



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

HAWAI'I ISLAND BURIAL COUNCIL MEETING MINUTES

DATE: September 17, 2009
TIME: 9:00 A.M.
PLACE: Natural Energy Laboratory of Hawai'i Authority (NELHA)
73-4460 Queen Kaahumanu Hwy
Kailua-Kona, Hawai'i 96740

I. OPENING REMARKS

- Opening Pule was offered by Auntie Pele Hanoa.
- Call to order by Chairman Kimo Lee at 9:00am.
- Roll Call and Introduction of the HIBC
Council Members present: Kimo Lee, Chairman
Leningrad Elarionoff
Dutchie Kapu-Saffery
Charlie Young, Vice-Chairman
Ululani Keliikoa-Sherlock
Ku Kahakalau
Pele Hanoa
Bucky Leslie
Council Members Excused: Roy Helbush
Cynthia Nazara
- SHPD Staff present: Analu K. Josephides, Cultural Historian
Theresa Donham, Hawai'i Archeologist

Guests present:

Bob Spear	Matt McDermott	
Glenn Scott	Nani Langridge	
Keawe Keohokalole	Cary Kondo	
Ruby McDonald	Bobby Command	
Sam Walker	Wally Lau	
LeeAnn Crabbe	Riley Smith	Hannah Reeves
Bo Kahui	Warren Lee	Bob Lindsey, OHA Trustee
Kama Hopkins	Ross Wilson Jr.	

II. APPROVAL OF MINUTES FOR AUGUST 20, 2009

Discussion included the following comments and amendments:

- Delete “Amend” twice on pg. 2. pg 3 bottoms, change “receive” to “review”, Pg 5 Items H, I, J was in executive session.
- Leningrad wants minutes to reflect the changes made to the minutes.
- Ululani stated that her name was listed incorrectly and should be “Keliikoa-Sherlock”.
- Leningrad states Pg 8 correspondence does not reflect the Attorney General’s (AG) letter about not being present at the HIBC meetings.
- Dutchie asks if minutes are being recorded it is important that minutes be recorded. Analu stated that the tape recorder is broken and that it will be fixed by next meeting. Charlie stated that verbatim minutes are not required by Department.
- Bucky said the minutes should be transcribed onto paper directly verbatim as backup to minutes.
- Dutchie noted the AG absence and felt it is important to have an AG present to help answer questions that may arise. Also, Dutchie added that if the HIBC had a secretary there wouldn’t be this problem.
- Leningrad asked how we can make this work. Bucky suggested that for the benefit of us and the community present we should do an executive session to discuss minutes.
- Ku noted that the Sunshine law limits topics for executive session and that Minutes is an ongoing challenge for many Boards.

Motion by Leningrad Elarionoff, seconded by Charles Young to approve the August 20, 2009 minutes as amended.

Vote: The motion carried by unanimous vote to approve the August 20, 2009 minutes as amended.

III. BUSINESS

Motion by Bucky Leslie, seconded by Pele Hanoa to change order of Business for items A and B to the end of Business and to begin with Item C.

Vote: The motion to change the order of Business was carried by unanimous vote.

C. RECOGNITION OF HANNAH WAHINEMAIIKAIOKAAHUMANUKELIILULANIANIOLEOKALAMA KANE REEVES AS CULTURAL DESCENDANTS TO NATIVE HAWAIIAN REMAINS IN THE AHUPUA’A OF KAWALA, NA’ALEHU, KA’Ū DISTRICT, ISLAND OF HAWAI’I. TMK (3) 9-5-021:035, POR.

Motion by Kū Kahakalau, seconded by Charlie Young to recognize Hannah Wahinemaikaiokaahumanukeliulaniolaokalama Kane Reeves as a cultural descendant.

Vote: The motion to recognize Hannah W. Kane Reeves as a cultural descendant to native Hawaiian burials in the above ahupua’a carried by unanimous vote.

D. RECOGNITION OF HANNAH WAHINEMAIIKAIOKAAHUMANUKELIIULANANIOLEOKALAMA KANE REEVES AS CULTURAL DESCENDANT TO NATIVE HAWAIIAN REMAINS IN THE AHUPUA‘A OF KEAHUOLŪ, NORTH KONA DISTRICT, ISLAND OF HAWAI‘I. TMK (3) 7-4-020:010, POR.; (3) 7-4-020:022

Motion by Kū Kahakalau, seconded by Charlie Young to recognize Hannah Wahinemaikaiokaahumanukeliulananioleokalama a cultural descendant.

