



DEPUTIES

JOHN P. KEPPELER, II
DONA L. HANAIKE

AQUACULTURE DEVELOPMENT
PROGRAM

AQUATIC RESOURCES
CONSERVATION AND

ENVIRONMENTAL AFFAIRS
CONSERVATION AND

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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
DIVISION

LAND MANAGEMENT
STATE PARKS

WATER AND LAND DEVELOPMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

AGENDA

MOLOKAI ISLAND BURIAL COUNCIL MEETING

Date: Tuesday, February 2, 1993
Time: 1:00 PM
Place: Queen Lili'uokalani Children's Center-
Lili'uokalani Trust
Molokai Office
Kalamaula

- I. OPENING REMARKS
- II. APPROVAL OF JANUARY 20, 1993 MEETING MINUTES
- III. BUSINESS
 - A. **Mapulehu Glass House - Burial Sites Disturbance**
Recommendation: update of recovery and mitigation efforts.
 - B. **Case Updates**
Information: Kalua Ko'i burial and Moanui burial discoveries.
- IV. ANNOUNCEMENTS
- V. ADJOURNMENT



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DEPARTMENT OF LAND AND NATURAL RESOURCES

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KRITH AHUE, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCE

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MINUTES

MOLOKAI ISLAND BURIAL COUNCIL MEETING

Date: Wednesday, February 2, 1993
Time: 1:00 PM
Place: Queen Lili'uokalani Children's Center
Molokai Office, Kalamaula

ATTENDANCE:

Council: William Akutagawa Jr.
Lani Kapuni
Colette Machado, Chair
Noelani Meyer Keliikipi
Henry Nalaielua

Staff: Edward Halealoha Ayau, Program Coordinator
Kathleen Oshiro

ABSENT: Pearl Hodgins (available by phone)
Eliza Reyes (excused)
Henry Ayau Jr. (available by phone)
Matthew Adolpho Jr.
Harry Aki III

I. OPENING REMARKS:

Chairperson Colette Machado called the meeting to order at 1:23 p.m. Chairperson Machado said the meeting scheduled earlier because Eddie Ayau and Henry Nalaielua would not be available on the regularly scheduled date. Aunty Lani Kapuni offered a *pule wehe* (opening prayer).

II. APPROVAL OF MINUTES:

The approval of the December 16, 1992 and the January 20, 1993 Molokai Island Burial Council meetings was deferred until after the first agenda item.

III. OLD BUSINESS:

- A. **Mapulehu Glass House - Burial Sites Disturbance**
Recommendation: update of recovery and mitigation efforts.

Eddie Ayau reported that in December 1992 a recovery plan was sent to lessee Ellen Osborne, and HSPA, landowners of the Mapulehu property. This plan was developed by the State to deal with the situation of recovering the remains.

The plan was divided into four phases in which the principal phases, two and four, are concentrated areas where remains were found. This proposed a joint effort with the State supervising the recovery work and to dismantle the bulldozed push piles.

Ayau reported that the work was conducted the second week of January 1993 by himself and Annie Griffin, SHPD's Maui County archaeologist, and they spent five days working at Mapulehu. Ayau and Griffin directed the backhoe operator to dismantle the push pile. They did most of the clearing work because Osborne kept sending her workers home when it started to rain. The agreement was that Osborne provide the labor and the State would provide the expertise in identifying the remains.

For three days, Ayau and Griffin tested the site by digging small holes with a shovel and in each pit they discovered remains. A heavy concentrated area of remains was found after the third day and it was decided not to recover any more remains in that area but to focus on the push pile from the bull dozer. It was decided that the concentrated area was to be set aside, the remains that were already recovered be reburied and the burial area covered over.

The site was lined with large boulders to designate the boundary. Ayau said the State proposed to HSPA and Osborne to have the area filled in with gravel as a protective covering, then with top soil to mound the half acre site.

Ayau asked for the Council's blessing and reviewed that one of the recommendation made at the January 1993 Burial Council meeting was to include more of the area in the reburial site in the *makai* Kaunakakai corner. It was a good

suggestion because there was a lot of debris that was piled up in that area that was not tested.

Ayau said they spoke to Ellen Osborne about clearing the debris from that area. Osborne wanted to start clearing work but Ayau asked Osborne to wait until they received the blessing of the Council.

