

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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LAND
STATE PARKS

**HAWAII ISLAND BURIAL COUNCIL
MEETING MINUTES**

DATE: THURSDAY, JULY 17, 2008
TIME: 9:00 A.M.
PLACE: KEALAKEHE INTERMEDIATE SCHOOL
74-5062 ONIPA`A STREET
KAILUA-KONA, HAWAII 96740

HIBC MEMBERS: Charles Young, Chair
Ululani Keliikoa-Sherlock, Vice-Chair
Kimo Lee
Roy Helbush
Leningrad Elarionoff
Ronald Dela Cruz
Cynthia Nazara
Bucky Leslie
Pele Hanoa

Absent / Excused: Ku Kahakalau
Dutchie Saffrey

SHPD Staff: Theresa Donham, Hawai`i Island Lead Archaeologist
Wendy Machado, Hawai`i Island Cultural Historian
Rowena Somerville, Deputy Attorney General

Guests: Alan E. Haun, Ph.D., Haun & Associates
Byron Moku, V.P., Cultural Resources, Hokuli`a
Ruby McDonald, Kama`aina
Kaleo Kualii, Kama`aina
Nani Langridge, Kama`aina
Curtis Tyler, Kama`aina

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.

The HIBC and SHPD staff thanked Kaleo Kualii (Kualii) for serving on the Council. The HIBC and SHPD staff welcomed Bucky Leslie (Leslie) as a new member representing the Kona District.

II. APPROVAL OF THE JUNE 19, 2008 HIBC MEETING MINUTES.

**A motion was made to approve the June 19, 2008 HIBC minutes.
(Elarionoff / Helbush)**

VOTE: ALL IN FAVOR

III. BUSINESS

A. A BURIAL TREATMENT PLAN FOR SITE 21835, HOKULĀ SUBDIVISION, LAND OF ONOULI, SOUTH KONA DISTRICT, ISLAND OF HAWAII, TMK: (3) 8-1-029: 048, 049

Information / Discussion / Determination: Presentation and discussion by Alan E. Haun, Ph.D., Haun & Associates.

Alan Haun (Haun) and Associates prepared a burial treatment plan (BTP) for 1250 Oceanside Partners (1250 OP). The BTP addresses Site 21835 located in the Land of Onouli. The site straddles the boundary between Lot 196 owned by Mr. Robert K. Greenwell and Lot 197, owned by 1250 OP. Mr. Greenwell and 1250 OP are co-applicants with regard to this proposed BTP. Site 21835 consists of a scatter of human remains discovered by Scientific Consultant Services (SCS) on May 16, 2001 within a back dirt pile adjacent to the hole from which a monkey pod tree was removed. The tree was removed between July 29 and 31, 2000. No human remains were noted at that time. Between April and May of 2003, SCS conducted subsurface testing at the site to determine the extent of the remains. The soil from the back dirt pile was screened, and yielded several bags of skeletal material. From the excavation, no *in situ* burial was present and no subsurface burial feature was found. The remains from Site 21835 have been identified as two individuals, a young female and an adult of undermined sex. The remains were wrapped in muslin and left on site, protected from the elements by plastic and tarps. Plastic orange fencing was then erected delineating a 20 ft buffer around the site. Legal notices were placed in the Honolulu Advertiser, West Hawaii Today, and Ka Wai Ola `O OHA newspapers.

As part of the consultation process, packets were mailed out to recognized descendants. In general, the response from recognized descendants supports the proposal by 1250 OP to preserve the remains in place.

For the purposes of the proposed BTP the burials at Site 21835 are treated as “previously known”. 1250 OP proposes to reinter the remains in the original site and preserve the feature in place. Preparation of the burial site will consist of excavating a pit approximately 2 ft deep in the center of the area where the remains were recovered. The remains will be prepared for re-interment by wrapping them in *kapa* and placed in a *lauhala* basket. Preparation of the remains and re-interment will be conducted at night directed by recognized descendants who are cultural practitioners under the protocols and ceremonies selected by them. A permanent preservation buffer of 20 ft. will be established around the perimeter of the burial feature. With the exception of appropriate cultural activities and periodic maintenance, no land modifications or other activities of any type will be permitted to occur within the preservation buffer. The area within the permanent buffer zone may be irrigated, maintained and landscaped. The buffer boundaries will be delineated by a low stone wall.

