

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

Hawaii Island Burial Council
Meeting Minutes

DATE: Thursday, December 19, 2013
TIME: 9:30 am To 12:15 pm
PLACE: Waimea Community Center
65-1260 Kawaihae Road
Kamuela, Hawaii 96743

HIBC MEMBERS: Nalei Kahakalau/ Hamakua Representative
Keith Unger, Landowner/Developer Representative
Edwin Miranda, Hilo Representative
Kimo Lee, Landowner/ Developer Council Chair
Maxine Kahaulelio, Waimea Representative
Gene "Bucky" Leslie

ABSENT/EXCUSED: None

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

GUESTS: Hal Hammatt
Fumiyo Okuda
Lily Kong
Clifford Miko
Sidney Fuke
Mike Yukon

I. OPEN REMARKS:

Kimo Lee, HIBC Chair called meeting to order at 9:35 am.

II. ROLL CALL/ PULE:

Keauhou Descendant Lily Kong gave pule.

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

III. APPROVAL OF MINUTES

A. November 21, 2013.

Maxine Kahalelio moved and Ed Miranda seconded motion to approve minutes.

Chairman Lee opens the floor for discussion.

Motion approved unanimously.

IV. NEW BUSINESS

A. Draft Burial Treatment Plan for Kona Country Club Project, SIHP 50-10-37-4689, 50-10-37-7610, and 50-10-37-7630, Keauhou 1st and 2nd Ahupua'a, North Kona District, Island of Hawaii, TMK: (3) 7-8-010:30 por., 051 por., 100 por., and 101.

Information/Discussion/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 Survey's Hawaii, LLC.

Hal Hammatt of CSH introduces himself and thanks all those involved in making this burial treatment plan possible. 4689 is two platforms containing burials in one of the preserve area. The other preserve area contains 7630 and 7610. We have designated to use construction exclusion zones to include the 75 foot buffer and a portion of those zones are in both preserves. That portion will have restrictions on it to preserve the integrity of that area. We suggested sealing the entrances to burial caves 7630 and 7610, however after our site visit on December 6 2013. The consensus is we would use natural rocks in camouflage for protection with less intrusion on the land. The third item discussed is the concern among the descendants that the 75 foot preserve areas be more permanently protected. We made those adjustments to the burial treatment plan. We also have an email from Kaonohi Kaleikini whom could not be here today. Basically Kaonohi is expressing agreement on results of the field trip on December 6. She is agreement with the treatments of the plan and is asking for cultural monitoring in the construction phase of the project. We will advocate for that to the landowner, adds Hammatt. The initial suggestion is that the landowner is in agreement with a cultural monitor for this project.

Council member Maxine Kahalelio asks when you say advocate, what do you mean. Hammatt states we are going to recommend to the landowner a cultural monitor. What if your recommendation is not accepted by the landowner, asks Kahalelio. Hammatt answered, the final approval of cultural monitors is with the landowner. Kahalelio continues to page 82, where it states the non-permanent barriers, and the last meeting in November, the minutes reflect my mana'o if you see the lava tube. The lava tube brings out pele's no ho'i. We are talking about 81 acres that supposedly has only 23 burial sites discovered. And the partial part on the map, there has to be more villages and battle grounds. To lock the history and close my heritage, and here it says non-permanent barriers. Are you going to build a rock wall? Chairperson Lee asks if the treatment suggested was thru the direction of the lineal descendants. Hammatt agreed.

Hammatt shows a photograph on page 55, it describes the area. The air flow will still be there so the conditions in the tube will remain the same. We put the pohaku nearby in a natural looking way to protect the caves from animals. Kahalelio adds this is the birth place, and if you lock it up. We all need a place to rest. When I read Kaonohi is in agreement through consultation and if she be there during construction.

Council member Keith Unger asks for clarification in the 75 feet buffers, the maps are deceiving in describing the proper buffers. I'm hearing 75 feet but there is a modification on the course. It looks like there is a golf cart path that goes thru there. Hammatt adds the cart path would be continually used. The rock wall buffer would be following the edge of the golf course to include the burial preserve. The 75 foot is a construction buffer and the permanent buffer will have a stone wall modified to the golf cart path surrounding the burial preserves on the golf course. Hammatt agrees. Kahalelio leisure and pleasure is hard to swallow as it's on a burial site. I don't understand why they do these things. Lee clarifies there are 75 feet buffers protecting the site.

Council member Ed Miranda states please correct page 6 as it's upside down. What is an AISP? I understand AIS but not the P. Hammatt answers P is for plan. On page 90, section 5.5.7; please include lineal/cultural descendants in the vegetation clearing of the two permanent preserves. Also include lineal/cultural descendants in section 5.5.8 regarding access to burial preserves. Who would be doing the annual inspection? CSH will be doing that and reporting to SHPD answered Hammatt. Could we have a cultural monitor to be included with that inspection? Hammatt agreed.

