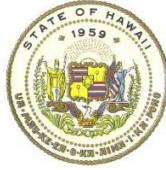


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GOVERNOR OF HAWAII



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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

601 Kamokila Boulevard, Suite 555
Kapolei, HI 96807

**KAUAI NIIHAU ISLANDS BURIAL COUNCIL
Meeting Minutes (RECORDING ONLINE at SHPD Website)**

DATE: Wednesday October 20, 2021

TIME: 9:10 AM to 10:52 AM

LINK: Join Zoom Meeting:

<https://zoom.us/j/6559750322?pwd=dGhKVdc0ZzN3Vzhkek9Fa2t6a1Jrdz09>

Meeting ID: 655 975 0322

Passcode: qiUjd3

KNIBC MEMBERS PRESENT: Kau'ilani Kahalekai, Lihue Representative
Sandra Quinsaas, Koloa Representative
Leiana Robinson, Niihau Representative
Palala Harada, Napali Representative
Carol Lovell, Kawaihau Representative

ABSENT/EXCUSED: none

SHPD STAFF: Kauanoë Hoomanawanui, Kauai Island Burial Sites Specialist

GUESTS: Angela Neller
E Ola Kakou Hawaii
Rupert Rowe
Julian Keikilani Ako
Laheamanu Davis
Loko'olu Joseph Jr Quintero
Nakai'elua Villatora
Puali'i Rossi Fukino
Puanani Rogers
Sabra Kauka
D K S
Lisa
Keikilani Kekipi
Kaniela
Wehi Na'auao
Sean Chun
Myrle Johnson
Aeae Ishibashi

I. CALL TO ORDER/PULE

Chairwoman Quinsaas called the meeting to order and gave pule at 9:10 am. (RECORDING ONLINE at SHPD Website)

II. ROLL CALL

All members present.

III. APPROVAL OF MINUTES

- A. September 22, 2021
- B. October 6, 2021

Vice Chair Carol Lovell moved and Lihue Geographic Representative Kau'ilani Kahalekai second the motion to approve the minutes.

Chairperson opens the floor for discussion

Unanimously approved.

IV. NEW BUSINESS (RECORDING ONLINE at SHPD Website)

- A. **Soliciting Testimony for the Office of Hawaiian Affairs (OHA) Burial Sites Working Group (BSWG) Regarding the Care, Management, and Protection of Unmarked Burial Sites .**

Information/Discussion: Discussion and receipt of testimony on the above item. Presentation by Office of Hawaiian Affairs (OHA).

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.

Chairperson Quinsaot read the above item and opens the floor for discussion. (RECORDING ONLINE at SHPD Website)

Vice Chair Carol Lovell gave her Aloha and a recommendation to the working group that the burial council is provided with the counties permits pertaining to building and septic installation so that we may be able to provide protection for the iwi kupuna. Sharing this information will be a great tool for everyone. When we find out the burial sites are impacted it is too late, it would benefit the county if they would consult with us. I recommend that all permits are made available for all burial councils.

