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GOVERNOR OF  
HAWAII



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COMMISSION ON WATER RESOURCE MANAGEMENT

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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD, STE 555  
KAPOLEI, HAWAII 96707

**MAUI / LĀNA'I ISLANDS BURIAL COUNCIL**  
**MEETING MINUTES**

DATE: September 20, 2017  
TIME: 9:00 AM  
PLACE: County of Maui, Planning Commission  
Conference Room  
Kalana Paku'i Building, 1<sup>st</sup> Floor  
250 S. High Street  
Wailuku, Maui, HI 96793

**I. CALL TO ORDER**

The Burial Council Chair Kapulani Antonio called the meeting to order at 9:00 AM

**II. ATTENDANCE:**

Members: Kapulani Antonio - Chairperson  
Dane Maxwell – Vice Chairperson  
Kaheleonalani Dukelow  
Johanna Kamaunu  
Scott Fisher  
Leiane Paci

SHPD Staff: Kealana Phillips, Maui Burial Site Specialist  
Ikaika Nakahashi, Cultural Historian  
Hinano Rodrigues, History and Culture Branch Chief  
Barker Fariss, Maui Lead Archaeologist

Excused: Sol Church  
Nani Watanabe  
Kalani Ho-Nikaido

Guests: Cecilio Rosaga – Descendancy Recognition (Princess Lehuanani)  
Doreen LaBatte – Descendancy Recognition  
Varcus LaBatte – Descendancy Recognition

### III. APPROVAL OF MINUTES

#### A. June 21, 2017

- Council member Kahele Dukelow move to accept June Minutes
- Council member Dane Maxwell second
- All aye; no nay
- Motion is carried to accept minutes as presented

#### B. July 19, 2017

- Council member Kahele Dukelow move to accept July Minutes
- Council member Scott Fisher second
- All aye; no nay
- Motion is carried to accept minutes as presented

#### C. July 19, 2017 Executive Session Minutes

- Council member Kahele Dukelow move to accept Executive Session Minutes
- Council member Scott Fisher second
- All aye; no nay
- Motion is carried to accept minutes as presented

### IV. BUSINESS

#### A. Cultural Descendancy Recognition of Princess Lehuanani Kumaewakainakaleomomona to Unidentified Human Skeletal Remains Found at 0 Front Street, Moku'ula, Loko O Mokuhinia Malu Ulu O Lele Park, Ahupua'a of Waie'e, Lāhainā District, Island of Maui TMK: [2] 4-6-007:002

**Discussion/Determination:** Discussion and determination whether to recognize the above individual as a cultural descendant to unidentified human skeletal remains at the above location

- Recommendation by the Department is to defer item pending applicant providing further genealogical evidence.
- Community member Cecilio Rosaga (son of Princess Lehuanani) address the council
- Mr. Rosaga, representing his mother, would like clarity in terms of what documents need to be provided to ascertain Descendancy recognition
- Burial Specialist Kealana Phillips address the council. Mr. Phillips explained that this is the second-time item is on the agenda. Initially on agenda for determination on June 21, 2017 meeting. At that meeting, applicant did not

turn in any/enough supporting documents to allow for SHPD to provide a recommendation to council. SHPD asked applicant to submit more docs. Since that meeting, SHPD has met with Princess Lehuanani (Oahu), and has received supporting docs.