Vote: The motion carried by unanimous vote.

E. RECOGNITION OF AKA M. MAHI AS CULTURAL DESCENDANT TO NATIVE HAWAIIAN REMAINS IN THE AHUPUA‘A OF KEAHUOLŪ, NORTH KONA DISTRICT, ISLAND OF HAWAI‘I. TMK (3) 7-4-020:010, POR.; (3) 7-4-020:022

Motion by Kū Kahakalau, seconded by Dutchie Kapu Saffery to recognize Aka M. Mahi as Cultural descendant

Josephides read the memo from the department regarding Aka M. Mahi as Cultural descendant per Kuakahela family.

Vote: The motion carried by unanimous vote.

F. RECOGNITION OF RUBY PUA KEANAAINA MCDONALD AS CULTURAL DESCENDANT TO NATIVE HAWAIIAN REMAINS IN THE AHUPUA‘A OF KEAHUOLŪ, NORTH KONA DISTRICT, ISLAND OF HAWAI‘I. TMK (3) 7-4-020:010, POR.; (3) 7-4-020:022

Motion by Kū Kahakalau, seconded by Bucky Leslie to recognize Ruby Pua McDonald as cultural descendent.

Vote: The motion carried by unanimous vote.

G. A BURIAL TREATMENT PLAN FOR BURIALS IDENTIFIED IN (SITE 26668) TO PRESERVE IN PLACE NATIVE HAWAIIAN REMAINS FOUND ON A 0.42 ACRE COMMUNITY CEMETERY AND LOCATED IN THE AHUPUA‘A OF KAWALA, NA‘ALEHU, KA‘Ū DISTRICT, ISLAND OF HAWAI‘I. TMK (3) 9-5-021:035, POR.

Motion by Leningrad Elarionoff to approve Burial Treatment Plan, seconded by Ululani Keliikoa-Sherlock.

Discussion included the following points:

- Glenn Escott has made revisions per SHPD and HIBC explained long term measures and signage.
- Leningrad notes that on page 12, the name “Kaniho” is misspelled.
- Leningrad commented that in the BTP review on page15 that Diego is still alive.

- Leningrad asked on page 17- what is late historic?
- Escott replied the early 1900's to 1930's circa.
- Leningrad asked on page 17, asked how Escott concluded the burials were of Hawaiian descent.
- Escott stated by the names on the tombstone.
- Leningrad asked on page 45 – What type of fence?
- Escott stated it is wire chain link not wood.
- Leningrad on page 48 regarding Maintenance -- please state in consultation with lineal descendants.
- Escott said that statement regarding Descendant participation was put in at HIBC's request. Still referring to page 48, Leningrad asked who will report disturbance. Escott stated the land owner.
- Leningrad on page 48, there is mention of SHPD and what they must do regarding consultation i.e., "will" consult with SHPD. Also, what does 'assessment' 'Powers' mean? Escott replied it means responsibility.
- Ku Kahakalau questioned how more people were informed or consulted about the cemetery. There was a published Notice in the Ka Wai Ola, but nothing in BTP about whether there were responses to the article or any newsletter discussions of the many families in Na'alehu. There is no follow-up indicated in BTP.
- Escott located some people and talked to them, but does not remember other names. He noted that Hannah Reeves came forward on the OHA Notice.
- Keliikoa-Sherlock noted that on page 26, Vegetation that haole kola is misspelled and again on pages 28 and 30.
- Aunty Pele Hanoa said they left a long time about 1939 – at the time C. Brewer made roping club store and moved out the graves kept on hill.
- Charlie Young asked what intent of this development is.
- Escott stated they are building a Church.
- Young said he reads that this inadvertent discovery seems to lean toward relocation.
- Escott said there is no development inside the cemetery parcels.
- Young said it is showing a possibility for reinterment in the Cemetery.
- Escott said the cemetery is pretty full with a few places that may not have burials.

