



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

KEITH W. AHUE
MANABU TAGOMORI
DAN T. KOCHI

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER RESOURCE MANAGEMENT

AGENDA MOLOKAI ISLAND BURIAL COUNCIL MEETING

Date: Wednesday, February 19, 1992
Time: 1:00 PM
Place: Mitchell Pau'ole Center
Kaunakakai, Molokai

FEB 11 3 04 PM '92
DEPARTMENT OF LAND AND NATURAL RESOURCES

- I. OPENING REMARKS
- II. APPROVAL OF JANUARY 27, 1992 MEETING MINUTES
- III. BUSINESS
 - A. **Kalaupapa Airport, Kalaupapa, Kalawao**
Information: Department of Transportation plans for construction work at the cross-section.
 - B. **Mapulehu Glass House - Burial Sites Disturbance**
Information: update of Attorney General's investigation of multiple burials sites disturbance.
- IV. ANNOUNCEMENTS
- V. ADJOURNMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

JACK P. KEPPELER, II
DONA L. HANA'KE

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
DIVISION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

MINUTES

MOLOKAI ISLAND BURIAL COUNCIL MEETING

Date: Wednesday, February 19, 1992
Time: 1:00 PM
Place: Mitchell Pau'ole Center
Kaunakakai, Molokai

ATTENDANCE:

Council: Colette Machado, Eliza Reyes, Henry Ayau Jr.,
Pearl Hodgins

Staff: Edward Ayau, Kathleen Oshiro

GUESTS:

George Chung (Airports DOT Molokai), James Chang
(Airports DOT Honolulu), Carolyn Imamura (HDOT
Community Advocate Prog.), Rachael Kamakana (Hui
Malama I Nā Kūpuna), Halona Kaupiki (Aupuni O
Hawaii), Georgina Kuahuia, Margaret Miyashiro,
Judy Caparida, Patty Gross and Lawrence Aki (self
& Ohana), Stanley Kalua (Aupuni O Hawaii)

ABSENT:

Matthew Adolpho Jr. (excused), Lani Kapuni, Henry
Nalaielua (excused)

I. OPENING REMARKS:

Chairperson Colette Machado called the meeting to order at
1:17 p.m. Machado asked that Ellen Osborne be allowed to
address the Council and placed on the Agenda as Item C and
Hui Malama I Nā Kūpuna be placed on the Agenda as Item D.

Chairperson Machado welcomed members of the community and thanked them for their attendance at this meeting.

II. APPROVAL OF JANUARY 27, 1992 MINUTES:

Approval of the January 27, 1992 meeting minutes were deferred to the next meeting due to a lack of quorum. No decisions or recommendations would be made today.

III. BUSINESS:

- A. Kalaupapa Airport, Kalaupapa, Kalawao**
Information: Department of Transportation plans for construction work at the cross-section.

For the benefit of those present, Machado reviewed the Kalaupapa project and explained the process of how the burial site was selected. The plaque made to mark the location will be placed at the Kalaupapa infant burial site after all approvals from 4 agencies are received.

Chang explained that the down time have been minimized to a 5 day closure to allow for construction over the existing runway portion of the site. The Council recommended exploratory trenching but it will close down the airport for a longer period of time. Chang said the new runway will be crossing over already previously disturbed soil condition. Eddie Ayau added that the sand was found clean, which means there wasn't any activity in that area. If there was activity in the past, it was deeper than what would be disturbed. Ayau feels comfortable with the information provided, that there was adequate coring done in the area and the opportunity of finding more burials are minimized.

A dicussion followed of the case basically reviewing the information for members, and updating others who were not present at previous meetings.

Chang distributed the "Interim Operations Order for Kalaupapa Airport Runway Crossover". Page 15 reviewed the special closure protocol on human remains. DOT requested that one council representative be present during the 5-day closure. Should remains be found, Machado wanted to be notified by phone first, and a meeting scheduled. Archaeologist, Annie Griffin, should be at Kalaupapa during this time.

Eddie Ayau explained that it is SHPD's responsibility to inventory burial sites and Kana'i Kapeliela is the oral historian who talks to families who can identify where these

sites are. This information does not have to be disclosed to the general public. This inventory allows all burials to be mapped and if any project is planned for a certain area, those considered previously identified will be protected from development. Anyone with lineal descendant information can call SHPD's office.

The majority of the community's concern was that the Kalaupapa situation of disinterment of remains and relocating the reburial site does not set a precedent for all of Molokai.

B. Mapulehu Glass House - Burial Sites Disturbance
Information: update of Attorney General's investigation of multiple burial sites disturbance.

