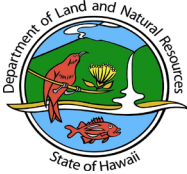


DAVID Y. IGE
GOVERNOR OF HAWAII



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

601 Kamokila Boulevard, Suite 555
Kapolei, HI 96806

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

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

DATE: Tuesday, August 28, 2018
TIME: 10:00 AM
**LOCATION: Office of Hawaiian Affairs/Department of Hawaiian
Home Lands Conference Room
600 Maunaloa Highway
Kaunakakai, HI 96748**

I. CALL TO ORDER

[10:19 AM] Meeting called to order

meeting held without quorum

II. ROLL CALL/PULE

Kawehi Soares
La'a Poepoe

SHPD Staff

Andrew Kealana Phillips, Burial Sites Specialist
Chris Ikaika Nakahashi, Cultural Historian
Barker Fariss, Lead Archaeologist Maui

Public

Kahulu Peltier – Community member
Keani Rawlins-Fernandez – Community member
Mahealani Davis – QLCC
Kief Apo - DOCARE

III. APPROVAL OF MINUTES

A. April 20, 2016 – defer ; no quorum

IV. BUSINESS

A. Training for the Moloka'i Island Burial Council on membership, roles, and responsibilities.

- SHPD discussion roles/responsibilities for new councilmembers.
- SHPD explain process of running meeting. Council will need to vote for chair / vice chair once have quorum. SHPD explain how to call to order. Meetings will be recorded. Importance on documenting everything to allow for accurate meeting minutes. Explain the process of motions. Voting etc.
- SHPD explain meeting minutes posted to SHPD website. Copy in SHPD library. Capture what said/occurred at meeting.
- SHPD staff explained closed/executive session. How council can motion into to disclose/discuss burial locations or genealogy.
- SHPD explain that Deputy AG can be available if requested to clarify anything, answer questions that council may have.
- Since no quorum, council unable to discuss amongst one another. Can accept public testimony.
- Chair run meeting; set the tone for the group.
- Docare Officer Kief Apo at meeting. Wanting to meet everyone; know who is involved. Know who to call. Explained not wanting to collect iwi ; curate at facility. Better to just hui and take care.
- SHPD explain process. Call MPD first. Original jurisdiction. MPD can determine if crime scene or not. If not, SHPD (state) can take jurisdiction.
- SHPD explain that it has its own archaeology in office. SHPD arch will investigate to determine if human / over 50 years old.
- Keep iwi in place as much as possible. No photos of iwi as much as possible. GPS location.
- What to do with burials exposed via erosion ??? Leave in place? Let nature take? Who collect iwi? Only archaeology can recover/handle iwi. Use best judgement. Sometimes collect to protect.
- SHPD explain inadvertent vs. previously identified. SHPD explain notification process re: inadvertent. OHA, burial council district rep, MPD, any recognized descendants. SHPD mention time window to make decision on inadvertents (when a disposition is requested). SHPD encourage councilmembers to have a list of individuals in area that would want to be consulted with when iwi kupuna found.
- SHPD mention 5 individuals recognized by council at the moment as descendants. Per records in SHPD.
- Lineal descendant definition. Prove direct lineal connection to iwi kupuna. Who that person is.
- Cultural descendant definition. Do not know who iwi kupuna is. Can prove ohana lived, buried in area. Lineal more difficult to be recognized. Most apply/accept cultural. Lineal has higher standard.
- Inadvertents any iwi found thru erosion, during construction. Previously ID. Any iwi found thru AIS or before construction. Inadvertent SHPD kuleana. PIP purview of council.
- If come across iwi. Stop work in vicinity of find. Call MPD explained SHPD.

- SHPD explain process of registering burials. SHPD website has document. Fill out doc and send to SHPD. SHPD, history and culture will work with archaeology department to confirm, register burial.
- Burial need to be over 50 years. Within 50, considered cemetery. Department of Health jurisdiction.
- Importance of recognition. To give preference, prioritize the mana'o of those that have kuleana to burial
- SHPD went through the Chapter 6E and HAR 13-300 briefly.
- SHPD have library. Both on Maui and Kapolei. There can find burial treatment plans, arch info, etc.
- Legal primer also available. Real high level overview of burial laws.

V. COMMUNICATION/INADVERTENTS

A. **Discussion re: County owned property with Burial Preserve included at Mapulehu Ahupua'a, Kona District, Island of Moloka'i, TMK: 2-5-7-008: 076.**

Information/Discussion: Discussion on the above find.

- SHPD Cultural Historian Ikaika Nakahashi address council
- Explain that plenty history. Glass house. SHPD explain recent concern include new landowner, adjacent property, animal fence encroaching on lot. County owned lot. May be impacting burials. SHPD did conduct site visit. No boundary pins. Unable to confirm, verify if fence pins are indeed encroaching. Landowner agreed to move fence back if needed.
- Council member Poepoe stated well familiar with case/property.
- County would need to conduct site visit / survey to ascertain boundary.
- Mahealani Davis address council
- Mahealani Davis explain daughter own property next door (Hoala Davis). Fence put up to deter trespassing. Fire control etc. Goats eat vegetation so landowner able to remove rubbish.
- Survey recently done. Fence on west side of property. 2 of 4 pins.
- Close agenda item.

B. **Update on Inadvertent Discovery of Human Skeletal Remains at La'au Point, Ahupua'a of Kaluako'i, Kona District, Island of Moloka'i, TMK: 2-5-1-002: 002.**

Information/Discussion: Discussion on the above find.

- SHPD Burial Sites Specialist Kealana Phillips address council.
- DOCARE Kief Apo address council. Mr. Apo stated wahine walking. Picked up iwi. Mr. Apo took jurisdiction/possession of iwi. Been in curation since. 2016 iwi handed over to Keoki/Halealoha. Reinternment pau. Iwi consisted of part of cranium. Not a full person. Ua pau.
- Close agenda item.