- Mr. Phillips goes on to explain that supporting docs indicate that great-grand parents are buried in Lāhainā. However, prior to this meeting, SHPD was not able to verify applicant's ancestors are buried in the ahupua'a in questions.
- Mr. Phillips explains that in order to be recognized as a descendant to a set of human skeletal remains, applicant must provide evidence that they have genealogical connections to an ancestor who once resided in, or is buried in, or both, the ahupua'a of Waie'e (or in close proximity). Hawai'i Administrative Rules §13-300-35. An ancestor is defined as "one from whom a person is descended and who is usually more remote in the line of descent than a grandparent."
- At this time, SHPD is unable to verify info and thus request council to defer application pending verification of location of applicants deceased great grandparents.
- History and Culture Branch Chief Hinano Rodrigues clarifies that the Moku is Lāhainā, ahupua'a is Waie'e. With respect to Descendancy recognition, applicant must provide connection to ahupua'a. However, in this case, because the boundaries between ahupua'a in this part (Waiokama, Waie'e) are blurred and clear, the department will accept genealogical docs that connect applicant to ahupua'a in question (Waie'e) or ahupua'a in close proximity.
- Mr. Rosaga asked if applicant were to prove that ancestors resided, not just buried in ahupua'a, would that suffice?
- Mr. Phillips replied "yes"
- **Motion by Council member Dukelow to defer cultural recognition until which time, SHPD can verify information already provided, or when SHPD receives further information.**
- **Council member Leiane Paci second motion.**
- **All aye; no nay**
- **Motion is carried**
- Mr. Rosaga wanted clarification about timeline for turning in supporting docs, getting on the agenda.
- Mr. Phillips replied that agenda is made two weeks prior to meeting (finalized one week prior). The sooner information is submitted to SHPD the better to allow department ample time to review docs and submit recommendation to council.

**B. Lineal Descendancy Recognition of Doreen L. LaBatte to Identified Human Skeletal Remains Found at 0 Kanaio, Kanaio Ahupua'a, Honua'ula District, Island of Maui, TMK [2] 2-1-002:021**

**Discussion/Determination:** Discussion and determination whether to recognize the above individual as a lineal descendant to identified human skeletal remains at the above location

- Community member Doreen LaBatte address the council
- Burial council chair Kapulani Antonio explained to Ms. LaBatte...
- **Pursuant to §92-3 HRS, all interested persons shall be afforded an opportunity to present oral testimony or submit data, views, or**

**arguments, in writing on any agenda item. Additionally, pursuant to a policy adopted by the Maui Lānaʻi Islands Burial Council at its August 25, 2005 meeting, oral testimony for items listed on the agenda is limited to three minutes per person, per agenda item.**

- Ms. LaBatte explained to the council that the individual buried on the TMK in question is Samuel Kane Paha ʻa who is the great, great, great, grand uncle of the applicant.
- Ms. LaBatte provided written testimony from Antalia Hiwa Kalani Jr. (Uncle Kalani), who is the great nephew of deceased. In that testimony, Uncle Kalani explained that in the 70's, his late brother, Francis Santiago, showed him the location of where S.K. Paha ʻa was buried.
- Ms. LaBatte testified that July 5, 2017, Uncle Kalani and other direct descendants of S.K. Paha ʻa conducted a site visit with members of SHPD, burial sites specialist Phillips and state archaeologist Jenny Pickett. On that day, Uncle Kalani shared the oral history of S.K. Paha ʻa with Kealana Phillips.
- Mr. Phillips reads the departments recommendation. "In this case, the applicant was able to identify an individual that is buried on the property as her great, great, great, grand uncle and provided sufficient evidence that demonstrated direct genealogical connections to those Native Hawaiian Skeletal remains. Based on a review of the submitted information. SHPD recommends that the Maui Lāna ʻi Islands Burial Council recognize Doreen L. LaBatte as a lineal descendant to the above identified human skeletal remains located in the ahupua ʻa of Kanaio."
- **Council member Dukelow move that the council recognize Doreen L. LaBatte as lineal descendant to the identified human skeletal remains.**
- **Council member Dane Maxwell second the motion.**
- **All aye; no nay**
- **Motion is carried**
- Ms. LaBatte had a question about access to burial (on private land).
- Branch Chief Rodrigues explained that in this case, Ms. LaBatte would have to work out access with landowner (Ulupalakua Ranch). If the there was a project going on, Mr. Rodrigues explained that department would have leverage in that, the department would ask for a burial treatment plan to be written, which would have those provisions in the plan.

