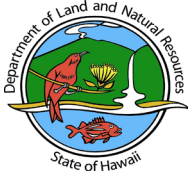


DAVID Y. IGE  
GOVERNOR OF HAWAII



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

601 Kamokila Boulevard, Suite 555  
Kapolei, HI 96807

**AGENDA  
MOLOKA'I ISLAND BURIAL COUNCIL MEETING**

**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  
KAHO'OLAWA ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**DATE: Thursday, December 16, 2021**

**TIME: 9:00 AM**

**LOCATION: Online Via Zoom**

**I. CALL TO ORDER/PULE**

[9:08] (0:18) Keomailani Hanapi MIBC Chair calls the meeting to order

**II. ROLL CALL**

[9:10] (1:40)

Chair Keomailani Hanapi, East Moloka'i Representative

Vice Chair Niles Kawehi Soares, MIBC, Central Moloka'i Representative

Councilmember La'a Poepoe, West Moloka'i Representative

**III. INTRODUCTION OF SHPD MAUI STAFF**

[9:12] (2:12)

SHPD staff present:

Andrew Kealana Phillips, Maui/Lanai Island Burial Sites Specialist

Chris Ikaika Nakahashi, SHPD Cultural Historian

Ka'ahiki Solis, SHPD Cultural Historian

Ku'upuamaeole Kiyuna, SHPD Ka Huli Ao Legal Fellow

Dr. Tamara Luthy, Ethnographer

Cindy Young, AG's Office

Kai Markell, OHA Compliance and Enforcement Manager

Dr. Janet Six, County of Maui

[9:14] (6:12) House Keeping

Chair Hanapi addresses the Council and community present: Please be respectful in your language. Anger has no place in the meetings though mālama iwi kūpuna is very emotional topic. Testimony is three minutes.

Email addresses of the Council members:

Keo: [Kahenawai3@yahoo.com](mailto:Kahenawai3@yahoo.com)  
Niles: [wehiwehi85@yahoo.com](mailto:wehiwehi85@yahoo.com)  
La'a: [poepoelaa@gmail.com](mailto:poepoelaa@gmail.com)

#### IV. APPROVAL OF MINUTES

[9:18] (11:05) Chair Hanapi addresses the Council: Per SHPD meeting minutes will be posted on the SHPD website once they are finalized

[9:20] (12:30) Kealana Phillips addresses the Council asks if the Council was able to access all Google drive documents

[9:22] (13:40) Vice Chair Kawehi addresses the Council

[9:23] (15:23) Chair Hanapi addresses the Council

[9:24] (16:08) Representative La'a Poepoe addresses the Council

##### A. April 20, 2016

##### **[9:26] (17:04) Chair Hanapi makes a motion:**

I, as the MIBC chair, make a motion to accept the meeting minutes from April 20, 2016 with the corrections that need to be done to grammatical errors

[9:26] (18:03) La'a seconds the motion, all in favor, none opposed, motion passes [9:27] (19:02)

##### B. August 28, 2018 (19:08)

[9:28] (19:15) Chair addresses the Council: A note: These meeting minutes were finished in 2021 though the meeting was in 2018.

[9:28] (19:57) Kealana Phillips addresses the Council: Kealana prefers verbatim meeting minutes but these meeting minutes for August 28, 2018, are not verbatim as the meeting was held without quorum. Only 3 SHPD staff and 4 community members were in attendance besides the council. It was very informal. He is working on the latest draft meeting minutes in verbatim style. What does the Council prefer moving forward? We can do meeting minutes in summary form.

[9:30] (22:24) Chair Hanapi addresses the Council asks if the audio is posted along with the meeting minutes on the SHPD website.

[9:31] (22:38) Kealana Phillips addresses the Council: he has not personally posted audio tapes on the website for the public, but some SHPD staff are able to do so.

[9:31] (23:19) Vice Chair Kawehi addresses the Council: Can you do verbatim with audio? He likes the audio

[9:32] (23:38) Kealana addresses the Council: We can look into that; we may have to post audio in multiple parts on the website

[9:32] (24:05) Chair Hanapi addresses the Council: As this is the Moloka'i meeting, how do we co-exist and work together in partnership with SHPD? Why doesn't the Council write up their own meeting minutes?

