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DEPARTMENT OF LAND AND NATURAL RESOURCES**

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

AGENDA

KAUAI NIIHAU ISLANDS BURIAL COUNCIL MEETING MINUTES

DATE: Wednesday February 17, 2020
TIME: 9:00 AM
LINK: Join Zoom Meeting:

<https://us02web.zoom.us/j/3840793007?pwd=S1o2WFNqakhVOXNKZFFVnLzBiMzZtQT09>

Meeting ID: 384 079 3007
Password: 100356

I. CALL TO ORDER:

Chair Sandi Quinsa, Kauai Niihau Island Burial Council (KNIBC) Chair called the meeting to order at 9:15am.

II. ROLL CALL:

Chair/Koloa Representative Sandi Quinsa, Vice-Chair/Kawaihau Representative Carol Lovell, Niihau Representative Leiana Robinson, Lihue Representative Kau'ilani Kahalekai, Landowner Representative Ted Blake.

Guests: Maui Lanai Island Burial Council (MLIBC) representative Dane Maxwell, Office of Hawaiian Affairs representatives Kai Markell and Halealoha Ayau. State Attorney Generals' (AG) Lauren Chun and Cindy Young. State Historic Preservation Division (SHPD) representatives Hinano Rodrigues, Kaahiki Solis and Kauano Hoomanawanui. Kamealoha Smith identified himself and a few others were in attendance that did not identify themselves.

III. APPROVAL OF MINUTES

A. November 18, 2020

Deferred item till next convening of the Kauai Niihau Island Burial Council meeting.

IV. BUSINESS

A. None.

V. INFORMATION/CORRESPONDENCE

A. Discussion on Kauai Niihau Island Burial Council(KNIBC) Membership Roles, and Responsibilities. (DO NOT FORGET BLACK REFERENCE BINDER)

Information/Discussion: Discussion on the above item.
Presentation by State Historic Preservation Division.

SHPD Hinano Rodrigues presented the Hawaii Administrative Rules (HAR) 13-300:24-28, where each KNIBC member read the rules aloud. Following the reading of HAR 13-300:28, SHPD Hinano Rodrigues sought questions from the KNIBC and introduced the Deputy Attorney General's for questions as well. No questions came forward at this time and Hinano suggested that the KNIBC can contact Burial Site Specialist, Kauanoe Hoomanawanui anytime if further questions come about.

B. Discussion on Kauai Niihau Island Burial Council Membership Roles, and Responsibilities.

Information/Discussion: Discussion on the above item.
Presentation by Office of Hawaiian Affairs, representative Kai Markell.

Kai Markell introduced himself and Halealoha Ayau being here today in sharing Office of the Hawaiian Affairs (OHA) interpretation of the roles and responsibilities. Beginning with a PowerPoint presentation named "Island Burial Council Kuleana Workshop Office of Hawaiian Affairs, February 17, 2021". Kai presented 221 slides completing up until slide 107. (For those not in attendance, please contact Kai Markell at kaim@oha.org for a copy of that PowerPoint or further questions to the subject matter.)

Chairwoman Quinsaat asked if anyone had further questions or concerns for our OHA representatives and invited Halealoha to speak. Landowner Representative Teddy Blake asked OHA Representative Kai Markell if there was an update on filling the KNIBC vacancies. Kai replied that SHPD History and Culture Branch Chief Hinano Rodrigues and himself submitted names to the Senate and the Governor's office. The law was changed, regarding landowner representation and that the geographic representatives could replace those seats. Hinano reminds the KNIBC that if the Senate bill is not passed in the candidate nomination, that candidate is dropped. Teddy questioned Hinano if the Senate needs to be in session for an interim appointment and reminds everyone it is the Governors decision. Halealoha asked if the waiting room is open as the public are awaiting entry, Burial Sites Specialist Kauanoe Hoomanawanui confirmed the waiting room is empty. Halealoha continued to share this meeting is public not private and if this training is completed. Kai continued to present failures that occur statewide, failures to discuss next time we meet, failures surrounding all burials. Many grievances statewide in 17 years, issues are not pointing fingers. Kai explains, he and Halealoha tried to run the program and now its dismantled. Working on a white paper of patterns since 1990 and IBC systemically not empowered. Need more help, need more money from DLNR budget, need more support. Money issues, and the political will to understand kuleana around the iwi. Understand and know you are volunteers. Cursing with lawyers and no support with threats of lawsuits, everyone talks. The different islands, I have been looking at it for 26 years. I got sued, and I got to share how difficult it was and it's all political to realize government appointments. Separate from SHPD, have meetings when you want them, SHPD can help you. I have been here for 15 years working on the audits, another audit at the legislature coming down the pipeline. We need to get our act together, some people not equipped for the IBC. Everyone dying of heart attacks and strokes.