**C. Lineal Descendancy Recognition of Randall Gilbert Hau ʻoli Konohia to Identified Human Skeletal Remains Found at 22 Waikina Loop, Haiku 96708, Pa ʻuwela Ahupua ʻa, Hāmākualoa District, Island of Maui, TMK: [2] 2-7-006:075**

**Discussion/Determination:** Discussion and determination whether to recognize the above individual as a lineal descendant to identified human skeletal remains at the above location

- Burial sites specialist Phillips address the council
- Mr. Phillips reads letter of recommendation aloud to the council.
- "In this case, the applicant was able to identify the individual that is buried on the property as his great grandfather and provided sufficient evidence that demonstrated direct genealogical connections to those Native Hawaiian skeletal remains. Based on a review of the submitted information, SHPD recommends that the Maui Lāna ʻi Islands Burial Council recognize Randall

Gilbert Hauoli Konohia as a lineal descendant to the above identified human skeletal remains located in the ahupua'a of Pa'uwela."

- Council member Dukelow asked how this burial was discovered.
- Mr. Phillips replied that it is identified by a headstone; burial is located in a family cemetery on land that is not currently owned by applicant.
- Mr. Phillips explained that this burial was originally identified in an AIS. The AIS was done in 2002 so that a house could be built on TMK. No recognized descendants to burial exists.
- **Council member Dukelow move that the council recognize Randall Gilbert Hauoli Konohia as lineal descendant to the identified human skeletal remains.**
- **Council member Scott Fisher second the motion.**
- **All aye; no nay**
- **Motion is carried.**

## V. SHPD/INADVERTENT DISCOVERIES/CORRESPONDENCE

### A. **Training for Maui/Lāna'i Islands Burial Council on membership, roles, and responsibilities.**

**Information/Discussion:** Discussion on the above item.  
**(BRING BLACK TRAINING BINDER)**

- Item moved to the end of meeting; Discussion on inadvertent commence first.
- Burial Specialist Phillips address the council. Mr. Phillips explained that the training will focus on membership, roles, and responsibilities. The training, per Mr. Phillips, will look at the white pages at the front of the training binder, Summary of Laws and Rules pertaining to the Island Burial Councils.
- Council chair Antonio requested that we bypass membership and focus on roles.
- Council chair Antonio read aloud Duties of the Burial Councils found on page 1. HRS 6E-43; HAR 13-300-24; HAR 13-300-28
- Discussion ensued among council members
- Council chair Antonio also read aloud the Introduction, The Burial Council Law, Generally.

### B. **Inadvertent Discovery of Human Skeletal Remains along the coastline, makai of 7299 S. Makena Road, Kihei, reported to the Maui Office of the State Historic Preservation Division on August 2, 2017 Ahupua'a of Mohopilo, Moku of Honua'ula, Island of Maui, TMK: [2] 2-1-006:010**

**Information/Discussion/Recommendation:** Discussion about the above find.

- Burial Sites Specialist Phillips address the council on this discovery
- SHPD Lead Archaeologist explained to the council that the remains in question appeared to be quite polished and sun bleached, meaning that it was probably in the ocean for a long time.
- To clarify fracture, Mr. Fariss stated it happened after the person died. Perhaps from the bone tumbling in the ocean