Rupert Rowe asks if he is able to speak, the issue on every island is beginning with our problem that is with our identity. Iwi kupuna means a person who is old. If you have an iwi and it is a baby, it is not iwi kupuna. If you have an identity, the issue should be in front the State Supreme Court, not SHPD or legislature, your language is your key to your identity. We all say we are Hawaiian, but our language tells us different it identifies us as Kanaka's. Why are we playing games with one another, we need to understand the iwi that are laid to rest, our identity is right in front of us. All the burial councils should address the State Supreme Court regarding identity. It is an emergency crisis; we need to act now. The language was stolen when the kingdom was overthrown. It has brought propaganda in our mind. We are the only state in the union that has a burial council, no other place is there a burial council. Our burial council is limited to the law's you folks took an oath to follow. Secondly, we have a commissioner that represents a large landowner, how is the iwi kupuna represented by the landowner, the titles are dirty. Your oath that you take is to support the Kanaka not the Hawaiian, This problem effects everything in Hawaii. The identity of our people should be put forth at the Supreme Court. Only the Kanaka can free you, the inadvertent term, nothing is inadvertent, who said it is inadvertent, the State. Again we must find out our identity. Take this argue away from SHPD and State Legislature and take it to the Supreme Court regarding our identity of the iwi kupuna. The language is our roots, all the burial laws should be turned to Kanaka Maoli language. SHPD tell me when the last Kanaka disappeared? The identity is the Kanaka and demand to address this, it has never been corrected since 1959. Please understand we have a problem. I attended the other island burial councils, and they have to start with the same problem. They have long meetings with no disagreements, except for Oahu they have plenty people that hana inu each other. Is there an AG here from the SHPD, Chair Sandi asked Kauanoe Hoomanawanui if an AG is present, she answered no. Rupert explains his surprise as they are at the other meetings. All the other islands have the AG. The archaeologist does not represent us and cannot be the one to tell us there is a kanaka in the ground. The archaeologist must change to our Kanaka understandings. They represent the corporate identity not us. All archaeologists in Hawaii, that's why the AG should be in this meeting. Why is Kauai without an AG? How do we correct this, correct it by knowing who you are. Please pressure the invisible person, AG, to attend and represent you. Aloha!

Chair Quinsaas shares her agreement in what Mr. Rowe presented and explaining we too do not agree with the term of inadvertent discovery. We are Kanaka from these lands, and I hope we no longer make mistakes. Mr. Rowe continues that we must demand the AG to attend as this is our identity. Our identity should have a direct shot not through SHPD or State Legislature. Lolo Loophole, means we going around in the circle looking for a corner. Always remember the private landowner representative on the IBC's should be dissolved. They should come from every ahupua'a. Have only the people's choice, not the governments choice. Not all of us are in politics and most of you work with the heart in understanding. The pain has driven us in a circle. Find your identity and you will have no problem. A native Hawaiian organization cannot speak for you. Please put this in the state records to identify us correctly, Kanaka Maoli. The AG needs to be here why are they not here, they need to be here on behalf of all the burial councils. It is not the SHPD girl on Kauai to do the law interpretation she is only studied in the bones with her heart. We need the AG to be here to represent us. How could our burial sites be on TMK's? It is your legal right; the water is life, and the burial is death. They are afraid you will stop colonization by identifying yourself as the Kanaka. Be prepared to write a letter to ask all other burial councils focus together in finding out who you really are, please relay this to your burial sites working group. I got my point. (RECORDING ONLINE at SHPD Website)

Anake Nani Rogers introduced herself and gave mahalo for the opportunity to speak. I like the agenda, it looks good, but it is too late, the damage is done. OHA has done nothing, and we know who identity are is. Mahalo Rupert the identity is very important, politically they ask you, who are you. We were even thinking of filing complaints ourselves, OHA is doing nothing. In forming this group, how long will it take, these types of groups and organizations I don't always trust them. Meanwhile the bones are being crushed and exhumed. We have to take the bones off the shelf, they need to reinter into the aina. All of our councils go find all the bones sitting on the shelves. How about Kawaihāo Church, remember those bones. Everyone is fighting for the bones and getting arrested. To many of the iwi are being uncovered. It means you have to wake up, to many things are going on. Right now the energies of the island are huli au. One of our main things is taking care of our water, our iwi, our Ohana. I can see things here at the council are getting better. Love you all Sandi and please call if you need anything. Chair gave her mahalo. Anake asked if can send a written testimony to OHA, OHA burial sites working group KNIBC representative Kaulani Kahalekai said we have our email address. Anake responded that she has it.

