

**CULTURAL RESOURCES COMMISSION
COUNTY OF HAWAII**

**DRAFT MINUTES
May 13, 2026**

MEETING LOCATION:

Hybrid in-person and interactive video conference through Zoom with live observation through YouTube. The in-person location was held at the Hilo Planning Department Conference Room, 101 Pauahi Street, Suite 3, Hilo, HI 96720.

The full YouTube video of this hearing can be found here:

<https://www.youtube.com/live/gWwPMgd49UQ>

COMMISSIONERS PRESENT:

Via Zoom: Matthew Clark (Chair), Desmon Haumea (Vice Chair), Darde Gamayo (left at 11:05 a.m.)

Kealohanuiopuna Kinney, Janet Six

In Person: Aaron Spielman

ALSO PRESENT: Jean Campbell, Deputy Corporation Counsel; Bethany Morrison, Planning Program Manager; Kim Tanaka, Planner IV; Jeffrey Deason, Planner VI, and Jessica Andrews, Planner V.

Chair Clark called the Cultural Resources Commission (CRC) meeting to order at 10:17 a.m. A quorum was established with six members in attendance. It was announced that pursuant to Act 220, Session Laws of Hawai'i 2021, which amended the Sunshine Law to allow meetings to be remotely conducted online, effective January 1, 2022, the Cultural Resources Commission meetings will be held online, with an in-person location for the public to provide testimony. The meeting can be viewed live online, and a link to YouTube can be located on the County website, as well as links to reports and surveys reviewed at this hearing. Commissioners were reminded that only one person may speak at a time and were asked to raise their hands to be recognized before speaking.

Commissioners introduced themselves and staff introductions were made. All members reported being alone at their location except for Commissioner Haumea, who identified one individual.

There were no addendums or supplemental agenda items.

STATEMENT(S) FROM THE PUBLIC

Confirmation with staff determined that no written testimony was received, and no members of the public registered to provide verbal testimony.

NEW BUSINESS OF THE COMMISSION

1. Hale Nanea Proposed Amendment to Condition L of Ordinance 15-104 (PL-CRC-2026-000044)

Request by the Planning Director for the Commission's review and recommendation on matters of cultural significance relating to Condition L of Ordinance 15-104. Condition L requires identification of an entity responsible for the management and care of archaeological and cultural features on Parcel 54 and conveyance of Parcel 54 to the identified entity.

Location: Auhaueae 1st, North Kona, Hawai'i

TMKs: (3) 7-5-009:067 & 7-5-009:054

[SEE YOUTUBE TIMESTAMP – 7:16] Chair Clark called this agenda item to order at 10:22 a.m.

Mr. George Baker, landowner, and Ms. Betty Paluzzi, CFO was present via Zoom.

There were no members of the public present and no public testimony provided.

[SEE YOUTUBE TIMESTAMP – 8:12] Chair Clark disclosed that he worked on the archaeological survey related to the property in 2004 for a different entity. Ms. Campbell advised that provided he believed he could remain fair and impartial in evaluating the matter, there would be no conflict of interest. Chair Clark confirmed.

[SEE YOUTUBE TIMESTAMP – 8:38] Mr. Baker provided a PowerPoint presentation for the Commission.

[SEE YOUTUBE TIMESTAMP – 19:47] Commissioners entered into the discussion portion of the hearing, and asked questions of Mr. Baker. Chair Clark expressed concern regarding the financial burden that may be placed on the entity and suggested creating a partnership between the homeowner's association (HOA) and a nonprofit group. This partnership could assist with both the physical groundwork and the financial responsibilities related to maintaining the property.

Commissioner Six concurred and added that many preservation efforts on Maui are supported by HOA funding. She also expressed the importance of lineal and cultural descendants' involvement in the discussion. She reiterated for emphasis that the landowner should be the principal source of funding and supports a partnership with the HOA.

Mr. Baker responded that he would not be opposed to this, but would need to understand the dynamics, identify the entity, then create a budget to include in the covenants, conditions and restrictions (CC&R).

Commissioner Kinney expressed appreciation for Mr. Baker's presentation and preservation efforts. Regarding the suggestion offered by Commissioner Six, he provided an example of a partnership with Hōkūle'a Development and a parks association, partially funded through fees. The lineal descendants were integrated in caring for the cultural properties located on the property, creating a successful partnership and preservation effort. Commissioner Kinney stated that he is happy to provide the contact information for the director of the program to Mr. Baker. Mr. Baker requested the information be emailed to him.

Commissioner Haumea inquired whether Mr. Baker reached out to any nonprofit or culturally based organizations in Kona. Mr. Baker responded that he has not recently. He reported that just before the COVID pandemic in 2018, 2019, he was working with a couple of individuals, but since then has not been in contact with them. He expressed that he feels it is important to identify the right party and wants to ensure that he is doing what is right.