1250 OP and eventually the Park and Cultural Sites Association will be responsible for the maintenance of the burial site. Long term preservation will be achieved by an easement that will be incorporated into the deeds of the two properties. Recognized lineal and cultural descendants will have access to the burial feature in accordance to procedures, as listed in the March 2006 Settlement Agreement. Short term preservation measures will consist of the orange plastic fencing at 20 ft. Metal T-posts have been erected around the temporary construction buffer zone at 70 ft. Ground disturbance within this temporary construction zone will not occur until this BTP has been approved and the permanent buffer zone, 20 ft, has been defined by a low stone wall.

Kimo Lee (Lee) recused himself from Hokuli`a agenda items A, B, and C.

Leningrad Elarionoff (Elarionoff) wanted to know how the proposed preservation buffer will be established.

Haun said that the iwi were found spread out. The buffer zone lines that were drawn on Figure 2, page 3, were thought to be the reasonable limits from where this burial is thought to come from. The area encompasses the entire location where human remains were found.

Elarionoff wanted to know if the BTP is worded “re-interment at night” would the descendants have a choice?

Haun said that they prefer night time.

Hanoa asked who’s mana`o is it to be buried at night.

Haun said that has been the request that comes through Byron and his interactions with descendants.

Byron Moku (Moku) said there has been only two reburials and both occurred at night. Any recommendation for reburials at other times can be solicited from the descendants.

Hanoa said that she did reburials with Charlie Maxwell during the day. Hanoa wanted to understand the purpose of reburial during the night.

Moku said that he thinks that some of the practitioners, people who participated in these reburials lean toward the *huna* side of things. When it is time for reinterment, 1250 OP will consult with descendant on how they want to proceed, during the night or day. The descendants will guide us which way to go.

Leslie said that he would like that written down in stone because things change down the line. It should be up to the families to rebury during the night or day.

Moku explained that Hokuli`a has in place a descendant access plan; a process that they can come and visit any and every burial site.

Young asked with two different lot owners is the access issue covered by an agreement for all the lots that 1250 OP represents?

Moku said yes.

Young asked for clarification on who is the Park and Cultural Sites Entity on page 5, Section 13.6. Young also asked if this section provided one of the guidelines for visitation by the descendants.

Moku explained that the Park and Cultural Sites Association Inc (PCSA) was born of the Settlement Agreement. PCSA manages the descendant access plan.

Young asked who would the PCSA be comprised of?

Moku said that PCSA is made up of a Board of Directors. 1250 OP is the largest land owner with four officers. Moku said that he is an officer. Eventually PCSA will become the Home Owners Association. PCSA is tasked with the maintenance and preservation of all burial and non burial preservation sites, including the trails.

Young asked how many descendants are on the board.

Moku said that there are no descendants on the board. Doug Genovia (Genovia) maintains and encourages descendant relations in an ongoing and informative basis. When a descendant wants to visit they contact Genovia and PCSA. PCSA stays in place in perpetuity, funded by various kinds of financial mechanisms for maintenance and preservation.

Young asked if the BTPs presented today all have a similar process for access. No matter who owns the lot, access is through the association.

Moku said forever.

Young **recommended** that the descendant consultation questionnaire be included in the BTP, not just the summary.

Haun said he would do so.

Young said that the questionnaire would help because the answers were noted in the BTP, but it did not include information on what the questions were.

Cynthia Nazara (Nazara) asked why no descendants are members of the Board of Directors for PCSA and therefore will not be included in the Home Owners Association in the future. Nazara asked if a descendant will be sitting on those boards.

Moku said that he had to take that question back and ask. He could not comment.

Nazara wanted to know, why not, why are they not apart of helping?

Moku said that a component of the PCSA is also the PCSA Advisory Board, formed from the settlement agreement. There are nineteen members of the community that make up the Advisory Board, who are a good mix of people from the Kona community at large including descendants.