[9:33] (24:58) Kealana addresses the Council: He would be in favor of this, as it is time consuming to do the meeting minutes, but perhaps Ku'upua or Cindy could answer whether the Council can prepare its own minutes [Ikaika agrees]

[9:34] (25:32) Chair Hanapi addresses the Council: She is a bit concerned that meeting minutes from several years ago were just completed. How do we work together with SHPD to do the meeting minutes.

**[9:36] (27:34) Chair Hanapi makes a motion:**

I make a motion to accept the meeting minutes from August 28, 2018 as they are written right now

[9:36] (27:54) Vice Chair Kawehi Soares seconds, all in favor, none opposed, motion passes.

[9:38] (29:23) Kealana Phillips addresses the Council: SHPD staff in Honolulu post the audio and meeting minutes to the website

[9:38] (30:14) Councilmember La‘a addresses the Council: if anyone knows of a function on Zoom with a close captioned live transcript that types of words as spoken, this may be an option. Pidgin messes it up pretty bad but it is an option for verbatim.

[9:39] (31:05) Vice Chair Kawehi addresses the Council: ask how live transcription works? Who presses the button? Does it capture the whole conversation?

[9:39] (31:34) Councilmember La‘a addresses the Council: it occurs in real time, and everyone can view it

C. November 26, 2021, Video Presentation: Na Wai E Ho‘ōla I Nā Iwi (25 Minute Video)

[9:40] (32:08) Chair Hanapi presents a video:

She wants to remind us why we are here and what happened. The video is from 1988 so an updated video should be done, but this is a reminder why these Councils exist. The video is available at: Na Wai E Ho‘ōla I Nā Iwi (25 Minute Video) <https://oiwi.tv/oiwivt/na-wai-e-hoola-i-na-iwi/>

[9:42] (33:40) Ikaika addresses the Council:

[9:43] (35:16) Vice Chair Kawehi addresses the Council: Reminds that Cindy with the AG’s office must leave at 10

[9:44] (35:34) AG Cindy addresses the Council: the council must be posted 6 days before the meeting. This one was posted a bit late, and generally the AG office gets notification from SHPD in time to schedule. If there are items you want the AG here for, specifically if there are questions, they can try to come, or you can email questions via SHPD to the AG’s office. This would be attorney-client privileged.

[9:45] (35:50) Chair Hanapi addresses the Council: She was told that they have 2 weeks prior to the meeting to send a draft agenda. She emailed this on Dec. 1 and followed the guidelines for notice. Asks if anyone else from the Office can stay.

[9:47] (36:11) Cindy addresses the Council: Unfortunately, no, they are short staffed and a lot of contested cases, so no one is available after 10. But if you have any questions, you can email her, or she can respond at the next meeting

[9:47] (37:31) Chair Hanapi addresses the Council: she will get the email address from Kealana and send questions and she can also ask at the next meeting. She appreciates this

[9:48] (40:06) Councilmember La‘a addresses the Council: Have we settled on a date for commission meetings? He would like to have the Attorney General’s office help to schedule.

[9:49] (41:12) Ikaika starts the video

[10:15] (1:07:31) Chair Hanapi addresses the Council: This was to share the back history. It was a documentary in 1988.

## V. BUSINESS

A. Training Regarding the Composition and Responsibilities of the Burial Council (Hawai'i Revised Statutes §6E-43, 43.5, 43.6 and Hawai'i Administrative Rules §13-300).

Information/Discussion: Discussion on the above item. Presentation by Ku'upua Kiyuna.

[10:16] (1:08:20) Chair Hanapi addresses the Council: Ku'upua will share some slides regarding the roles and responsibilities of the Council

[10:17] (1:09:20) Ku'upua addresses the Council: Her job is to amend the Hawai'i Administrative Rules. She outlines and summarizes the laws pertaining to burial councils as they exist today. With revisions certain things will change but this is in effect today.

[Ku'upua's slides are attached in separate document]

[10:58] (1:48:58) Chair addresses the Council: Details her list of questions for the AG. Asks about the large landowner position, what are expenses for reimbursement for Council members and what are the procedures for that like if people don't have access to applications for descendancy or burial site registration? Are there funds for this or funds for flyers printed or access to internet? What can council members request funds for? Then asking for clarity about other state boards or commissions – for developer or large landowner, if there are two Molokai people on DHHL for example who wants to serve but one serves on Water Board for example, can the other person represent a large landowner? Can MIBC hold meetings for their geographical region outside of MIBC? Who makes the final decision? What if landowner does not want MIBC members to do a site visit? She wants better clarity on exact powers and responsibilities. Who owns the reports after MIBC requests they be created? Clarification in detail on what it means to “assist SHPD” with any part of the rules. Can they identify a particular person or cultural practitioners or historian or only organizations? Previously identified – does oral or written testimony go to SHPD first or the council? She prefers all documents to go to the Council simultaneously with SHPD not just after SHPD vetted. Wants to know what timely means.