Miranda continues to ask if the BTP will be amended upon any new inadvertent discoveries. Lee answers no that is not the protocol. They have to notify SHPD and another plan will be developed. Miranda understands that the plan should be amended and includes the burials found within the project area. Mike Vitousek explains it's a separate plan and the HIBC is in consultation upon that discovery. Miranda asks it's a separate plan from this plan? Vitousek answers yes a new plan is developed upon discovery of any new inadvertent discoveries. Kahaulelio asks who is going to make sure you implement the plan correctly. Are you going to do your best on these acres of our culture? In this the best you can do, do you promise to take care of the iwi. Are you going to build and destroy over all our iwi? I am skeptical about this as money always comes first. Lee emphasizes the developer has a relationship with the family so that the burials are taken care of. Miranda asks if there is a time limit that you respond to the descendants to know if it's ok to visit the graves. Is there a suggested deadline in response? Hammatt answers accessibility to the graves is provided by the golf course. Mr. Yukon is always accessible for communication. Miranda suggest please keep an eye out for access for the descendants.

Kahaulelio explains on page 82, section 5, the proposed burial treatment. When I read that I said to myself, is this in good faith. Will the landowners do this in good faith? Hammatt explains on behalf of us, we will do everything we can to preserve the sites. We do have the regulatory agency that has the jurisdiction to call on anyone whom is not implementing the plan. Kahaulelio continues on page 48, where it says the landowners are affected I believe we are the ones affected. I think the paragraph including landowners and descendants should be deleted. The burials should be preserved in place.

Councilmember Bucky Leslie clarifies the treatments have been defined clearly here today as they provided our recommendations. Lee explains the BTP is passed and inadvertent discoveries come up the SHPD works with the descendants to keep the burials in place. It might be difficult and we may not be able to preserve in place. Leslie adds we are here to make it better for all of us to be involved in this project. Sometimes we have a misunderstanding; however I look down the line we are not going to be here long.

Councilmember Nalei Kahakalau begins with two questions. The first question regards to 7610, 7630; same question as Keith Unger had. Hammatt answers there are two platforms and the edge of the golf course is the black line. The wall would be the black line. The idea is to have the wall at the extreme edge of the golf course to give the most protection. Kahakalau continues, the second question is regards to the lava tube, protected with non-permanent buffers. 7610 is the only one to have dry stacked wall as protection 7630 will have the natural seal. The third question refers to the agreement from the descendants; we do have Kaonohi's letter but no response from Jimmy. Hoomanawanui answers Jimmy is not able to make it today and had concerns with the updates that are to be made after the December 6, 2013 site visit. Hammatt answers Jimmy agrees with the updated provisions and I will provide a copy to him. Kahakalau clarifies we are here to malama the iwi.

Chairperson Lee opens the floor to the public.

Jojo Tanimoto introduces herself and explains she no longer lives in Kona but attended a planning conference. I want to see that the preservation council changes what the burial council is trying to protect for the lineal descendants like myself. There is a rule that the state takes care of the inadvertent finds, we

don't like that. There are many examples of where the inadvertent finds are stored; we would like more protection for the iwi. I would like what you said that the BTP includes the inadvertent finds. We would like the BTP to address the inadvertent finds regardless of the loss. Cultural monitoring, those of us who do want to check should be given the opportunity to do so. There are gated communities and we can't access the burials. In this case, if they do say address the inadvertent finds in the BTP that would be a good recommendation from the board. SHPD should take it under account, and find revisions to fill the gaps in the laws. I heard the plan was a good plan, with good intentions and along the line they start to move things. I am talking about Kona; they don't let you know when there are inadvertent finds. Put their toes in the fire and address it in writing. Kahaulelio asks Tanimoto whether the iwi is on Hawaiian homes or not it is buried on this island. If there is a burial they need to tell it. Is this in good faith, will you notify the descendants. Is there dollar signs in the front first and then you let us know. Kahaulelio expresses gratitude to Kong's pule.

Fumiyo Okuda introduces herself as a representative of the landowner and wants to let you know we are going to provide a cultural monitor for the project process. Who it is going to be will be discussed, however an appropriate person will be appointed.

Bucky Leslie made a motion to preserve in place and Nalei Kahakalau seconded.

Lee opens the floor for discussion.

Motion approved unanimously.

Bucky Leslie made a motion to recommend to SHPD to approve the burial treatment plan and Keith Unger seconded.

Lee opens the floor for discussion.

Motion approved unanimously.

V. SHPD INADVERTENT DISCOVERY

A. None

VI. ANNOUNCEMENT

Councilmember Kahaulelio would like to make a motion for all the burial councils to meet in Oahu, Lee recommends to write down what you would like to accomplish and we can have it agendaized for discussion. Miranda suggests all of us could put some input in that request.

B. Next HIBC meeting scheduled for January 16, 2014.

VII. ADJOURNMENT

Chairperson Lee adjourned the meeting at 12:06

Respectfully Submitted,

Kauanoë Hoomanawanui