Ronald Dela Cruz (Dela Cruz) asked if the board makes decisions based on the mana`o from the Advisory Board and is the information shared with the descendants.

Moku said yes.

Hanoa asked if there are any lineal descendants from Pu`u Ohau on the board.

Moku said that he thinks that Jimmy Medeiros is, but he would have to check.

Hanoa said that she is a lineal descendant of Pu`u Ohau and she did not receive the consultation packet.

Haun said that the packets are sent certified mail and that he will check the receipt.

Leslie said that there should be descendants on the board. Access is an issue; descendants cannot go and visit when they want to because the developer makes the rules.

Dela Cruz said that much of this was settled by the court, for the care and dignity of our kupuna. The courts already made the decision.

Young said his concern is that Hokuli`a represents the owners. They work with the descendants through an association, whose members can come and go. The association is not representing any of the descendants but the interests of the developer, and then the home owner.

Moku said that it is not a court order, but a settlement agreement.

Elarionoff said that he did not want descendants to be restricted, to bury only at night. Descendants should have a choice to bury during the day or night.

Young asked staff for their review of the BTP.

Wendy Machado (Machado) said that she and Morgan Davis (Davis) did the review of the three Hokuli`a BTPs together. Staff noted that the additional 10 ft. no build zone that the HIBC has been recommending was not included. Access for descendants by way of an easement was also a concern due to the burial having two different lot owners.

Theresa Donham (Donham) said there is nothing in situ. Donham asked if this situation qualifies for preserve in place and, can a determination for preserve in place be made when the iwi is not in place.

Haun said that normally it is considered an inadvertent, but because of the court order, it goes before the HIBC.

Donham said that the remains were disturbed from their in situ location. In this case, relocate as close as possible to the original location. To make a request to the HIBC to preserve in place when nothing is in place, how can the HIBC make a determination to preserve in place. The remains were found in back dirt piles.

Haun said that this is the result of judicial action.

Donham said that the iwi were removed and not in place, it would be relocation to that spot. If you excavate and you find iwi, and you leave it there, then it is in place.

Haun suggested that maybe it should say preserve in approximately the same place.

Donham said if it is disturbed, you are relocating it, you are not leaving it in the back dirt pile, you are relocating it to the place you think it came from.

Young and Elarionoff said that the council does not want to get mixed up with the language.

Roy Helbush (Helbush) referring to figure 2, asked if Haun was going to provide another map, showing where the easement is and where the no build line will be; the 20 ft. buffer with the additional 10 ft. no build zone.

Moku said that the access to each gravesite generally speaking will be through the association easement.

Young **recommended** that the access be depicted on a map with the 20 ft. buffer with an additional 10 ft. no build zone.

Moku said that the 20 ft. buffer has been appropriate for all burial sites on the island. He will support the 10 ft. open space if it applies to every other land owner. Moku did not

want Hokuli`a singled out and held to a different standard. Adding an additional 10 ft. no build zone becomes a 30 ft. buffer. Moku asked if there is a standard for the island.

Young said that buffer size has evolved. Buffers used to be to the exact burials and then to the burial site. The 20 ft. buffer came from a working relationship with the developer and descendants. The HIBC has in the past made recommendations bigger. The 10 ft. no build zone was added, because people were building right up to the 20 ft. buffer. Runoff from peoples roofs became a problem. The HIBC makes recommendations and they have been met by Hokuli`a as it has evolved as well. The Council has been consistent because the buffers have developed over time.

Nazara agreed that the council is not singling out Hokuli`a.

Curtis Tyler (Tyler) said that he received a copy of the BTP. Tyler is in general agreement with the BTP with some additions. There needs to be a gate to facilitate the access in the BTP. Tyler agreed that the iwi should be reinterred in place, as close as they can be to their original location. To do a burial during the day or night should be determined by the majority of the descendants who will participate. Tyler suggested to the council to consider recommending a 10 ft. no build setback, to not build right up against the buffer. Tyler said that he has been consistent in asking for the 10 ft. no build zone. The burial sites at Hokuli`a have not been singled out. Tyler said that the provisions of the BTP need to be incorporated into a deed to run with the land. There should be no approvals until these documents are recorded. Tyler said that his comments for agenda item III B. and C. would be similar.