Anake Nani continued by asking for the mana'o of the burial council members. Mr. Rowe added, please make sure to ask why the AG is not present, and please put in the records. Remember identity is the record for our Native people of Hawaii. It is an identity; we should pursue this immediately. I went on the agenda already, so I don't need to go on further, I want to Hoomanawanui right now. Chair Sandi added all of our minutes are recorded in our minutes. We have been very frustrated as well, under our oath's, it is frustrating. Like Mr. Rowe added, it is like chasing our tails and in agreement with Council member Carol has shared about the permitting process. We have been getting thrown under the bus and we feel how you feel and try our best. We need to build on a foundation from a Kanaka standpoint. My main frustration is the inadvertent discovery, we find out when you find out. We get consulted with the State since it is their jurisdiction, but it is inconsistent. We must do the right thing for the iwi, they kanu in the places they were for what reasons they had the time. If I put myself in that place, I would not want that, this is a voluntary position. Sometimes, I just want to walk away since nothing is happening, just over and over. In my heart I believe we can do better, it is no one person's fault, we do not point fingers here. We need to come together in stopping the desecration. Anake Nani added, we should be talking to one another to strengthen each other in what the truth is in the situation with the bones. More communication between us, but you know we came to a point. We want to go after SHPD and OHA too. I understand how much power you don't have; you have only so much you can do. Council members talk to us. Kaulani Kahalekai asked Anake Nani, please share brief suggestions as I sit on the OHA working group. Tell me if you can give me any feelings or things that SHPD could do better or what they have not done. Anake responded, SHPD needs to follow the laws, they do not follow them, they make up their own

policies. The burials belong to all the people, and not the fake ownership landowners. The inadvertent thing needs to go. I tell archaeologist all the time that there is no inadvertent, the bones belong to the people. Whether private or public lands, we don't care, the bones they do not own. What is our AG's name? Chair answered Lauren Chun. Kauilani continues what can OHA do better Anake? Anake answered, enforced the laws, make changes, go after the bones, and put them into the ground.

Keiki Kekipi introduced himself, I have been waiting for twenty years if we start from the beginning. Before OHA took it over, I thought it was a mandate law that started that council. After Waihee and the desecration in Kapalua, they mandated a burial council was formed and the state was supposed to fund that. Like Rupert said, like what Waihee said the state law says the official language of Hawaii is olelo o Hawaii. I came on the burial council with the desecration was going on back then, that one worked out with Kamehameha Schools private school. Currently I am on UH property trying to inquire about the burials. OHA now caring the program, when I started the guy Keith Ahui and then it was Halealoha, it was supposed to be from them. I need your kokua and do the reinternment, they are saying since no MOA that they UH burial treatment plan is invalid. Once again, we went through the process of being recognized as lineal descendants. Now the funding in Puna after the lava, the federal funds supposed to trigger a 106 process, the Kanaka Maoli has cultural properties and places of sustenance for our culture. I need your kokua. You guys' side are Lehua, it is where the sunsets and we are where the sunrise. What is the 106 processes, if it is State and County? OHA burial sites working group KNIBC representative Kauilani Kahalekai gave mahalo to Keiki Kekipi. (RECORDING ONLINE at SHPD Website)

Julian Keikilani Ako introduces himself and is here primarily in learning more of the process of registering graves. I understand today's main topic on the agenda is providing feedback to the working group. I would like to suggest a way be found in making it clear what the process is. We have been trying to register burial sites on Kauai and feel like we are going in circles. Once we submit our burial registration forms, what is supposed to happen and what is the timeline? I filed four burial registration forms and I have not heard anything since September 1 about what is going to happen next. We have been going in circles with the landowner, and do not know what to expect in the timeline. I would like to know who is here from Kauai SHPD? Who is at this meeting from Kauai SHPD? In the interest of transparency, if this meeting has a representative from Kauai SHPD present, we ought to know who this is. Aloha, Kauanoë Hoomanawanui, introduced herself clarifying that she is here to record and provide administrative support for KNIBC in gathering information for the agenda item. Julian Keikilani Ako gave his mahalo, what is the transparency between DLNR and KNIBC? We feel like we are going in circles. To prevent desecration we are attempting to register the burial sites. Like what Carol was saying earlier, anytime the burial site is registered the county government should get copies of the burial registration. Whenever there is a permit request that has an excavation, that it comes through to read the burial information. I am here to listen but felt compelled to contribute my mana'o. OHA burial sites working group KNIBC representative Kauilani Kahalekai gave mahalo to Julian Keikilani Ako.