[11:09] (2:01:11) Vice Chair Soares: can we get a list of NHOs currently SHPD deals with

[11:10] (2:01:31) Chair Hanapi: Community members can email her, and she will forward their questions on to SHPD

B. Descendancy Claim Application of La'akea Poepoe to Identified Human Skeletal Remains in the Ahupua'a(s) of Mapulehu, Kona/Mana'e District, Island of Moloka'i, TMK: (2) 5-7-008: 016.

[11:11] (2:02:55) Chair opens Agenda Item B

[11:11] (2:03:30) Vice Chair Soares addresses the Council

[11:11] (2:03:34) La'a Poepoe asks for recommendations of staff regarding whether executive session is required considering the matter includes current council member

[11:12] (2:04:17) Ikaika addresses the Council: Recommendation does not include anything confidential, so executive session is not required. SHPD recommends recognition of La'a as a lineal descendant

[11:14] (2:06:02) Chair Hanapi: this descendancy claim was submitted in March of 2020. This application was just shared on Dec. 14 at 2 pm.

[11:16] (2:07:15) Ikaika addresses the Council

[11:16] (2:07:54) Applicant La'a Poepoe addresses the council: He submitted an application for an added layer of protection for their family's cemetery plot on his Aunty's property. He has no reason to suspect anything harmful will be done, nevertheless it is as an added layer of protection and for the sake of having this on record. He has a house keeping question for staff: does he need to be recused from voting as it includes him?

[11:18] (2:09:50) Ikaika: this is an AG question but if you have an ethics concern you could recuse yourself. If the other two vote it is still a majority vote for quorum.

[11:18] (2:10:27) Applicant La'a: He has no financial interest in the matter he will recuse himself.

11:19 (2:11:19) Chair Hanapi opens public testimony: and reminds community members to be respectful. She wishes to open it to Moloka'i people first then everyone else after

11:20 (2:12:17) Vice Chair Kawehi takes public testimony

[11:21] (2:13:02) Palmer Naki addresses the Council: This is a descendancy application. He would like an answer if the applicant wants to identify human skeletal remains?

[11:22] (2:13:55) Chair Hanapi answers: It is a specific human burial one particular area in the ahupua'a or Pulehu. It is not the whole ahupua'a. He is a lineal descendant to this burial. He is not being recognized as the one to identify human remains in Pulehu generally, but rather he will be recognized as a descendant to this particular burial.

[11:23] (2:15:05) Palmer: is this for the whole ahupua'a?

[11:23] (2:15:25) Vice Chair Kawehi: it is for a specific site.

[11:23] (2:15:33) Palmer: he wants to know what site this is specifically.

[11:24] (2:15:54) Chair: the direct location is confidential, but the TMK number is on the agenda.

[11:24] (2:16:16) Councilmember La'a: It is Aunty Paula's house

[11:24] (2:16:30) Palmer: he has no more questions at this time, but he is a lineal descendant of all of Mapulehu and has no other questions at this time. Thank you

[11:26] (2:17:45) Chair Hanapi closes public testimony

**[11:26] (2:18:30) Vice-Chair Kawehi Soares makes a motion:**

I, Kawehi Soares, move to make a motion that the MIBC recognizes the lineal descendancy claim of La'akea Poepoe to the Identified Human Skeletal Remains in the Ahupua'a(s) of Mapulehu, Kona/Mana'e District, Island of Moloka'i, TMK: (2) 5-7-008: 016.

[11:28] (2:19:17) Chair Hanapi seconds, Councilmember La'a Poepoe recuses [2:20:32], all in favor, none opposed, motion carries [11:29] (2:20:54)

## VI. COMMUNICATION (2:21:12)

A. Status of Burial Management Plan for Iwi Kūpuna at Mapulehu, 8303 Kamehameha V Highway, Ahupuaʻa of Mapulehu, Kona District, Island of Molokaʻi, TMK: (2) 5-7-008: 076. Information/Discussion/Recommendation: Discussion on the above item.