Ruby McDonald (McDonald) wanted to know what is recorded in the Bureau of Conveyances (BOC) and what process does the Dept. follow in order to do this.

Machado said that she sends the BTP approval letter to Kaleo Paik (Paik) and Paik completes the process.

Young suggested language that is standard and included in the BTPs that the property deed (s) will be recorded in the BOC within 120 days.

McDonald said that her question is what does the Dept. record when they record the BTP with the BOC.

Donham said that the BOC did not want the whole BTP so they would send in an in situ burial agreement which was a separate document from the BTP. The in situ burial agreement would have the metes and bounds description, with language describing restrictions and covenants attached to the deed. The staff were all told that Paik is responsible for the recording of BTPs with the BOC. She prepares the in situ burial agreement with the land owner. Before, BTPs were prepared with the document inside and it went to the BOC as part of the whole process.

Rowena Somerville (Somerville) read 13-300-38 (g).

McDonald said that the Burial Councils must have a summit to go over the administrative rules. It has been over 20 years and it needs to be amended.

Young said that it is very clear in 13-300-38 (g) that it is the Department that is responsible for recording in the BOC.

Tyler said that in 13-300-33, if the council has concerns, then under paragraph 14, any other information that the Council deems necessary to make a determination.

Young said that he had this conversation with Vince Kanemoto (Kanemoto) about the council requesting information. Kanemoto said, of course you are allowed to ask for information, but if it is not there, that does not mean you do not make a decision.

Young asked staff to check if BTPs are being recorded in the BOC. If not, the State is in violation.

Somerville said it is considered preserve in place in its original area.

Young said that the BTP is up for determination so the 45 day clock starts today.

Helbush and Young said that the **recommendations** are, an additional 10 ft. no build zone, the gate location, the consultation questions to descendants, the easement drawn in, and to check on the certified list, for Aunty Pele.

Moku agreed that he will come up with language that would be in a BTP for recordation with the BOC.

**A motion was made to defer agenda item III A.
(Elarionoff / Helbush)**

VOTE: ALL IN FAVOR

**B. A BURIAL TREATMENT PLAN FOR SITE 16386-A, HOKULI A
SUBDIVISION, LAND OF ILIKAHI, SOUTH KONA DISTRICT,
ISLAND OF HAWAII, TMK: (3) 8-1-004:003**

Information / Discussion / Determination: Presentation and discussion by
Alan E. Haun, Ph.D., Haun & Associates.

Haun said that Site 16386-A, consists of a platform documented by the original inventory survey by Cultural Surveys Hawaii in 1997. The platform was subjected to subsurface testing in that context of that inventory survey. During this excavation they discovered a sealed crypt. The site is recommended for preservation in place and the BTP has been prepared for 1250 OP. This plan calls for the establishment of 20 ft. buffers surrounding the site.

On February 28, 2002 scattered human remains were observed outside the enclosure to the west during monitoring of vegetation clearing as depicted on page 3. Figure 2 at the top of the page, there is a preexisting burial site. These new remains were found just

outside and to the south of the gate. Following consultation with SHPD, the extent of the burial site was designated Feature A of site 16386. It was determined by the excavation to be an area of 40 square meters. This excavation identified some in situ burial, which were left undisturbed. All the remains that were recovered during the screening process were placed in paper bags. All of the remains were wrapped in muslin and left on site, protected by plastic and tarps. Orange plastic fencing was erected at a 20 ft. buffer around the remains. We provided a consultation packet mailed to 123 descendants, 21 provided comments. In general, the descendants who responded were in support of preserving the burials in place. Site 16386-A is treated as “previously known.” 1250 OP proposes to reinter the displaced remains and the recovered remains in the original site with the intact portion of the burial that is present. Reconstruction of the burial site will consist of refilling excavation area surrounding the intact remains with topsoil to the pre-existing ground surface elevation. Scattered bone collected during excavation will be re-interred adjacent to the intact remains. This plan also has the same language regarding re-interment at night.

Elarionoff asked why square walls for buffers.

Moku said that there is no standard.

Elarionoff asked once the walls are drawn in square, is it mandated in.

