

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

HAWAI'I ISLAND BURIAL COUNCIL
MEETING MINUTES

DATE: THURSDAY, MAY 15, 2008
TIME: 9:00 A.M.
PLACE: QUEEN LILI'UOKALANI CHILDREN'S CENTER
LILI'UOKALANI TRUST
HILO UNIT, 919 ULULANI STREET
HILO HAWAI'I 96720

HIBC MEMBERS: Charles Young, Chair
Ululani Keliikoa-Sherlock, Vice-Chair
Kimo Lee
Roy Helbush
Leningrad Elarionoff
Ronald Dela Cruz
Pele Hanoa
Dutchie Saffrey

Absent / Excused: Cynthia Nazara
Ku Kahakalau
Kaleo Kualii

SHPD Staff: Morgan Davis, Hawai'i Assistant Archaeologist
Wendy Machado, Cultural Historian
Vince Kanemoto, Deputy Attorney General
Pua Aiu, Administrator
Nancy McMahan, Archaeology and Historic Preservation Manager
Timothy Scheffler, Hawai'i Assistant Archaeologist (items IV-VII)
Theresa Donham, Hawai'i Lead Archaeologist (items IV-VII)

Guests: James R. Moore, B.S., Archaeological Consultants of the Pacific, Inc.(ACP)
Jim Mec, Ashford & Wristen, representing Michael & Tammy Kelly
Bob Rechtman, Ph.D., Rechtman Consulting, LLC

I. OPENING REMARKS

HIBC Chair Charles Young (Young) called the meeting to order.

Pele Hanoa (Hanoa) gave the *pule wehe*.

The HIBC members and the SHPD staff introduced themselves.

II. APPROVAL OF THE APRIL 17, 2008 HIBC MEETING MINUTES.

**A motion was made to approve the April 17, 2008 HIBC minutes.
(Elarionoff / Keliikoa-Sherlock)**

VOTE: ALL IN FAVOR

III. BUSINESS

**A. A BURIAL TREATMENT PLAN FOR A PROPERTY LOCATED AT
TMK: (3) 7-1-005: 04, IN PU'U NANA ESTATES SUBDIVISION, PU'UANAHULU AHUPUA'A,
NORTH KONA DISTRICT, ISLAND OF HAWAI'I.**

Information / Discussion / Recommendation: Presentation and discussion by James R. Moore, B.S.,
Archaeological Consultants of the Pacific, Inc. (ACP)

James Moore (Moore) said that site 24739 consists of 11 individual features; 10 are interpreted as burial markers located on a 6 acre property. The last Maka'ai family member was interred in the late 1940s. Recommendations have been made for preservation in place.

As recommended by the HIBC in February 2008, subdivision plans have been included on the last page. The subdivision plan was created in 2003, there have not been any changes.

Young read Debralee Kailiwai-Ray's letter into the meeting.

Vince Kanemoto (Kanemoto) said that descendants can present written testimony. They do not need to be present.

Wendy Machado (Machado) said that many of the descendant phone numbers have changed.

Kanemoto said that it is up to the families to inform SHPD of changes.

Moore said that ACP did a site visit with descendants.

Leningrad Elarionoff (Elarionoff) asked about page 11, maintenance.

Elarionoff suggested that the person who is responsible for maintenance should be mentioned.

Elarionoff said that long term preservation measures on page 11 does not have continuity with page 13, bullet #2.

Moore said that the land owner is responsible for maintenance. It is in the covenants.

Elarionoff suggested adjustments on page 13.

Bullet # 2 only says, recognized descendants should be more inclusive.

Elarionoff suggested that page 13, bullet #5 should be eliminated.

Bullet # 6, should be revised to remove reference to DLNR.

Elarionoff suggested that the bullets with the word *shall* should be changed to more considerate language in this BTP and the other two BTPs for Pu‘uanahulu.

Kanemoto agreed that bullet #5 is unnecessary.

Young asked if the access issues with the families have been resolved.

Moore said that Mr. Imming was at a site visit and promised access with reasonable notice. Access will probably be by an easement of Lot 2. No agreement has been made.

Young said that the first concern is getting past the association’s guard gate.

Moore said that access will not be through the gate. The driveway connects directly with the highway, the school road is the only road. They are planning two driveways.

Hanoa said that the descendants have a right to visit their ancestors graves, like every where else.

Moore said that Linda Kaleo Paik made arrangements directly with the landowner, the arrangements are not included in this BTP.

Ronald Dela Cruz (Dela Cruz) said that access needs to be specific, or else no access.

Moore said that he did not know the rights to the school road.

Dela Cruz suggested a site visit to look at easements and meet the land owner.

Young asked Kanemoto if the developer can agree to treat inadvertent as known burials.