- Young asked if they will expand the preserve area for future reinterment.
- Escott said there is discussion on the constraints to expand the cemetery.
- Young recognized that adding buffers is possible in the planning.
- Escott noted that the parcel is three (3) acres. The cemetery is part of it in the southern portion of the lot.
- Donham, Hawaii archaeologist asked if monitoring is recommended.
- Escott said no.
- Josephides discussed this case with SHPD (Aiu and Cayan) regarding Bob Taylor. Taylor was also referred to discuss the case with Cayan. Cayan requested this item be on the agenda for July or August.
- Hanoa added that he (Bob Taylor) grubbed the Cemetery and we put a stop to it. Kahakalau suggested add a buffer from fence outside (50ft).
- Escott stated it is a 30 ft. no build zone and if that was okay. Young noted that the HIBC have requested 20 ft and 10ft no build for a construction buffer. Escott stated that fencing would go up prior to construction will add buffers to plan 30 ft no build zone off the rock wall along south side.

Motion made by Charlie Young to defer Item and Dutchie Kapu Saffery seconded.

Vote: All in favor. Motion carried to defer this item to the next meeting.

B. BURIAL TREATMENT PLAN FOR FOUR BURIALS (SIHP SITES 50-10-28-13387, 26831, AND 26836) TO PRESERVE IN PLACE NATIVE HAWAIIAN REMAINS FOUND DURING THE ANE KEOHOKĀLOLE HIGHWAY CORRIDOR PROJECT THAT RUNS THROUGH TMK (3) 7-4-020, (3) 7-4-021, (3) 7-4-24, (3) 7-4-08, AND (3) 7-3-09 VARIOUS PARCELS AND ARE LOCATED IN THE AHUPUA‘A OF KEAHUOLU NORTH KONA DISTRICT, ISLAND OF HAWAII. TMK (3) 7-4-020:010, POR.; (3) 7-4-020:022.

Presentation by Leslie Matsumoto, Wally Lau, and Matt McDermott.

Leslie Matsumoto gave an overview of schedule EA that has been delayed for other reasons. The new date is September 28 for the process and hope to end October 16. Matsumoto reported on the full project area. The Burial Treatment Plan (BTP) shows that the sidewalk be moved from 7ft to 4ft wide near site 26831 and add a 50ft construction buffer. At Site 13357, they will preserve and the wall will be altered to include entire collapsed tube area.

Discussion included the following points:

- Hannah Reeves stated that re-location should not be done until we are consulted. Kahakalau suggested the project contact the cultural descendants for consultation on possible relocation.
- Young asked if there were any lava tubes under the road. McDermott said none were found.

- Leningrad referred to page I, the APE and survey Acreage references to survey area includes Palani Road, however, Fig. 2 does not show Palani Road. Leningrad referred to page.iii Recommendation-Recordation in Bureau of Conveyance after approval. He pointed out that on page 62 Item 5-6 Recordation shall be as a separate TMK. The County must subdivide for road, so they can do that first. Leningrad referred to page ii Kahawaiole means no stream not “no rain”. Discussion on the meaning of Aloha and Haole, Matt said sites are close by. On page 62 will make change from “should” to “will” and recommend removing any future archaeology research inside the burial preserve.
- Kahakalu thanked them for changing introduction section to reflect that and on page 17 confirm that 26836 A&B may be one or two preserves and the minimum buffers would be at least 30ft. Kahakalau will concur with sealing if the Descendents want that. She notes that on page 62, the concrete 5-8 storm flooding makai of road have to make sure that the cars are not affected by road runoff diversion – these measures need to be added too. Leslie added they have this designed in to also protect ponds. Again, Kahakalau thanked them all for informing HIBC on inadvertent discoveries.
- Leningrad added he appreciates what they did to revise the BTP.
- Nicole Lui requested a copy of BTP for all the descendents including the Keohokalole ‘ohana. Leslie felt the BTP was done well.
- Chairman Lee thanked all for the informative presentation.
- Bo Kahue of Lai’opua 2 submitted testimony at the last HIBC meeting supporting the BTP and the 500 signatures in support of road. He felt the County has done due diligence to meet requirements and that Kailua has been planned for urbanization for some time. Kahue notes there is not enough money for village #4. Kahue as Lai’opua 20/20 is asking HIBC support the BTP.
- Ku Kahakalau notes that County worked hard to make changes and we are happy with them.
- Bo Kahue states the 500 signatures was sent to legislature asking for State money. Should moving burials be a choice? One of the burials should be moved if being too close to highway and it doesn’t feel right. The Lai’opua Association should have a stake in the BTP as an entity representing the area too. Kahue will recruit someone tonight at meeting.
- Josephides will have them contact the SHPD.
- Kahue feels they should sit on this council and further would offer Village 2 with a reinterment site if burials are relocated.
- OHA Trustee Bob Lindsey acknowledged the consultants, the County support for the BTP and the effort for building this road. He noted that Infrastructure is critical to making things happen for our people and that OHA looks forward to being signatory to MDA.