- C. Inadvertent Discovery of Human Skeletal Remains along the coastline at 0 Waiehu Beach Road, reported to the Maui Office of the State Historic Preservation Division on August 21, 2017, Ahupua ʻa of Wailuku, Moku of Wailuku, Island of Maui TMK: [2] 3-3-001:001**  
**Information/Discussion/Recommendation:** Discussion about the above find.
- Burial Sites Specialist Phillips address the council on this discovery
- D. Inadvertent Discovery of Human Skeletal Remains on the coastline at Puamana Beach Park, 0 Pualei Drive, reported to the Maui Office of the State Historic Preservation Division on August 23, 2017, Ahupua ʻa of Polanui, Moku of Lāhainā, Island of Maui, TMK: [2] 4-6-033:001**  
**Information/Discussion/Recommendation:** Discussion about the above find.
- Burial Sites Specialist Phillips address the council on this discovery
- E. Inadvertent Discovery of Human Skeletal Remains at Kaulahao, reported to the Maui Office of the State Historic Preservation Division on August 29, 2017, Ahupua ʻa of Hāmākuapoko, Moku of Hāmākuapoko, Island of Maui, TMK: [2] 2-6-009:019 and [2] 2-6-009:023**
- Burial Sites Specialist address the council on this discovery
  - Council member Dukelow asked about the status of reinternment?? NAGPRA??
  - Mr. Phillips replied that we are awaiting the official directive from Dr. Downer as to how to proceed (6E or NAGPRA).
  - At this point, Mr. Phillips stated that the department is still conducting monitoring (site visits) to Kaulahao periodically or whenever a call/report comes in to the office.
  - Council member Johanna Kamaunu asked the department if anyone from the Aha Moku has been contacted from that area?
  - Mr. Phillips replied that consultation has taken place with the Aha Moku, among other NHO's.
  - Consultation (through NAGPRA) for possible Kaulahao reinternment occurred between the SHPD and OHA (Kai Markell), Malama Kaulahao (Dana Hall), Hui Alanui O Makena (Dana Hall), MLIBC (Kapulani Antonio) and AHA Moku (Kyle Nakanelua).
  - Council member Dukelow wanted clarification in terms of what will the NAGPRA process do for the iwi?
  - Branch Chief Rodrigues answered that we are not sure what process we are to follow. Both NAGPRA and 6E are similar. 6E is more expeditious; NAGPRA process longer.
  - Lead Archaeologist Mr. Fariss explained that NAGPRA provides vehicle to consult with NHO's about human remains. Upon completion of consultation, Notice of Inventory (NIC) is drafted that contains information such as MNI, where remains found, who was consulted and what the process will be for reinternment. Resolution of what to do with the iwi comes from consultation. That information gets published in the NIC, which gets published in the federal registry. Then, according Mr. Fariss, the public has 30 days to comment.

- Council member Dukelow asked what specific about this case triggered NAGPRA?
- Branch Chief Rodrigues replied that in 2007, amended to NAGPRA law which expanded the authority of NAGPRA over certain institutions, one of which is us. State is recognized as a museum, which is this case is because the state has legal possession and control of human remains.
- Council Chair Antonio proposed the question that if Dr. Downer provides a response that SHPD will follow 6E instead of NAGPRA, what will happen being that NAGPRA was already initiated?
- Burial Specialist Phillips replied that SHPD only conducted the consultation portion of NAGPRA. SHPD did not draft a NIC (did not publish it), which means NAGPRA has not been notified/aware.
- Council member Kamaunu asked the question that why would someone would like to go through the fed process?
- Branch Chief Rodrigues answered that it is not a choice; dictated by law. NAGPRA applicable because department receives federal funds as well as having control and possession of iwi with respect to making the final determination.
- Question is proposed as to why NAGPRA hasn't been followed. Mr. Rodrigues replied that prior to 2007, we did not need to. And after 2007, it was the departments opinion that we did not need to because we have our own laws 6E.
- Council vice chair Dane Maxwell asked what was the reason for amending the law in 2007?
- Lead Archaeologist Fariss replied that NAGPRA passed in 1990. 17 years later, Museums still had remains in their possessions. Idea was that by expanding jurisdiction, human remains would be returned.
- Branch Chief Rodrigues explained that not only will Dr. Downer reviewing the applicability of NAGPRA vs. 6E, the Attorney General will weigh in as well.

Meeting adjourned at 11:06 AM

Minutes by Kealana Phillips. SHPD Burial Site Specialist