Kanemoto said that the Dept. has the final word regarding jurisdiction over inadvertent burials. The clock starts 45 days after on the agenda for determination.

**A motion was made to have a site visit prior to the next meeting,
in Pu‘u Nana Estates Subdivision, Pu‘uanahulu Ahupua‘a, TMK (3) 7-1-005:04.
(Dela Cruz / Saffrey)**

VOTE: ALL IN FAVOR

Kanemoto said that the clock can always be extended. Kanemoto said that a site visit would be good because of the Sunshine Law.

Young said that the HIBC will need to go into closed session for the site visit because the visit will include location of graves.

A motion was made to close agenda item III A.
(Elarionoff / Saffrey)

VOTE: ALL IN FAVOR

**B. A BURIAL TREATMENT PLAN FOR A PROPERTY LOCATED AT
TMK: (3) 7-1-05: 6, 7, 8, & 66, PU‘UANA‘HULU AHUPUA‘A,
NORTH KONA DISTRICT, ISLAND OF HAWAI‘I.**

Information / Discussion / Recommendation: Presentation and discussion by James R. Moore, B.S., Archaeological Consultants of the Pacific, Inc. (ACP)

Moore said that ACP conducted an Archaeological Inventory Survey (AIS) in 2005. Six previously unidentified sites were documented during the surface survey as well as one previously identified site. There are post-contact ranch walls, and a homestead area with agriculture features and platforms. During the AIS, no burials were identified. After consultation with family members, four areas have been delineated as the locations of family burial sites. Recommendations have been made for the four burial sites to be preserved in place.

Young asked if not for the families, ACP would not have known about the burials after conducting an AIS.

Moore said yes.

Nancy McMahon (McMahon) asked about SHPD’s letter approving the AIS.

Moore provided a copy of the letter for McMahon to review, dated January 23, 2008.

A motion was made for the HIBC to enter into an executive session.
(Elarionoff / Hanoa)

VOTE: ALL IN FAVOR

A motion was made for the HIBC to close the executive session.
(Elarionoff / Saffrey)

VOTE: ALL IN FAVOR

A motion was made to move to open.
(Hanoa / Elarionoff)

VOTE: ALL IN FAVOR

Young suggested that Moore work with the State to recognize sites as burials. Moore said that ACP can talk with the Keawe’s. Site 24849, the Harbottle Graveyard will be conveyed to the association.

Moore handed out subdivision plans

McMahon said that preservation areas within subdivisions having their own TMK number with metes and bounds description of the preserve area, makes boundaries really clear. A separate preservation area.

A motion was made to have a site visit prior to the next meeting, in Pu‘uanahulu Ahupua‘a, TMK (3) 7-1-05: 6, 7, 8 & 66. (Dela Cruz / Saffrey)

VOTE: ALL IN FAVOR

Young asked about the terrain.

Moore said that School lot is accessible. Other areas are fairly easy having a bulldozed road. ACP never reached Area 3.

A motion was made to close agenda item III B. (Elarionoff / Hanoa)

VOTE: ALL IN FAVOR

C. A BURIAL TREATMENT PLAN FOR A PROPERTY LOCATED AT TMK: (3) 7-1-05: 001, PU‘UANAHULU AHUPUA‘A, NORTH KONA DISTRICT, ISLAND OF HAWAI‘I.

Information / Discussion / Recommendation: Presentation and discussion by James R. Moore, B.S., Archaeological Consultants of the Pacific, Inc. (ACP)

Moore introduced Jim Mec (Mec), representing Michael & Tammy Kelly.

Mec said that there are legal issues with the subject property. The previous owners did not inform the Kellys of the burials on the property.

Moore said that the BTP was on the HIBC agenda last August. It is recommended that Sites 24778 and 24850 be preserved in place. The unmarked burial areas were delineated by recognized descendants of Pu‘uanahulu. Site 24778 was impacted by a bulldozer in 1993. Mark Smith found a single finger bone at that time. These burials were identified in the AIS.

Young asked if the burials were noted in the AIS, prior to the subdivision.

Moore said that they were noted but not assigned a number back then. It was outside the subdivision limits in 1993.

Moore said that a linear stone basalt site was not present in 2006. In January it was freshly stacked stone with no dirt or vines.

Young **recommended** an additional 10 ft. no build zone to the longterm preservation measures.

Young asked if not for the families, ACP would not have known about the burials.

Moore said yes.

Moore said that the previous owners said that a lady is buried in the area of Site 24850.

Mec said that the issue is not informing the Kellys of the burials when they purchased the land. It is an ongoing lawsuit between the previous and current land owner.

Elarionoff said that there needs to be consistency with labeling Site, feature 24778; A & B. in the BTP. Page 4, 8, and 12 were mentioned.