- Nicole Lui agrees with Kahue to reinter burial elsewhere as the burial is close to area where construction is occurring. Aunty Pele said it is better to put in safe place out of respect when one has to move it.
- Ruby McDonald said the road is needed, but needs to be done correctly as well as what about the rest of the Ahupuaa.
- Kahakalau noted all the TMK's are confusing.
- Young insisted that the whole project be listed by all TMKs.
- Kahakalau will concur with the descendants.
- Liu states the burials should be moved to a safer location.
- McDonald said she has not seen the BTP.
- Kahakalau added if there's a concern among the descendants to relocate then the BTP should be revised and include those concerns.
- Leanne Crabbe of QLT notes they have a location in Keahuolu rather than relocate to Kealakehe.
- Ku Kahakalau pointed out the burial is by the road – and should it be moved or preserve in place.
- Reeves said leave alone.
- Warren Lee, DPW question on timeline for County Key dates October 15 for FHWA to obligate funds early November ready to advertise. Status one issue came up regarding Kuakini wall 4 (f) processes by FHWA regional office has questions October 15 date moved to November 1 Roadway modified for preserve in place there is also a preserve area will be developed with Federal funds asking that the project move forward.
- Leningrad said it is up to the consultant to get Descendents together and see what they want. Saffrey added that if the descendents want to move the burial, then she agree with the descendents.
- Leslie queried are we asking for a determination at this meeting.
- Young said that the HIBC can act on the BTP, but SHPD can change it later if it was found that BTP was flawed.
- Kahakalau said approval of BTP is minor; it is the determination that is important.
- Aunty Pele Hanoa said there are burials being destroyed elsewhere, but one burial on the highway -- why can't we move one burial and put in a safe place and let them rest in peace.
- Leslie agreed with Aunty Pele and Nicole Liu.

- Warren Lee stated they need to have the determination so the MDA can be signed.
- Josephides note that SHPD and timing are factors here.
- Leningrad notes that we cannot amend the “preserve in place” because it was on the agenda as preserve in place.
- Saffery said there has been a good faith effort to bring in descendents and there has to be a cutoff for decision-making.
- Young stated it is inappropriate to make a decision today.
- Leningrad said it took one person to speak out before everyone else spoke up on relocation and on consulting with descendents.
- Leslie Matsumoto asked if this is an ongoing cycle of delay and if more descendents were to keep coming forward would this prolong the BTP being passed by the HIBC.
- Chairman Lee consulted with Deputy AG Linda Chow on the agenda and amendment thereof.
- Kahue said he came to support this road and you all should approve the plan now. His intention was not to delay the process and he cannot see that one burial is holding up the process.
- Kahue doesn’t want to be representing Lai O Pua in a wrong manner and had no idea of implications in delaying approvals. He stated that he would take personal responsibility not as community rep.
- Kahakalau said the descendents did not get BTP timelines and it is not anyone’s fault; the fact is the Federal process things work in mysterious ways. We can meet the deadline if we can make the determination.
- Wally Lau stated the process is reflection of end product and the county wants to do it the right way.

Motion made by Ku Kahakalau, seconded by Charlie Young to defer this item.

Vote: All in favor of deferring. The motion carried unanimously to defer this item.

IV. CASE UPDATES

- Josephides read a letter from Dutchie Saffery requesting to there be AG’s assigned to the HIBC meetings. Discussion that the state lack of funds restrict AG at all meetings, the State has no legal requirement for Burial Council to have an AG present.
- Josephides read a memo from AG should any legal issues arise an AG will be available as appropriate.

VIII. ADJOURNMENT

Motion by Young to adjourn, seconded by Saffrey. The vote was unanimous to adjourn. The meeting ended at 2:30pm.

draft