Haun said that he thinks there is flexibility.

Helbush **recommended** a map with the easement for access, drawn in.

Young asked if the remains are two or more individuals in one area.

Haun said that he can revisit the records if there is more than one individual present.

Young said that the same concerns that the HIBC had before would apply, regarding: PCSA, the 10 ft. no build zone.

Young asked if this is the site that sustained damaged by runoff during the big rain which exposed the iwi in September 2000.

Moku said that he can check on it.

Moku asked about the draft language, if PCSA should be organized as well.

Young said no, he was thinking about access and permission. PCSA should be involved for continuity. Young asked if Moku can draft some language for recording in the BOC, so that the agreement would be in the BTP, but the State is responsible for recording.

Leslie asked how does the BOC question get resolved.

Tyler said that if it is part of a BTP, and goes through the council, then the BTP goes back to the division. The division takes action according to the rules and ensures the

necessary documentation, easement, and conditions of burial preservation. The copy goes back to those who prepared the document so that it is on the deed, the owner of the property. A copy is sent back to the Department to go in a file. Tyler said that he will ask Paik about recording in the BOC.

Young said that if the language is in the BTP, the council can make a recommendation that the State record with the BOC within a time frame.

Machado said that she and Davis had concerns about people stepping on the iwi with the current location in front of the gate.

Elarionoff said that he did not feel that there would be a problem with the gate location.

Young said that unless you delineate the context of the burial someone can still walk on it. It looks like the burial is right in front of the gate.

Moku agreed to site presentation so that the iwi will not be walked on.

Donham asked how deep is the in situ burial, because it was disturbed by people walking or building a rock wall, it might be pretty shallow.

Haun said probably.

Donham asked if the plan is putting soil on the surface, how much soil will be on the burial.

Haun said that they did not specify the mechanics of how all this will take place. Haun said that he can check the excavation records but this has to be worked out with protocol and the descendants as well.

Young asked if they planned to contact descendants before next month's meeting.

Moku said that it is a possibility.

**A motion was made to defer agenda item III B.
(Elarionoff / Helbush)**

VOTE: ALL IN FAVOR

C. A BURIAL TREATMENT PLAN FOR SITES 21840, 24103, 24107 AND 24114 HOKULĀ SUBDIVISION, LANDS OF HALEKŪI, HOKUKANO 1 AND HONUAINO 3, NORTH AND SOUTH KONA DISTRICT, ISLAND OF HAWAII, TMK: (3) 7-9-012:004, 011; TMK: (3) 8-1-027:010
Information / Discussion / Determination: Presentation and discussion by Alan E. Haun, Ph.D., Haun & Associates.

Haun said that the BTP is for four sites. Site 21840 is a lava blister, located in House Lot 50 in Development Phase 1. 24103 feature A is a terrace, feature B is pavement, located

in proposed house lots in Development Phase 3. Site 24107 is a terrace, located in proposed house lots in Development Phase 3. Site 24114 is a platform, located in proposed house lots in Development Phase 3. Site 21840 was identified in July 2002 during archaeological monitoring. The burials with the remaining features were identified during subsurface testing by Haun & Associates in 2003 and in 2006. Sites 24107 and 24103 feature A, two episodes of testing in 2003 immediately before the project was shut down. All of these test units have been back filled and the surface structures have been reconstructed with the direction of SHPD. As part of the consultation process, packets were prepared and mailed to 123 descendants. Twenty descendants returned the comment forms for the plan. In general, the descendants who responded were in support of preserving the burials in place. For the purpose of this BTP, the burials are treated as “previously known.” The proposal is for 20 ft. buffers, with the same restrictions. Access provisions as well as short term preservation measures identical to the two preceding BTPs.

Moku said that Sites 24103, 24107, and 24114 are in Phase 3 of the development. Site 21840 is in Phase 1 where the lots are designated. For Phase 3, the lots are not yet confirmed.

Leslie asked how many lots are there.

Moku said around 668. Phase one has about 260 lots. Phase two has about 96 lots. They are acre lots.

Elarionoff asked for clarity of archaeological words used in the BTP.

Elarionoff asked about the 20 ft buffer being established around the perimeter of the burial site/features.