Moore said that site 24778: A, is not slated for preservation, it is not a burial. Half of site A will be preserved because it is inside the buffer zone of B. Page 12 only showed what is recommended for preservation.

A motion was made to have a site visit prior to the next meeting, in Pu‘uanahulu Ahupua‘a, TMK (3) 7-1-05: 001. (Dela Cruz / Saffrey)

VOTE: ALL IN FAVOR

Young asked Kanemoto if it would be appropriate to have the owners at the site visit.

Kanemoto said that the Council can have anyone they want there during executive session.

A motion was made to close agenda item III C. (Elarionoff / Saffrey)

VOTE: ALL IN FAVOR

D. PU‘UHONUA O HONAUNAU, NATIONAL HISTORICAL PARK, HONAUNAU, SOUTH KONA DISTRICT, ISLAND OF HAWAI‘I

Recommendation / Consultation: Hawai‘i Island Burial Council’s recommendation on iwi found in sandy surf line at Keone‘ele Cove.

The iwi found at Keone‘ele Cove was determined to be animal bones.

McMahon said that this is a NAGPRA issue.

Young suggested that Staff write a letter to Ben Barnett on the need to inform the public of the findings, because the public believes the bones were human.

A motion was made to close agenda item III D. (Elarionoff / Keliikoa-Sherlock)

VOTE: ALL IN FAVOR

E. HAWAI‘I ISLAND BURIAL COUNCIL’S EXECUTIVE SESSION

Discussion: Consultation and discussion with Vince Kanemoto, Deputy Attorney General on Subchapter 3, Island Burial Councils, §13-300-24 Duties and responsibilities. On Subchapter 4, Procedures for Proper Treatment of Burial Sites and Human Skeletal Remains, §13-300-43 Penalty.

**A motion was made for the HIBC to enter into an executive session.
(Elarionoff / Saffrey)**

VOTE: ALL IN FAVOR

**A motion was made for the HIBC to close the executive session.
(Helbush / Saffrey)**

VOTE: ALL IN FAVOR

Break 12:45p.m. – 1:25p.m.

IV. CASE UPDATES

HIBC moved to agenda item IV. CASE UPDATES, B

**B. Discussion of a single family dwelling in Hokukano, Ka‘u, CDUHA 3002-B,
TMK: 9-5-016: 036.**

Hanoa said that in 2004 they built the house. It is not a single family dwelling. Violet Hansen did the survey in 1962. Many burials were found and have been ignored.

Kanemoto said that unless there is a new violation, there is no follow up.

Timothy Scheffler (Scheffler) said that he will review files, and have a Staff update for the HIBC.

**A motion was made to close agenda item IV. B
(Hanoa / Saffrey)**

VOTE: ALL IN FAVOR

HIBC moved to agenda item VI.

V. DISCUSSION ON CORRESPONDENCE, no discussion

VI. ANNOUNCEMENTS

Pua Aiu (Aiu) said that she would like SHPD to be more efficient with paperwork and staff.

Elarionoff said that at a meeting in Kona, the Council members were told that what they do is important. Those words were followed up with nothing. The HIBC does not feel supported by the State. The HIBC’s recommendations helps the State with work overload. The function of the HIBC needs to be important or else none of them should be there.

**A motion was made to close agenda item VI.
(Elarionoff / Saffrey)**

VOTE: ALL IN FAVOR

HIBC moved to agenda item IV. CASE UPDATES, A

A. The Shores at Kohanaiki Project, Land of Kohanaiki, North Kona District, Island of Hawai'i, TMK: (3) 7-3-09: 3, 14.

Staff update on the proposed minor amendment to a Burial Treatment Plan.

Theresa Donham (Donham) said that there are no burials in the cave. There is a fire place with partially burnt wood and basalt. Charcoal can be collected for dating. Caves are under Chapter 6-D.

**A motion was made to close agenda item IV. A
(Elarionoff / Saffrey)**

VOTE: ALL IN FAVOR

HIBC moved to agenda item III. E

E. HAWAI'I ISLAND BURIAL COUNCIL'S EXECUTIVE SESSION

Discussion: Consultation and discussion with the HIBC on the status of iwi, by Morgan Davis, Hawai'i Island Assistant Archaeologist, SHPD and Wendy Machado, Hawai'i Island Cultural Historian, SHPD.

**A motion was made for the HIBC to enter into an executive session.
(Elarionoff / Dela Cruz)**

VOTE: ALL IN FAVOR

**A motion was made for the HIBC to close the executive session.
(Helbush / Dela Cruz)**

VOTE: ALL IN FAVOR

VII. ADJOURNMENT

**A motion was made to adjourn the meeting.
(Elarionoff / Dela Cruz)**

VOTE: ALL IN FAVOR