[11:29] (2:21:26) Chair Hanapi: opens Agenda Item A

The sun rises in the east and sets in the west, so she will address the east first and then move to the west last. The case open the longest is Mapulehu. On the record, she wants to make sure she has the correct TMK: TMK: (2) 5-7-008: 076. Old Mapulehu Glass House. 28 years + and no resolution. Many landowners. Nothing addressed. Invite went to Mayor Victorino and Council member's office. She requests if anyone with any background help testify

[11:34] (2:26:12) Vice Chair Kawehi mentions Janet Six

[11:34] (2:26:19) Janet Six here from county of Maui. Erin Wade is also here. Thanks for SHPD sharing information.

[11:35] (2:27:19) Erin Wade: Acquisition in Dept. of Finance – property is controlled by the office of the mayor. Her department, the planning and development division, often assists Mayor Victorino's office with projects. This mayor has no agenda for the property or project site.

[11:37] (2:29:11) Ikaika provides procedural advice

[11:38] (2:29:40) Chair Hanapi proposes a draft motion: I as MIBC chair would like to make a motion that MIBC send a letter to the current landowner to recommend starting a burial management plan and a burial treatment plan to start the process

[11:38] (2:30:11) Niles Kawehi Soares seconds the motion

[11:38] (2:30:24) Chair Hanapi proposes a draft motion: to start and create a task force for this area of Mapulehu outside of the MIBC meetings and the task force will be made up of two MIBC members and one to include the member whose geographical area it is to be a part of that and the landowner and the landowner can invite whoever they want to be on the task force and we would recommend any ecognized lineal and culturla descendants of the area to include generations and years and years of investigation case files and all kinds of stuff. Back then they had cutural claimanets recognized for Mapulehu. She would like them to be included but ultimately landowner has a lot of say about who they want to allow on the property. Making a motion to move progressivley forward to show things and the task force will say how far they have gotten.

[11:41] (2:33:00) Vice Chair Kawehi seconds the motion

[11:41] (2:34:09) Vice Chair Kawehi opens to public testimony

[11:43] (2:34:42) Malia Akutagawa – she used to be MIBC chair but often lacked quorum. She is not sure if they has discussed the current BTP. County initially wanted to make a fire station but people said aole. She wanted to work with Stacy Crivello to mālama the place. She wanted a cultural organization to take over stewardship. Uncle Billy was the first chair of the MIBC. He said reasonbile thing would be to put a thick layer of soil to the iwi. Constant exposure of iwi to wind and rain. Put one thick layer of soil – wrap burials with kapa. She has shared with Chair Hirata's parents the cultural process she recommends. They were open to this but not sue if they still. Knowledge of wahi kūpuna and iwi kūpuna to take over stewardship – spoke with council person over the phone and she said she would be open to that. Mahalo

[11:46] (2:37:58) Crystal Cotchay and Palmer Naki – adds on to what Malia was sharing. Keo with Uncle Hanapi and Aunty came to him and his family five years ago and somehow they got permission to go to this ahupua‘a to mālama iwi and he and his family went into this place to clean and take care but something happened along the process where they never like them there. Instead of arguing they decided to leave and decide next move. He wants to go and continue what he started. Him, Uncle Hanapi, Aunty, his father and him. Cleaned up road, cut down trees, took trees off the roof, couldn’t do anything with the glass house as it isn’t safe. He wanted to add on to what Malia said. He wanted to chip trees and put chips and mulch and flower sbut they stopped.

[11:48] (2:40:31) Mahina Poepoe – she supports both motions. It is long overdue action and also she is happy to see county on here. She works for County Councilmember Keani Rawlins-Fernandez but she is tesitfying on her own behalf. First time they have had a county archaeologist and she is doing amazing work

[11:49] (2:41:24) Kai Markell – like what was shared with the Chair, Malia, and others, it has been festering for 30 years. Lots of kaumaha. Thanks Palmer for his testimony. This is a situation where we must reconstruct the history and share with the working group what transired. There are burials that we disinterred and also reinterred. There are reburial sites. We must be sure where those are. Original violation with Eleanor Osborn who ordered workers to till iwi into the soil. That is why there are so many fragments. Subsequent actions pulling out plants and shade polls, kūpuna sucked into the cement of shade pole. They buried the cement with iwi somewhere. Probably iwi in the well or pūnāwai. Either we can screen everything and still won’t get iwi, or just cover it and make it pa‘a and decide what will grow on top or how to demarcate. When discussing duties to inventory burial sites – department mandated to inventory burial sites. A time to heal and kāko‘o to mālama the iwi. And note on Council – you can close meeting to deliberate on location and description and close to the public. Executive session is totally different. Can consult with lawyer, HR, etc. Be careful with terms.