[SEE YOUTUBE TIMESTAMP – 29:09] Ms. Andrews clarified that Condition L is a rezoning condition in Ordinance 15-104 approved by the County Council that requires the identification of an entity. Once the entity is identified, the area will be conveyed to the entity for a dollar. If the recommendation from the Commission is to modify the condition it would be up to the Director to support or not and would be sent back to County Council for review.

[SEE YOUTUBE TIMESTAMP – 30:25] Chair Clark asked if the conveyance would prohibit financial support from the homeowners for the care of the property. Mr. Baker responded that it would; they would need to convey it to the homeowner's association and the nonprofit jointly. An HOA cannot pay a non-profit to maintain a property; the HOA is strictly intended for the property that owns.

[SEE YOUTUBE TIMESTAMP – 31:32] Ms. Andrews noted that the condition does not specifically require a nonprofit organization; rather, the entity must be selected with input from the Native Hawaiian community and approved by the County Council.

For clarification, Mr. Baker stated that he is currently caring for the Kuakini Wall and the burial site. It is budgeted for and is in his CC&Rs.

Ms. Andrews stated that the condition runs with the land and lives within the Rezone Ordinance. She emphasized that the condition should be crafted to accommodate both the applicant's proposal and any future ownership scenarios, since the rezoning does not approve a specific development project. Any modification to the condition would require further review and approval, and the responsible entity must be capable of managing the preservation area long-term.

Chair Clark ask for clarification regarding the entity, an inquired if the entity could be the Public Access, Open Space, and Natural Resources Preservation Commission

(PONC). Ms. Andrews responded that the condition does not specify; it states that it needs to be an entity that was decided upon with the input from the Native Hawaiian community and approved by the County Council.

Chair Clark inquired when the transfer would take place once a group has been identified. Ms. Andrews clarified that the condition in the Ordinance specified that within one year of the effective date of the amendment the applicant shall identify the entity and then within 60 days of identifying the entity, the area would be conveyed to the entity for one dollar. The deadlines were specified in the 2015 amendment but were not completed. Mr. Baker stated that at that time, Curtis Tyler recommended that the association maintain the property due to the monetary issues with input from a descendant group. In this scenario, the property would be owned by the HOA and responsible for maintaining the property as advised by the descendants.

[SEE YOUTUBE TIMESTAMP – 40:16] Chair Clark stated that the commission is not yet ready to identify an appropriate entity, noting the need for input from the local community. While the HOA may be a viable option and the funding appears favorable, more time is needed to gather feedback and carefully consider potential partners.

[SEE YOUTUBE TIMESTAMP – 41:28] Ms. Morrison stated that if the commission would like to seek input from lineal descendants who have been involved in the process, staff can assist in inviting them to a future CRC meeting to provide their perspectives. Alternatively, the CRC may form a Permitted Interaction Group (PIG) to meet with descendants and report back to the commission.

[SEE YOUTUBE TIMESTAMP – 42:23] Deputy Corporation Counsel Campbell offered that commissioners could independently reach out to community members and stakeholders outside of the meeting and report their findings back to the commission. She noted that forming a PIG may not be necessary, as individual commissioners could gather information separately, allowing for a more efficient process while still obtaining valuable community input.

[SEE YOUTUBE TIMESTAMP – 43:36] Vice Chair Haumea moved to invite lineal descendants to attend the commission's next meeting to share their perspectives, thoughts, and potential solutions regarding the matter under discussion. The motion was seconded by Commissioner Kinney. A roll call vote was taken and passed unanimously with six ayes (Haumea, Kinney, Gamayo, Six, Spielman, Clark).

2. Discussion and possible action regarding lava tubes, caves, and the protection of associated cultural resources, including the possible establishment of a Permitted Interaction Group.

[SEE YOUTUBE TIMESTAMP – 47:20] This agenda item was called to order at 11:02 a.m.

There was one member of the public in attendance. No public testimony was provided.

[SEE YOUTUBE TIMESTAMP 47:53] Commissioner Kinney began his presentation by stating that this agenda item is intended to support a broader discussion about guidance, consultation, cultural protocols, and protection pathways for lava tubes, caves, and associated cultural resources. He shared a case study, the Haleki'i cave, to help illuminate gaps in the current cave protection act. He expressed that caves are more than just geological features, they may also be integrated biocultural archives that preserve ecological, cultural, archaeological, paleontological, and environmental records. The Hawaii Cave Protection Act, Chapter 6D, is an important recognition of cave resources, however, there are limitations to preservation, and particularly when a cave is discovered inadvertently.

A PowerPoint presentation was provided about the artifacts that were discovered, what was learned from space, and the research conducted on this project area.

Commissioner Kinney concluded his presentation by raising questions for the commission's consideration, including what guidance should be provided when caves are discovered during development, who should be consulted in such situations, what cultural protocols should apply, how developers can be better informed about potential cave resources, and whether the commission should establish a working group to develop recommendations, policies, or guidance for the protection and stewardship of lava tubes, caves, and associated cultural resources.