Eddie Ayau updated that SHPD received calls in October, 1991, regarding the possible disturbance of burials at Mapulehu Glass House. The person who contacted SHPD did not know about this incident first-hand. DLNR's enforcement agency contacted their investigator on Molokai to conduct the investigation. At the end of December 1991, Ayau accompanied the officer and with the permission of the lessee went onto the site and documented substantial disturbances of human remains.

Ayau and officer Shiroma collected remains that were there and took them to a home on the East End. The next day, Friday, permission was granted to take the Burial Council onto the site. Ayau and DOCARE officer, Keith Shiroma, completed their reports and filed it with the Attorney's General (AG) office. The reason for the lapse in time was that the attorney working on this case left the AG's office and this case was transferred to someone else. In the meantime, the AG's office sent one of their officers here to take statements from witnesses.

The investigator may have to return to Molokai to take witnesses to the site and recreate what happened. Ayau read from the Burials law brochure which explains the Burial Council's position and penalties involved. Ayau emphasized that what is to be determined is whether a knowing/intentional disturbance/injury to the site occurred.

The decision that the Council made was to remove the *iwi* found exposed and place them with *Hanapi*. The bones were wrapped in cloth and covered. There was no indication of anything historic. Ayau said large *kūpe'e* shells, shark teeth and a black *pōhaku* were found.

Margaret Miyashiro asked if an archaeological team came in

to look at the site. Ayau answered no.

Ellen Osborne stated that she is very anxious to work with the Council as well as DLNR. Osborne stated she would like reinterment at the site as soon as possible. On December 19, 1991, Shiroma and Ayau visited the site and returned with Council members on December 20, and created a police line around three quarters of the property, restricting Osborne to enter this area. Osborne stressed that this non-entry is restricting a lot of her business. Osborne is quoted to say "I'm very willing to work with everyone. I don't have anything to hide. My life's an open book. Ask me a question and I will answer."

Ayau said they did not anticipate finding remains in the field that was cleared. Remains were found in the field and photographed. The large area was roped off because remains were scattered throughout 4 acres and it prevented any one from going into that area. Ayau said Osborne was initially informed that the next step was to contact an archaeologist which she did not want to. Osborne said if she did not want to cooperate she would not have allowed any one onto the property and she felt she was cooperating as much as possible.

Rachael Kamakana announced that Hui Mālama concentrates on doing the reinterment of *iwi* on any island. Hui Mālama's primary involvement is to look after the remains of their ancestors, to put them back where they belong, put them to rest. Kamakana welcomes native Hawaiians to learn the cultural process.

Lawrence Aki (also representative of his 'ohana) gave Ayau a letter addressed to Mr. Paty and a copy to Machado as being descendants and in hopes to resolve this matter in an expeditious manner.

Testimony was given by several Molokai residents of their personal feelings of how things should have been handled, questions as to why the investigation was taking so long, their reasons to forgive and support Osborne, and/or their anger of Osborne's disturbance of the *iwi*, not reporting the discovery, how difficult it is to forgive an act until all the information is out in the open and whatever punishment is due is given, and then the *iwi* can be put back. The one agreement between the community and Council members was that the *iwi* should not be out any longer than necessary and lineal descendants should *mālama* with *pono* (proper procedure).

Machado clarified that the earliest determination of this occurrence of the disturbance was as early as May 1991.

The exposed *iwi* were massively scattered and not in the original area where it should have been. The bones were severely fragmented throughout the property. The investigation taken place is to determine whether there was intentional or unintentional harm to the *iwi*.

Walter Ritte asked Osborne why she did not call and report that she found the bones? Osborne said she has been forced to hire an attorney as the result of all this. Her attorney has advised her not to discuss this because of the legal parameters. What she could tell us was that the land was cleared by Sam Pedro and sixteen other people were in that area for almost 1-1/2 months putting in a pipe ditch for irrigation. No one saw anything. After it rained, the rain washed the dirt off, exposing bones. This area was an access to the west side of the area that was cleared, next to the plum patch. Osborne then stated that she cannot tell us any more than this as advised by her attorney.

Osborne is willing to have an archaeologist come in at this time but does not have the funds to hire one. It was again clarified that the State is conducting the investigation to determine if a violation has taken place.

Kalaupapa Airport

Motion: nomination of Henry Ayau and Colette Machado as contact members to be present at Kalaupapa during the 5 day closure. (Ayau/Hodgins)

Vote: all in favor, none opposed, none abstained.

IV. ANNOUNCEMENTS:

Ayau distributed the Burial Programs brochure and announced that SHPD is trying to gather a supply of *kapa* and *lauhala*.

The next meeting is scheduled for 1:00 p.m., March 18, 1992.

V. ADJOURNMENT:

The meeting was adjourned at 4:35 p.m.

Respectfully submitted:

Kathleen Oshiro

Kathleen Oshiro