Kauanoë Hoomanawanui suggests if the KNIBC can make their own questions or concerns known as many of the issues presented are not based on our island. Kai asked if there are questions from the KNIBC, Chair responded that their needs to be a check and balance. Although the other islands have bigger issues than our islands, we are able to manage our island differently and still support everyone. Kai stated there should never be a meeting cancelled due to nothing to talk about, you folks should always have things to talk about at meetings. Any other KNIBC have questions or concerns as we are affected mentally and its brutal in our Oahu 6-hour meetings. Vice-Chair Carol Lovell offered her sympathy, and we should support the same purpose as we stay focused and move forward. Teddy Blake offered his support to Sandi and Carol and shared his confusion and if the Attorney General is supposed to be at every meeting. We support Sandi in doing our job and empowered to have come this far. Lihue Representative Kau'ilani Kahalekai shared her appreciation for the support and commitment to the actual iwi kupuna. MLIBC Dane Maxwell gave his appreciation to be able to participate with you all and how he is not here to tell KNIBC what to do. However, instead sharing the shoreline erosion issues he works with on Maui. Halealoha introduced the problems and the many upsets that bring tensions to the program. The unpleasant experiences within processes of the law and taking no pleasure in bringing this up. Kuleana is do it right or do not do it all, we are the originators of this program through training and awareness. The Oahu Island Burial Council (OIBC) procedures had no mention of preservation criteria, we have expectant decision-making criteria always the same. Halealoha continues, he requested criteria written and got none, internally AG's need to host workshops at SHPD. We differ on our interpretation of the rule, we cannot have action contrary. I brought up the quorum issue, its five people total so four is quorum. You have to understand it, its straight-forward. Mahalo and that is why we are monitoring the council meetings, we are powerful, with me and Kai to train the councils. Based on my experience, the program does not get the attention it deserves when we complain about them. The problems are systemic.

Kauanoë Hoomanawanui asked if KNIBC has further clarification in the inadvertent process that Halealoha explained as how KNIBC operates. Chair Quinsaats shares, we work first with the families and if no one comes forward we, KNIBC support the preservation and protection of the iwi kupuna. She continued to explain an erosion inadvertent discovery that we have worked with where we have families recognized to kokua when they arise. The sands alongside the cliffs were reported by hikers to have exposed fragments where we collect and rebury for protection and preservation. We are sometimes the last to know, the locals talk, and stories are shared.

Kai continues explaining the nuances of the law, where consultants and lawyers are uneven in their bargaining power. It is important to understand the rules, like Halealoha said, the idea is family. The best Island Burial Council (IBC) are the kupuna, to kakou in getting to and from the meetings. They did not understand the rules and the law, they only knew their love for the kupuna. Love for each other and the living, in my 30 years' experience, you cannot express love and then curse them. Its hypocrisy, Halealoha and I know the nuances, reading the laws over and over and over, looking for grey areas. Your power and role come not from the state or governor appointment, not what the state laws say. You need familial relationship, IBC acts on behalf of the family like claiming them from the morgue. Do not get mind boggled with laws, work with the families. Another issue is your primary duty is previously identified burial sites, the council shall assist the inventory by providing information from family and sources. Register burials so no inadvertent discoveries, so the area is a known burial ground.

Chair Quinsaats offered Mahalo to KNIBC, SHPD/AG and our guests OHA in presenting to us today and closed the meeting in prayer.

VI. ANNOUNCEMENT

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

Chairwoman Sandi Quinsaas adjourned the meeting at 11:45 am.

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. Pursuant to sections §92-4, §92-5(a)(8), and §6E-43.5, Hawai'i Revised Statutes (HRS), and upon compliance with the procedures set forth in section 92-4, HRS, the council may go into a closed meeting to consider information that involves the location or description of a burial site. A request to be placed on a burial council meeting agenda must be made with the 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 Kauai State Historic Preservation Division located at P.O. Box 1729 Lihue, Hawaii 96766. Persons with disabilities requiring special assistance should contact the division in advance at (808) 896-0475. INDIVIDUALS REQUIRING SPECIAL ASSISTANCE OR AUXILIARY AIDS OR SERVICES (e.g., sign language interpreter, wheelchair accessibility, or parking designated for the disabled) AT THE KNIBC MEETING, PLEASE CONTACT STAFF AT LEAST 72-HOURS PRIOR TO THE MEETING AT (808) 896-0 THAT ARRANGEMENTS CAN BE MADE.