Haun said that in this case it is surface features so it would be something larger. The buffer would start at the exterior edge of this surface feature.

Helbush asked questions about buffers and access.

Moku said that 1250 OP maintain all the burial sites at Hokuli`a. The access is already there with paths to each of the burial sites. When the BTP is approved, the buffers will go up.

Young said that there are 3 different TMKs under one BTP. Sites 24114, 24103, and 24107 are in large TMKs which will be subdivided. Once you subdivide, the TMK will be different. There is no context on how you plan to subdivide the lot. The concern is that once there are new TMKs how does the BTP run with the new TMK. The council can make recommendations for the developer to come back once they delineated a subdivision.

Hanoa asked about Hokuli`a's development phases.

Moku said that the development has three phases. All of the field excavation work is finished. These three sites were recognized some time ago.

Young said that 21840's 70 ft. buffer, straddles two lots. If the lot next door is developed first, how is the 70 ft. buffer going to be maintained. The next lot is not included in this BTP.

Moku said that when a lot owner builds on his lot, there is a potential improvement area. That entire area needs to be chain link fenced by the general contractor.

Young asked how does the lot owner know not to bulldoze up to the edge of his lot.

Haun said that there would be t-posts.

Young asked if the t-posts will be there before there is clearing on the lot next door.

Moku said that he believes so. The chain link fence is going to go up during the course of construction.

Young asked if Hokuli`a would notify the lot owner next door of the 70 ft. buffer.

Moku said that the lot owner would already have this particular lot improvement plan through formal notification.

Young said that the council would like to review the two TMKs: (3) 7-9-12: 4, and 11 after the subdivision lines are drawn. The council cannot see boundaries or make recommendations.

Machado said that she and Davis would like the access easement to be drawn in for Site 21840. Also, buffers drawn in for the three other sites included in the BTP.

Leslie suggested the BTP be in color, it would be easier to see.

Donham asked if the council was requesting to separate out the one burial site that is in a subdivision into a separate BTP from the other three sites.

Young said yes, two separate BTPs.

Young asked if Moku could work on the covenants and to include the 10 ft. no build zone.

Moku agreed to work on the draft language.

**A motion was made to defer agenda item III C.
(Elarionoff / Helbush)**

VOTE: ALL IN FAVOR

IV. CASE UPDATES

Kanupa Cave

Young said that he had correspondence from Bishop Museum and emails from Halealoha in regards to items that were in Kanupa Cave and repatriation.

Handouts were given out. Young read the correspondence.

Young said that he believed the items were overlooked in the first repatriation. The question is, does the council want Hui Malama to take possession of the items on behalf of the HIBC. In an email from Halealoha, he says let's continue the repatriation, on behalf of Hui Malama.

Young said that it appears that the Bishop Museum still had some of the artifacts from the Kanupa Cave in its possession. They were not repatriated the first time in 1997, so they would like to repatriate those and it would complete the inventory.

Young said that if the question from Halealoha is to repatriate the artifacts, to say to the museum to repatriate, is that what the council wants to do. Consistent with what happened in 1997 when they repatriated on behalf of the burial council. The court might be referring to the legal charges filed, the prosecution of the persons and the items were being held as evidence.

McDonald said that the council in 1997 had no say. Eddy Ayau (Ayau) came in and I went along with him not understanding fully. Today looking at all of this, it is not very clear.

Young said that his understanding is that Hui Malama put it back in the cave and someone stole it.

Young said that he will follow up with Ayau.

Pu`uanahulu

Machado invited the council to a site inspection at Bill Boyle's property on July 24th. On the prior site visit, there was only enough time to visit one of the four burial sites.

Kukuiope

Donham explained that we asked for a lot of changes in the BTP. For the burial preservation plan, we asked them to clarify and include all the associated non burial components so it is clear how they sit in relation to the burials. We asked for other changes as well as restoring the damage from the machine.

Young asked if the work that they did kept to the original BTP.

Donham said that all the damage that was done was before the BTP was approved. The owner had no approved plan and the archaeologist was not aware that the owner sent someone in. There is a big misconception that those machines do not cause damage.