[11:55] (2:46:26) Malia Waits – this is kāko‘o thing and she thanks everyone

[11:55] (2:47:12) Council Member Kawehi – no other testimony so he closes public testimony

[11:57] (2:48:45) Councilmember La‘a – was motion already made? Is she restating motion for clarity?

[11:58] (2:50:25) Dr. Janet Six requests to be copied on the correspondence

**[12:02] (2:52:32) Chair Hanapi makes a motion:**

“I, Molokai Island Burial Council Member Chair, Keomailani Hanapi Hanapi, moves to make a motion that the Molokai Island Burial Council opens up communication with current landowner by sending a letter to current landowner to recommend, starting a BMP and BTP.”

[12:02] (2:54:20) Vice Chair Niles Kawehi Soares seconds the motion, all in favor, none opposed, motion carries [12:03] (2:55:10)

**[12:03] (2:55:32) Chair Hanapi makes a motion:**

“I, Molokai Island Burial Council Member Chair, Keomailani Hanapi Hanapi, moves to make a motion that the Molokai Island Burial Council helps to create a Task Force for Mapulehu, TMK (2) 5-7-008: 076.”

[12:04] (2:57:05) Vice Chair Niles Kawehi Soares seconds, all in favor, none opposed, motions carry [12:05] (2:57:21)

B. Community Concerns Directly Pertaining to Iwi and Burial Sites.  
Information/Discussion/Recommendation: Discussion on the above topic.

[12:06] (2:57:40) Vice Chair opens public testimony

[12:06] (2:58:15) Kai Markell – to reconstruct Makulepu in the records, Milly put together their own BTP in maybe 2018. Around the time when Gary Gallaher passed away she came to visit. He will get that out to the council and Janet and the County. If you go through the minutes, if you haven't been provided minutes since inception, there is a lot of detail in earlier minutes and things that haven't been resolved and lots of conversation and deliberation on Mapulehu from kūpuna who are no longer here. See all the minutes to learn and get ma'a with how to deliberate. All sections with Mapulehu should be provided to the county.

[12:08] (3:00:31) Crystal Cotchay – Palmer's cousin. Her question is if she can look at the minutes from years past.

[12:09] (3:01:11) Chair – Regina Hilo sent all the MIBC meeting minutes dating back to 1991 and those were given in Google docs for burial council members, and they are slowly going through them. It is public information and there is an archive on the website as well as request documents from archives. You can directly request SHPD.

[12:12] (3:04:25) Lori Buchanan – request SHPD staff to post all of the Molokai meeting minutes in perpetuity on their public website so public can access

[12:14] (3:05:55) Chair will also make this request

[12:14] (3:06:25) Chair closes public testimony

## VII. ANNOUNCEMENTS

[12:17] (3:09:25) Chair: Opens Agenda Item A.

[12:18] (3:09:43) Vice Chair: Requests that it not be the third Wednesday as that is when the MLIBC meets

[12:18] (3:10:01) La'a requests third Fridays as meeting date

[12:19] (3:10:37) Vice Chair Kawehi agrees to this

[12:19] (3:10:44) Chair Hanapi agrees to the third Friday of the month but that this is flexible. Within 2 weeks to MIBC must submit a draft agenda.

Next meeting is scheduled: Next meeting will be on **9 AM, January 21, 2022.** (3:12:25)

## B. Request to be Placed on MIBC Meeting Agenda

[12:15] (3:10:55) Chair: if you have any requests to be put on the agenda, please cc Kealana and the Chair as well to ensure that this is placed on the meeting agenda

## C. SHPD Descendancy Claim Application and SHPD Burial Registration Form

[12:16] (?) Chair: this is SHPD's office. Links have been posted to access the burial registration form

Descendancy Claim Application: <https://dlnr.hawaii.gov/shpd/files/2016/09/08162016-Descendancy-Claim-Application.pdf>



Burial Registration Form: <https://dlnr.hawaii.gov/shpd/files/2016/09/08172016-Burial-Registration-Form.pdf>

[12:21] (3:12:49) Meeting Adjourned

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 Board Members will receive it with sufficient time for review prior to decision-making. Submit written testimony to [andrew.k.phillips@hawaii.gov](mailto: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.