

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**HISTORIC PRESERVATION DIVISION
DEPARTMENT OF LAND AND NATURAL RESOURCES**

601 Kamokila Boulevard, Suite 555
Kapolei, HI 96807

**AGENDA
MAUI LĀNA‘I ISLANDS BURIAL COUNCIL MEETING**

DATE: Wednesday, October 20, 2021
TIME: 9:00 AM
PLACE: Online via Zoom

Zoom Meeting Link:

<https://hawaii.zoom.us/j/93430367384>

Meeting ID: 934 3036 7384
Passcode: 131767

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF MINUTES**
 - A. January 15, 2020**
 - B. June 3, 2020**
 - C. June 17, 2020**
 - D. July 15, 2020**
 - E. August 26, 2020**
 - F. September 30, 2020 – Executive Session**
 - G. October 8, 2020 – Executive Session**
 - H. October 28, 2020 – Executive Session**
 - I. February 24, 2021**
 - J. February 24, 2021 – Executive Session**
 - K. April 21, 2021**

- L. May 19, 2021
- M. May 19, 2021 – Executive Session
- N. June 30, 2021
- O. June 30, 2021 – Executive Session
- P. July 14, 2021
- Q. July 14, 2021 – Executive Session
- R. July 28, 2021
- S. July 28, 2021 – Executive Session
- T. August 25, 2021
- U. August 25, 2021 – Executive Session
- V. September 15, 2021
- W. September 15, 2021 – Executive Session
- X. September 29, 2021

IV. BUSINESS

- A. **Descendancy Claim Application of Noelani J. Paresa to Identified Human Skeletal Remains at the Hawai‘i Island Land Trust (HILT) Property, Sand dune above the Waihe‘e Hawaiian Cemetery, Ahupua‘a of Waihe‘e, District of Pū‘ali Komohana, Island of Maui, TMK: (2) 3-2-010: 001.**

Information/Discussion/Recommendation: Discussion and determination on the applicant’s descendancy recognition application to Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever the location or description of a Native Hawaiian burial site is under consideration. The chairperson, by the concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

- B. **Descendancy Claim Application of Foster Ampong to Unidentified Human Skeletal Remains at the Hawai‘i Island Land Trust (HILT) Property, Ahupua‘a of Waihe‘e, District of Pū‘ali Komohana, Island of Maui, TMK: (2) 3-2-010: 001.**

Information/Discussion/Recommendation: Discussion and determination on the applicant’s descendancy recognition application to Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever the location or description of a Native Hawaiian burial site is under consideration. The chairperson, by the concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

C. Soliciting Testimony for the Office of Hawaiian Affairs Burial Sites Working Group (BSWG) Regarding the Care, Management, and Protection of Unmarked Burial Sites
Information/Discussion/Recommendations; Discussion and Receipt of Testimony Regarding the Above Item

If you have suggestions about how the DLNR or the State Historic Preservation Division are fulfilling their legal duties, how burial sites could be better protected, or how the Island Burial Councils could be better supported or improved, your mana'o is valued. The Burial Sites Working Group would appreciate hearing your suggestions, concerns, and specific examples that might guide their work of offering recommendations to the State Legislature.

Background: In response to House Resolution 113 (HR 113) and Senate Resolution 171 (SR 171), the Office of Hawaiian Affairs (OHA) has convened a Burial Sites Working Group (BSWG). One representative from each Island Burial Council serves on the BSWG alongside other members from the State Historic Preservation Division (SHPD, the law school, Huliaupa'a/Kali'uokapa'akai Collective, and the larger Hawaiian community. The BSWG is tasked to do the following:

- a. "Study and analyze the allegations of mismanagement by the Department of Land and Natural Resources' (DLNR's) State Historic Preservation Division" (SR171);*
- b. "Determine a recommended course of action to address and resolve the allegations of mismanagement by the Department of Land and Natural Resources' State Historic Preservation Division" (SR171);*
- c. "Review and recommend improvements to the workings of the Island Burial Councils, which are administratively attached to the State Historic Preservation Division, and how to implement them" (HR113);*
- d. "Determine ways to strengthen protections and improve resources for Native Hawaiian burials" (HR113);*
- e. "Examine ways to improve the implementation of the Island Burial Councils' duties and responsibilities and to better understand and determine their relationship to the State Historic Preservation Division and its management" (HR113);*
- f. "Review existing statutes and administrative rules pertaining to the Island Burial Councils and ways to develop their implementation" (HR113); and*
- g. "Provide recommendations on the development of a statewide survey and inventory that documents historic properties where burial sites exist or may exist, including properties owned by the State or the counties" (HR113)*

In light of this kuleana, the burial council is soliciting input and testimony (written and/or oral) from lineal and cultural descendants and other interested persons on the above matters. Your testimony will be included for the BSWG to review and make findings and recommendations to the legislature in time for the 2022 legislative session.

D. Maui Lani Subdivision Phase VI, Ahupua'a of Wailuku, District of Wailuku, Island of Maui,
TMK: (2) 3-8-099: pors.
Information/Discussion/Recommendation: Update on the above project.

V. INADVERTENT

- A. Inadvertent Discovery of Human Skeletal Remains at the Wailuku Civic Center Complex Phase 1B project, reported to the Maui Office of the State Historic Preservation Division on October 7, 2021, Ahupua'a of Wailuku, District of Wailuku, Island of Maui, TMK: (2) 3-4-013: 075.**
Information/Discussion/Redocumentation: Discussion about the above find.

VI. ANNOUNCEMENTS

A. Next meeting is scheduled for Wednesday, November 17, 2021

Pursuant to Hawai'i Revised Statutes (HRS) §92-3, all interested persons shall be afforded an opportunity to present oral testimony or written testimony on any agenda item. Additionally, pursuant to a policy adopted by the Maui Lāna'i 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.

Interested persons can submit written testimony in advance of each meeting that will be distributed to Council Members prior to the meeting. Written testimony must be submitted no later than 24 hours prior to the meeting to ensure time for Council Members to review it. Late written testimony will be retained as part of the record, but we cannot assure Council Members will receive it with sufficient time for review prior to decision-making. Submit written testimony to andrew.k.phillips@hawaii.gov.

Pursuant to HRS §92-4, §92-5(a)(8), and §6E-43.5, and upon compliance with the procedures set forth in HRS §92-4, the Council may go into a closed meeting to consider information that involves the location or description of a burial site or to discuss confidential genealogy.

A request to be placed on a Council meeting agenda must be made in writing with the SHPD History and Culture Branch staff at least two weeks preceding the scheduled meeting date. In addition, the request must be accompanied by all related documents. Failure to comply with this procedure will delay the item to the following month's agenda.

Materials related to items on the agenda are available for review at the Maui State Historic Preservation Division located at 130 Mahalani Street, Wailuku, Maui, Hawai'i 96793.

INDIVIDUALS REQUIRING SPECIAL ASSISTANCE OR AUXILIARY AIDS OR SERVICES (E.G., SIGN LANGUAGE INTERPRETER), PLEASE CONTACT STAFF AT LEAST 72-HOURS PRIOR TO THE MEETING AT (808) 243-1285 SO THAT ARRANGEMENTS CAN BE MADE