Ayau said he called Osborne last week and explained to her about clearing out the rubbish that was pushed in that area by the backhoe. Ayau said that Osborne asked, "may we burn the rubbish". Ayau told her "absolutely not". During the week that Griffin and Ayau were working, they told Osborne that no burning will be allowed. The rubbish was to be moved outside the burial site by hand, then Osborne could burn it. Ayau said after his call, he wrote to the file:

"Called Ellen at 1:10 p.m. on January 25, 1993. Explained to her about clearing the dead vegetation and expanding the *makai* Kaunakakai corner of the site. She said that work will commence as soon as possible. She asked if they could burn. I said absolutely not. She hired a backhoe to move the rest of the boulders into place and wants to place the gravel over the concentrated burial area. I told her once the gravel is ready to be put in place call me and I'll travel to Molokai to direct it."

Later on the 25th Ayau talked to Don Hibbard about Osborne providing the reburial materials. Hibbard wanted Machado to be updated on the project. Machado asked that the boulders not be moved until this meeting.

Ayau said that it was made clear that there will be no burning in the reburial area. Ayau and Kathy Oshiro just came from the site this morning and reported that Osborne did burn the rubbish in the burial area. Ayau recovered a finger bone, a vertebra and fragments from the burned pile. It was clarified for Machado that the pile was in the delineated burial site and that it did not burn into the dirt. The guinea grass has an extensive root system and the remains were in the dirt around the roots. Ayau said that is why they do not allow burning or use of pesticide. Ayau read that only where absolutely necessary should herbicide be utilized to clear ground foliage.

Ayau said he suggested that the State provide the reburial materials and that Ellen Osborne reimburse the items to the State. Hibbard wanted a firm commitment from Osborne that she hire someone to supply the burial materials and that they actually bill her.

Ayau said the first issue to consider is whether the Council agrees with the proposed plan. The burial site was lined with boulders and it was proposed to place the prepared remains back into the site, cover the area with soil and a protective covering of gravel, and mound the burial area with soil. The other action would be to recover all remains that are there which would take months.

Discussion took place of Osborne's good faith.

Machado recalled that Eddie Ayau told Osborne that there would be no burning in the burial area. Ayau mentioned that Annie Griffin is another witness who heard Osborne being told that there will be no burning in the marked area.

Motion: it was moved that the bones removed be reinterred onto the property in a designated area, placed in the ground and covered with topsoil, then a protective layer of gravel be put on top and mounded with soil. The burial site will be expanded at the makai Kaunakakai corner. (Akutagawa/Noe)

Vote: five in favor (Ayau Jr. and Hodgins via phone call in favor), none opposed, none abstained.

Ayau explained that people from the community came forward and claimed lineal descent and asked the Council if they would like those people present. It was decided to contact Lawrence Aki and have him notify his 'ohana.

Motion: it was moved that the Attorney General's office be notified of what was seen today about the burning and that Osborne's attorney, Paul Goto, be notified that Osborne is restricted from that area and that if Osborne wished to go into that area, she contact the SHPD staff and be accompanied by a Burial Council member on Molokai. (Akutagawa/Nalaielua)

Vote: five in favor (Hodgins by phone in favor), none opposed, none abstained.

Ayau said he transferred the kapa to Hanapi today. Machado asked for an update at the next meeting regarding the progress on prosecution.

IV. APPROVAL OF JANUARY 20, 1993 MEETING MINUTES

The approval of the minutes of the January 20, 1993 meeting was unanimously accepted as distributed. (Akutagawa/Nalaielua)

V. CONTINUED OLD BUSINESS

B. Case Updates

Information: Kalua Ko'i burial and Moanui burial discoveries.

1. **Kalua Ko'i:** Ayau said he spoke to Les Goya on January 15th who reported that they are still trying to select a reinterment site.

2. **Kauai Loa:** Ayau said he gave Pearl Hodgins his card to give to Mrs. Eckert, the family that owns the Waiialua property. Ayau never received a call from her and Hodgins said she will follow up on that. Ayau said he will also speak to Pop Smith because his family is claiming that family burials might have been covered by the work that was done up there. A site visit will be rescheduled.

3. **Moanui burial:** Ayau reported that there is no new information regarding this case.

VI. ANNOUNCEMENTS:

The next meeting is scheduled for 1:00 p.m., March 17, 1993.

VII. ADJOURNMENT:

The meeting was adjourned at 2:20 p.m.

Respectfully submitted:

Kathleen Oshiro

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