a slight slope and no real drainage other than sheet marsh.

Kahaulelio shares I am not accusing you so please don't get me wrong. I am Hawaiian and respect our graveyards. This is our island and our ancestors chose those burial sites. I am not accusing you I am only telling you how I feel. We do malama the aina. I would appreciate it if you would move your home away from the graves. Mr. Capri agrees we can move the home. I moved here in 1981 and we got married and raised our children here in Hawaii. My children are adults and are coming back to live here as their own home. Kahaulelio shares I was born in 1938, it doesn't matter where you come from. The point is everybody can come here the part is to respect the aina. Maikai.

Kahakalau commends the family as he comes from farmers too. Young would like to hear from the descendants that have been recognized so that they may comment when it returns to the Agenda.

Vice Chairperson Young opens the floor for public testimony.

Gale Perez introduces herself and will be making a descendancy claim to the subject plan. I want to make sure they don't put the house on the burial. When we call they don't respond, then we have to go court. Please help us to make it better so that they do what they say on the paper. I wanted to share my mana'o about that.

**C. Recognition of George Hook as a Cultural Descendant to Unidentified Native Hawaiian skeletal remains located at PonoHolo Ranch, Ki'iokalani Ahupua'a, North Kohala District, Island of Hawaii, TMK: (3) 5-8-01:015 & (3) 5-9-03:003.**

**Information/Discussion/ Recognition/Determination:** Discussion and determination on whether to recognize George Hook as a Cultural Descendant to the above unidentified human skeletal remains.

Young begins by reading the recommendation letter from SHPD for the purpose of establishing and substantiating a cultural descendant claim to unidentified Native Hawaiian human skeletal remains located at the above property, George K.K. Hook has submitted genealogical information to the Department of Land and Natural Resources State Historic Preservation Division (SHPD) for assessment and verification pursuant to Hawaii Administrative Rules (HAR) 13-300-35. Cultural descendant means a claimant recognized by the council after establishing genealogical connections to Native Hawaiian ancestors who once resided or are buried or both, in the same ahupua'a or district in which certain native Hawaiian skeletal remains are located or originated from. In this case, Mr. Hook has provided testimony that his grandfather lived in Ki'iokalani Ahupua'a. In addition Mr. Hook also provided written family history that his great great great granduncle Niheu was buried in Ki'iokalani Ahupua'a. Therefore, SHPD recommends that the Hawaii Island Burial Council recognize George K.K. Hook as a cultural descendant to the above human skeletal remains.

**Leninrad Elarionoff made a motion to Recognize George Hook and Bucky Leslie seconded.**

Vice Chairperson Young opens the floor for discussion.

Clarence Perez states Mr. Hook had an emergency and wasn't able to make it today.

**Motion approved unanimously.**

**D. Recognition of Maryann Lim as a Cultural Descendant to Unidentified Native Hawaiian skeletal remains located at PonoHolo Ranch, Ki'iokalani Ahupua'a, North Kohala District, Island of Hawaii, TMK: (3) 5-8-01:015 & (3) 5-9-03:003.**

**Information/Discussion/ Recognition/Determination:** Discussion and determination on whether to recognize Maryann Lim as a Cultural Descendant to the above unidentified human skeletal remains.

**Leningrad Elarionoff made a motion to Recognize MaryAnn Lim and Maxine Kahalelio seconded.**

Vice Chairperson Young opens the floor for discussion.

Mary Ann Lim introduces herself and thanks the kupuna for being here. If not for us researching what they have done for us we wouldn't be able to teach the future generation of our kupuna. We thank you very much and continue to malama this aina on behalf of myself and Cousin George. Vice-Chair continues to commend the Ohana for coming forward and makes our work slightly easier. Mahalo!

**Motion approved unanimously.**

## **V. OLD BUSINESS**

**A. None**

## **VI. SHPD INADVERTENT DISCOVERY REPORT**

### **A. February 27, 2013 at 49MM, Kapapala Ranch, SOH-Land.**

Vitousek explains on February 27, 2013 SHPD got a call from HPD a hunter was hiking in Kipuka Ainahou and found iwi in an outcrop. SHPD made a site visit and observed human skulls inside an historic wooden crate with leaf joints on the side. It wasn't nailed together, a style common to early 1800s style of coffins. This wasn't a coffin only a small crate with individuals inside. The outcrop was modified with stones and held up with an ohia post inside. The top collapsed and exposing the remains. Any follow up Ms. Hoomanawanui? Ms. Hoomanawanui elaborates on the consultation with former HIBC Ka'u representative Pele Hanoa, where she advised I work with her son Palikapu Dedman. I did a site visit with Mr. Dedman and cultural practitioner Jimmy Medeiros. Short term preservation measures included immediate covering of the exposed area with nearby brush.

### **B. March 3, 2013, Pawai Bay, Keahuolu, COH-Land.**

Vitousek explains HPD reported an inadvertent discovery at Pawai Bay at the Kona Old Airport in front of Bay View Estates in a sandy tide pool. A child was digging in the sand and exposed set human skeletal remains. The main issue, because the remains were removed by a child we do not know what is left of the remains. We cannot excavate during high tide. I and Mr. Tam Sing of State Parks looked for any remains left. We found long bones but no skull. Elarionoff asks once you dig up the bones where do you plan on putting it? Currently there is an internment cave at the Old Airport area outside the shoreline. Ms.

Hoomanawanui is working with descendants for proper reinterment. Miranda suggests if the state has signage for the bones safety.

**C. March 4, 2013, Honomalino Bay, SOH-Land.**

HPD reported to DOCARE and then reported to SHPD and most likely a remnant of the 2011 Tsunami and was hit hard. A cultural layer was exposed and when I observed the remains it was apparent they were bleached in exposure to the sun. Ms. Hoomanawanui has initiated consultation with descendants of the Miloli'i area. Ms. Hoomanawanui clarifies that consultation was initiated with the Ohana of the area as there is a non-profit of community members that are taking cultural responsibilities. Young asks if that is Pa'a Pono and Hoomanawanui answers Lei Kaupu. Young agrees that is the family of the area and they are young and up and coming. Vitousek adds it is state land and we do take possession of the remains and any employees who take possession of remains are to follow NAGPRA regulations. We try to relieve SHPD and pass over the iwi to the family members documented in a chain letter. Currently we are not curating but only holding to pass over to descendants. We need to learn to navigate the NAGPRA process to get the remains back in the ground. It will have to be a coordinated effort with us and HIBC, requiring a bit of consultation. Young adds people periodically people will come through and ask what has been done. I don't know how far back they go and I don't think remains have moved since then. Vitousek explains Brown vs. DLNR, and since then no reinterment out of the archives because of the timely manner of NAGPRA. Miranda asks is there a possibility to reinter if it is still curated. Vitousek clarifies as a descendant you can make a claim to reinter and NAGPRA will verify and take the remains for your responsibility to repatriate.

**VII. ANNOUNCEMENT**

**A. Next HIBC meeting scheduled for Thursday May 16, 2013.**

**VIII. ADJOURNMENT**

**Vice-Chairperson adjourned the meeting at 2:45pm.**

Respectfully Submitted,

Kauanoë Hoomanawanui