C. **Inadvertent Discovery of Human Skeletal Remains from Kaupoa Beach, Ahupua'a of Kaluako'i, Kona District, Island of Moloka'i, TMK: 2-5-1-002: 048.**

Information/Discussion: Discussion on the above find.

- SHPD Burial Sites Specialist explained that MPD investigated find. This was around the same time as a helicopter crash. MPD assumed it could have been part of accident. Have forensic value. It was also on the coastline in danger of being washed out. Determination was made by PD to recover. Iwi was transported to Maui to their forensic facility. After closer investigation, iwi determined to not have forensic value. Not crime scene. SHPD was notified. SHPD worked with osteologist here on Maui to investigate. Determined to be human, over 50, SHPD jurisdiction. SHPD transported to iwi to its curation facility. Notified councilmember Mikiala Pescaia. Ms. Pescaia flew to Maui. Wrapped iwi and returned to Moloka'i for reinterment. Ua pau.
- Who in charge of reinterment asked Ms. Rawlins-Fernandez? SHPD explained inadvertent kuleana of SHPD. SHPD need to ensure it gets reinterred. Even though SHPD may not be involved. SHPD always defer to descendants. And the process involved.
- When you work with iwi. It's forever. Culturally bound for life to care for iwi kupuna.
- Close testimony.

D. Inadvertent Discovery of Human Skeletal Remains from The Kawakiu Nui Project (1979), Curated by Cultural Surveys Hawai'i Inc., Collections
Information/Discussion: Discussion on the above find.

- SHPD Burial Sites Specialist address council.
- SHPD explained that iwi consisted of fragment. Not entire person. Been in curation facility (SCS) since late 1970's. The cultural consultant for SCS, Auli'i Mitchell reached out to SHPD to try and malama the iwi and reinter. SHPD staff facilitated the meeting between Ms. Pescaia and Auli'i. Ultimately Ms Pescaia took possession of iwi. Did reinterment. Ua pau.

E. Inadvertent Discovery of Human Skeletal Remains at Kahinapohaku Fishpond, Ahupua'a of Moanui, Kona District, island of Moloka'i, TMK: 2-5-8-001: 002
Information/Discussion/Recommendation: Discussion on the above topic.

- SHPD Burial Sites Specialist address council.
- SHPD explained that Leimana Naki contacted SHPD. Frustrated. SHPD conducted site visit on June 28, 2018. Mr. Naki showed SHPD staff, as well as councilmember Makanani Cobb-Adams around fishpond. No iwi was witnessed at the time of site visit. Mr. Naki did show where iwi has been eroding / being discovered. SHPD staff talked with Mr. Naki about possibility of erecting signage. Just to make known, people aware of iwi. Mr. Naki wanted to be heard. Signage deters people congregating, leaving opala.
- SHPD Cultural historian explained iwi found below high tide mark. In fishpond, in wall and outside closer to Halawa. What to do? Let nature take its course. Collect / protect?
- Dry stack to stabilize burials. Difficult when working below high tide mark.
- Close agenda item.

F. Discussions About Process and Procedures re: Responding to Inadvertent (Erosion) Discovery of Human Skeletal Remains along Coastline.

Information/Discussion/Recommendation: Discussion on the above topic.

- Erosion burials, what to do asked SHPD. Varying opinion. Okay to let nature take its course. Or should collect to protect. Then figure out appropriate reinternment. Definitely ongoing discussions needed. If buried near coastline. One could venture a guess that kupuna expected to eventually end up in ocean.
- Iwi not uncommon to be found in wall of fishpond.
- Buried in ko‘a.
- Bigger king tides. Stronger storms. Not what kupuna dealt with. Island melting. Kupuna being exposed in accelerated rate. Need to figure out what to do moving forward. How best to protect iwi kupuna?
- Need community involved. Everybody, every area differs in opinion. Cover iwi when exposed. Try not to relocate, remove off property.
- Typically, on Maui. SHPD notify or conduct frequent site visits. Use best judgment as to what to do. Can cover iwi or need to collect. Case by case situation.
- Avoid collecting as much as possible. Separate individuals. Iwis sit in storage for extended time.
- Geographic rep involved. Utilize council to kokua until SHPD can be on island, at site. Trust council. Community. Good working relationship. Priority is iwi. Take care of iwi. To the best we can.
- Iwi that consists of an entire individual, in situ, primary burial, etc. SHPD give preference for preserve in place.
- When letting iwi go with nature, major concern is iwi being washed ashore again. What to do then? Keep discovering, encountering same iwi.
- Whose jurisdiction is it when iwi discovered in ocean? Below high water mark state kuleana. However, state been adamant that iwi eroded from aina. Whether it’s county, state, private land. Behoove landowners to work with SHPD, community, council to figure out what best can be done for iwi. Ultimately, landowner will have to agree with location of reinternment.
- SHPD explained at the very least when iwi found via erosion along coastline. Individual does not want to collect protect. Move further mauka. Bury and place pohaku or some sort of marker above and notify proper authorities. Offer interim protection until can figure out long term preservation measures.
- If collection, what appropriate, proper protocols? Place iwi in lauhala, paper bag, kapa, muslin etc. SHPD explain that paper bag works fine. Discrete. Appropriate as means of collection, transportation, curation.
- Work with community members, groups to make baskets, materials, etc. Biggest thing do the best can.

VI. ANNOUNCEMENTS

A. Next meeting date, venue, and time TBD

VII. ADJOURNMENT – 12:35 PM

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 Moloka'i Island Burial Council at its April 20, 2016 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.