[SEE YOUTUBE TIMESTAMP – 1:15:56] Commissioner Gamayo expressed great interest in this topic and wonders how many caves and the resources they hold are lost to development. She thanked Commissioner Kinney for this conversation and supports providing guidance on the protection of these resources.

Commissioner Gamayo left the meeting at 11:05 a.m.

Vice Chair Haumea expressed gratitude, excitement, and support for this agenda item. He cautioned, however, that these resources are sensitive, and does not wish to expose specific locations in fear of irreparable damage.

Commissioner Six stated that she is very excited about this discussion. She mentioned similar issues have occurred in Hana, Maui. She expressed that the legal protections that are currently in place are weak.

Chair Clark echoed Commissioner Six's sentiment that the current protections for lava tubes and caves lack strength and there is a huge gap in protecting these resources. He has reached out to many agencies to assist with protection in the past, but they denied jurisdiction and responsibility. The CRC can assist the County with providing

guidance for consideration such as steps to take, ways the CRC and lineal and cultural descendants can get involved, among other things.

[SEE YOUTUBE TIMESTAMP – 1:39:50] Vice Chair Haumea made a motion to form a Permitted Interaction Group (PIG) to investigate and discuss this matter further. The motion was seconded by Commissioner Six. A roll call vote was taken and passed unanimously with five ayes (Haumea, Kinney, Six, Spielman, Clark).

Chair Clark stated that at this time the Commission must establish the members of the Permitted Interaction Group (PIG) of up to four members. Members who expressed interest in participating in the PIG were Commissioner Kinney, Vice Chair Haumea, Commissioner Six. Chair Clark stated that although absent, Commissioner Gamaio seemed passionate about this agenda item, and he wished to extend the opportunity to her. If it is determined that she does not wish to participate, he stated he will substitute on her behalf.

[SEE YOUTUBE TIMESTAMP – 1:46:38] Ms. Campbell announced that PONC will evaluate acquisition proposals at its July 13 meeting and encouraged public testimony in support of preserving Haleki'i Cave. She described the cave discovery as an extraordinary scientific and cultural finding, praised the collaboration among stakeholders, and noted that the discovery highlights gaps in existing laws and policies regarding cave protection. She also offered her assistance with developing recommendations and guidance for cave preservation and management.

ADMINISTRATIVE MATTERS

1. Approval of minutes for the meeting held on March 11, 2026.

[SEE YOUTUBE TIMESTAMP – 1:52:24] A motion was made by Vice Chair Haumea and seconded by Commissioner Six to approve the March 11, 2026, meeting minutes as circulated. No discussion occurred. The minutes were approved without opposition with a unanimous aye voice vote.

2. Planning Department Staff Updates

[SEE YOUTUBE TIMESTAMP – 1:52:46] Ms. Morrison announced that the National Alliance of Preservation Commissions will be hosting a national conference for historic preservation boards and commissions in Minneapolis in July. She reported that efforts are underway to secure funding for at least two commissioners and potentially two staff members to attend and stated that additional information would be provided as funding options are finalized.

Ms. Morrison informed the commission that the State Historic Preservation Plan is currently available for public review and comment, with the comment period closing on May 29, 2026. She apologized for inadvertently omitting the item from the meeting

agenda and advised that commissioners could submit comments individually or, if desired, hold a special meeting before the deadline to develop and submit comments on behalf of the commission.

Ms. Morrison reported that legislation was passed during the recent legislative session amending Chapter 6E to allow the State Historic Preservation Division (SHPD) to conduct phased project reviews through executive programmatic agreements between the department and property owners. She explained that the amendment is intended primarily for large-scale projects, such as transportation corridor and rail projects, where reviewing an entire project area at one time may be impractical. The change will allow historic preservation reviews to proceed in phases as projects advance.

Ms. Tanaka reported that the Mayor's Office had no new updates regarding appointments at this time. However, she shared a message from the Mayor's Office noting that it oversees and supports more than 35 active boards and commissions and is continually accepting applications from interested individuals. She stated that the office is currently reviewing applicants and hopes to bring forward a nominee in the near future. Ms. Tanaka also relayed that Micah Alameda from the Mayor's Office is available to speak with commissioners and encouraged members to contact him directly if they wish to discuss board and commission matters.

Next meeting tentatively scheduled for Wednesday, June 10, 2026.

There were no additional announcements.

ADJOURNMENT

There being no further business, a motion to adjourn was made by Vice Chair Haumea and seconded by Commissioner Six. The meeting was adjourned at 12:13 p.m. with a unanimous aye vote.

Respectfully Submitted,

Shantel Miller
Board Secretary

A T T E S T :

Matthew Clark, Chairman
Cultural Resources Commission