I am a representative of Ke Ola Kakou Hawaii, a nonprofit, my name is Manawaiakea Roslyn Nicole Manawaiakea Malama Cummings. I am from the ahupua'a of Kalaheo, moku district of Kona on Kauai island. In the past months I have been bringing my truth of the desecration of the burials in my personal experience. I know this is public so notice to principle is notice to agent and notice to agent is notice to principle. I am going to start from the beginning I met with SHPD and two burial council members about the burial sites throughout the whole island, but my focus was the burials in Kekaha. This was in February and by April the desecration had occurred. I did everything I could possibly do and filled out the information. I say what I say my father is Edmond Malama Jr son of Edmond Malama Sr. When I met with the county permitting, I told them to stop. I see how everything is unfolding, when in 1978 the state of Hawaii came in and covered up the fishpond. DLNR signed off on clearing out all that aina. SHPD said all the area has been previously cleared out. The kupuna buried themselves with pohaku and they moved all the trees. They still there from that tree and pohaku that was removed. We talk about identity when we

have other Hawaiians signing off on desecration. That is just one burial site February to June. We have DLNR meet us in Koloa to specifically identify the burial sites and they drilled through the burial mounds in Koloa. My three sons got sick and could not go to school. We prayed and it is because they drilled the burial mounds. They always have promises and DLNR comes back and says that there is no case number. But no case number, we are back in a circle, in 2015 George Humehume was right there, in the internment there. I want them to stop building the manholes, all that rubbish, feces are going into our kupuna, kamakahelei (sp) significant burial sites. Kukona is there, Koloa village, the napoo (sp). She is all there in the cave with a shopping center (inaudible). There was a fishpond, the history is all there. It is originally from a Royal Patent where Benjamin Naumu buried at Waimea landing. I went to the county to ask how to prevent the iwi from desecration. I can see them and talk to them. What I hear from the planning is that they just take it out. I sent in a government information request for information, I don't want the money I want answers. I am fighting it; they moved the tree and pohaku. In all these departments they are not taking care of our iwi kupuna. Manokalanipo is buried at Po'oku in Princeville, I seen it they going to develop on that aina. We get 5 burials desecrated, this not anybody, I identify that, the kupuna has voices and I can see them. Once their bones are desecrated, we cannot pick up there essence again, poho. The mainlanders coming and desecrate, they should be accountable to this. There are burials all over the place, to me I feel having this meeting it is made public for everyone to know. I came on these meetings already. OHA burial sites working group KNIBC representative Kauilani asks do you feel that as you are going into the planning department, where would the focus be, SHPD or County. Manawaiakea answers it is everybody, Kauilani adds you are going from one place to another. Manawaiakea clarifies, when I build up a burial registration form and I contact OHA as they have a fiducial duty and then I realized you had to be registered with OHA. Who is the one we are going after, who is in charge of all the state, the governor and the legal actions, the AG. The SHPD authority is the only way Planning department is notified. Your hands are tied when other lineal descendants sign off, they did not notify me. There are processes that are not being accommodated, I filed in March and all my paperwork came back. Throughout all of Kauai, it is ongoing. The inadvertent needs to go, we have a desecration law. Every day, I have to argue with the archaeologist that there is in the bones. We need to hold them accountable.

Aloha kua, I am Laheamanu, I would like an answer to Julian's question in filing burial registrations. We are learning in submitting our burial registrations and if it was incorrect to submit to SHPD and if we should submit to the KNIBC. Palala Harada asked if we could differ to Kauanoe. Kauanoe Hoomanawanui answered yes, we have received the burial registration forms and the family has marked their forms. Laheamanu asked should we be filing with the burial council for the November 10, 2021. Kauanoe added you are welcome to come to the KNIBC and make testimony. Laheamanu answers, leaving it up to us does not answer my question. We don't want to mitigate with the landowners We are trying to access to the moku Koolau, we do not want to go with mitigation with the attorney who is representing the landowner, Zuckerberg. Palala Harada had some clarifying questions, what is the process in burial sites and how people want to register and how Uncle Julian said it is not clear. What is the website and forms and documentation to register burial sites? Burial Sites Specialist clarifies this particular case has advanced in the process of burial registration as they have already submitted all of the necessary forms. The family has disclosed they are ongoing access issues and we have also put the landowner in notification. Our laws are limiting as we cannot trespass on private property. All of our forms, laws, and any information regarding can be found at DLNR, SHPD burial registration forms. You can put all of these key words into your google search engine as our information is all digitally provided online. SHPD has a submittal link and directions on its website as well. However, I am not the AG to interpret the laws today and put in your KNIBC request from the last meeting and I have submitted the Ohana information as well. Julian wants to follow up on my sister's question, is the process of the burial registration forms are to be submitted to DLNR SHPD or KNIBC? Chair Sandi answered it goes to SHPD. Julian confirms that is what he thought, and I am learning the item of the agenda is not to discuss our personal issue and only seeking input for OHA right now. I wanted to honor that. Anake Nani Rogers