Young said that he wondered about willful intent to find a loop hole. What they did is far different then what is represented in the BTP.

Donham said that they did go into preservation zones because there were no fences up.

Elarionoff said intent no matter because they damaged the site, they did it.

Young asked if there are any penalties, did they break the law.

Donham said that there were no approvals for the preservation plans.

Somerville suggested having DOCARE involved.

Donham said that DOCARE did an investigation.
There was one preservation site that was damaged on one side.

Elarionoff said that rocks were put back with the moss on the wrong side.

McDonald said that she knows this was intentional because the guy was trying to get subdivision approval in a zone with no water.

Young asked if the council can see a copy of DOCARE's report.

Dean Kaiawe

Machado said that the last time she spoke with Dean Kaiawe (Kaiawe) he was told by Pua Aiu (Aiu) and Kanemoto that he needed to follow up with the HIBC for a response. Kaiawe wants a letter from the Department stating their position, whether the cemetery is under the Health Department or SHPD's jurisdiction. He was told by Aiu and Kanemoto that his family cemetery is the Health Department jurisdiction.

Young said that his concerns are if the burials are safe and does Kaiawe have access. Kaiawe does not have access.

Young said that the last time Kaiawe came before the council, the council did not know if they had jurisdiction or not. If the council is the right body for him to be before, then the council should afford him that opportunity.

Machado said that she will contact Kaiawe.

Allen Lot

Leslie asked if there were any burials on the Allen Lot next to the King Kamehameha Hotel.

Donham said that the dept. has had about three or four site visits to that property. The Planning Department issued them an exemption to a SMA permit. SHPD can comment on the demolition permit, which would allow conditions to be added. As far as known burials, the owners in the late 80's had an archaeologist do a survey and they did find scattered remains on the beach. That report was never submitted to our office because they never went forward with the permit. They recently hired Bob Rechtman (Rechtman) to do an inventory survey. He is attaching the old report to the one he will be submitting so we will have both of them. He is doing some subsurface testing, by hand. The old maps show a lot of structures in there, some being ancient Hawaiian structures. We are not finished with the review of that permit, and we requested that Rechtman submit a report on his findings of his subsurface testing before we sign off on that permit.

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

VOTE: ALL IN FAVOR

V. HAWAII ISLAND INADVERTENT DISCOVERIES

A. Old Kona Airport Recreation Area Keahuolu Ahupua`a, North Kona District, Island of Hawai`i Information

McDonald said that the Ahupua`a for the Old Kona Airport is Lanihau, not Keahuolu. She said that the fence runs across the entire strip of the airport and that is Lanihau. It comes strait down then goes along the shoreline.

Machado said that children were digging in the sand about one foot down, when they uncovered iwi. The children were digging between the high and low tide mark. DOCARE was called, they covered up the iwi, the iwi was left in place.

McDonald said that she had concerns about high seas or someone else digging up the iwi again.

Donham said that it was about eighteen inches under the sand. The area was in the surf and the tide was coming in. The sand would have come in as fast as we took it out. We did not have an exact location.

B. Pahoehe 2 Ahupua`a, North Kona District, Island of Hawai`i TMK: (3) 7-7-08: 21 Information

Machado said that Haun was doing data recovery near a preservation area with known burials when the iwi was discovered. There is a rock wall between the preservation area and the data recovery location.

Donham said that we requested Haun to do a test in another area and a second burial was discovered. The second burial should not be an inadvertent because we told them exactly where to dig. It was a site that was interpreted to be a habitation site, a complex with a number of different platforms.

Young asked if it would be previously known.

Donham said that that is an AG question. The first burial was found during data recovery, the second burial was found at our request for additional testing.

Young asked if this is the Kingman property and if there was a draft BTP proposed.

McDonald said that there is a BTP for Kingman.

**A motion was made to close agenda item V.
(Helbush / Elarionoff)**

VOTE: ALL IN FAVOR

VI. DISCUSSION ON CORRESPONDENCE

VII. ANNOUNCEMENTS

Leslie said that he is running for State House Representatives for the 6th District.

VIII. ADJOURNMENT

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

VOTE: ALL IN FAVOR