asked if that was Roxanna Davis speaking, Roxanna responded Nani Bactad is that you, Aloha it is nice to see you. (RECORDING ONLINE at SHPD Website)

Aloha I am Nakaielua Villatora, introducing herself representing Ke Ola Kakou Hawaii, I am learning that DLNR and OHA is an obsolete mechanism. I was sitting in the Oahu burial council and how they have become middleman and creating a longer process in getting results. I can only speak for myself from the kupuna that I respect and represent. I want to address the inadvertent term as the DLNR has this information and why are they not cross referencing for the TMK. When the landowners go to dig the septic system why isn't the planning known that the burials there. If a burial is found today and they addressed it as inadvertent, will it be considered inadvertent when in the future there is another burial is it still inadvertent. We should have a buffer zone to the next that is close in proximity, and we need to do the right thing. Cancel the terminology of inadvertent findings. They were connected and knew where they were. If we continue to have OHA, DLNR in this process they are obsolete in protecting the burials. I will be addressing more in my written testimony. Mahalo for letting me share this morning.

I have a recommendation, Palala Harada added, before we give a second chance to Manawaiakea can we give others a chance to speak. Chair asks if there are any other people to testify. Palala adds he wanted to know if others would like to speak. Chair continues with no response, Manawaiakea go ahead.

Manawaiakea is clarifying we are having this meeting today and how we can go forward. I am on OHA's website as I thought how they benefit us. We as a nonprofit tried to apply for a grant with OHA and understand how we can help. With OHA, as a corporation to protect the desecration of the iwi kupuna. I keep hearing about burial registrations and descendancy claims and I feel bad for them. I help them fill out all these forms and we are feeling squashed. What foundation are we left with, advocacy, how many times I have been arrested. We trying to come forward and follow the rules and OHA has heard from me, and they never did not one thing. Right here on their site and overview on the website, they have our trust. Who picks the council, the governor, who represents the council the AG. Wailua happened, Moloaa happened. What is your connection, what about the rest of these people out here that wants to identify themselves. Who holds them accountable for not doing their job, mahalo.

Chair asks if there is further testimony. (RECORDING ONLINE at SHPD Website)

Anake Nani Rogers shared, I did want to add one thing, I believe the desecration of Moloa'a has to do with the Julian, am I right Julian. Kai Markell claimed lineal descendancy. Yes, Julian answers we have Ohana in Moloa'a and Pila'a, both places. Right now we are referring to Pila'a ahupua'a for our burial registraion. Julian adds, Madam Chair, could you identify the burial council members today here in attendance, I am not familiar with who they are. It would be helpful for me to know. Chair responds, I am Sandi Puanani Quinsaat representing the Kona moku, Carol Lovell for the Kawaihau moku, Kauilani Kahalekai for the Kona moku, Palala Harada is for Na Pali moku and Leiana Robinson is for Niihau. Julian asked who represents the Koolau area, Chair answered Carol. Julian gives his gratitude to everyone and providing an opportunity.

Palala Harada moved and Vice Chair Carol Lovell second the motion to adjourn the meeting.

Chairperson opens the floor for discussion

Unanimously approved.

V. ANNOUNCEMENTS/PULE

A. Next meeting is scheduled tentatively for Wednesday, November 10, 2021.

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.