

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

P.O. BOX 621
HONOLULU, HAWAII 96809

MICHAEL D. WILSON, Chairperson

Gilbert S. Coloma-Agaran, Deputy to the Chairperson

Board of Land and Natural Resources

Rae S. Lout, Deputy Director

Commission on Water Resource Management

- Aquatic Resources
- Boating and Ocean Recreation
- Conservation and Resources Enforcement
- Conveyances
- Forestry and Wildlife
- Land
- Office of the Chairperson
 - Aquaculture Development Program
 - Fiscal Office
 - Personnel Office
 - Kaho'olawe Island Reserve Commission
- State Historic Preservation
- State Parks
- Water Resource Management

LIEUTENANT GOVERNOR'S
OFFICE

'97 SEP -5 P2:13

**AGENDA
MOLOKAI ISLAND
BURIAL COUNCIL MEETING**

Date: Thursday, September 11, 1997
Time: 9:00 a.m.
Place: Mitchell Pau'ole Center
90 Iona Street
Kaunakakai, Moloka'i, Hawai'i 96748

- I. OPENING REMARKS**
- II. APPROVAL OF MINUTES OF MARCH 20, 1996 AND APRIL 17, 1996 MEETINGS**
- III. BUSINESS**
 - A. KAUPOA CAMPSITE UPDATE**
Information/Recommendation: Discussion of recent discovery of possible burials
 - B. COUNCIL DUTIES:** Discussion of burial council duties, procedure, and law
 - C. BURIAL SITES PROGRAM:** Discussion of status of program
 - D. CASE UPDATES AND NOTICE OF INADVERTENT DISCOVERY:**
Information/Recommendation: Update of ongoing cases, arrangements for reburial where necessary, and other follow-up by SHPD, including inadvertent discovery of human skeletal remains
- IV. ANNOUNCEMENTS**
- V. ADJOURNMENT**



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MINUTES

MOLOKA'I ISLAND
BURIAL COUNCIL MEETING

DATE: WEDNESDAY, SEPTEMBER 11, 1997
TIME: 9:00 A.M.
PLACE: MITCHELL PAU'OLE CENTER
90 IONA STREET
KAUNAKAKAI, HAWAII 96748

ATTENDANCE:

Members: William Akutagawa Myrle Florea
Lawrence Aki Pearl Hodgins
Edwina Cacoulidis Luana Hamakua
Anna Goodhue

Staff: Ms. Sara Collins, Archaeologist
Mr. Ka'iana Markell, Burials Program Director
Ms. Michelle K. Bradley, Burials Facilitator

Guests: Mr. Alapa'i Hanapi, Hui Malama Ina Kupuna O Hawai'i
Mrs. Mililani Hanapi, Hui Malama Ina Kupuna O Hawai'i
Mr. Walter Ritte, Moloka'i resident
Mrs. Loretta Ritte, Moloka'i resident
Mr. Chris Chung, Moloka'i Ranch
Mr. Rick Stack, Moloka'i Ranch
Mr. Harold Edwards, Moloka'i Ranch
Mr. Maurice Major, Cultural Landscapes Hawai'i
Gerry Anderson, Moloka'i Dispatch
Thespiste K. Purdy, Ho'olehua Homesteader
Ms. Nora Cleveland, Ho'olehua
Ms. Kauila Reyes, Maui County for Moloka'i Commissioner

Mr. George Peabody
Mr. DeGray Vanderbilt, Moloka'i resident
Mr. Pilipo Solatorio, Air Aloha
Mr. Ernest Kanekoa, Hui Aloha
Mr. Donald Kalaiwae, Jr., Hui Malama
Mrs. Piliialoha Kalaiwae
Ms. Iwalani Arakaki
Mr. Ka'eo Adolpho
Ms. Molly Tengan
Mr. Harry Aki
Mr. Jimmy Deauvachelle, Hui Aloha
Ms. Dudoit

ABSENT: Ronald Kimball (excused)

I. OPENING REMARKS

Chairperson William Akutagawa called the meeting to order at 9:12 a.m. A pule wehe was offered.

Akutagawa stated the attendance of members and introduced SHPD staff Kai Markell, Michelle Bradley, and Sara Collins for the record.

Markell said it's been a while since the council had a meeting. The plan today is to go through the agenda and after all items have been discussed, he will go over the rules with the council and be available to answer questions, if any.

II. APPROVAL OF MARCH 20, 1996, AND APRIL 17, 1996, MEETINGS

A motion was unanimously accepted to approve the Minutes of the March 20, 1996, and April 17, 1996, Meetings, as submitted (Hodgins/L. Aki).

Vote: All in favor.

III. BUSINESS

A. KAUPOA CAMPSITE UPDATE

Information/Recommendation: Discussion of recent discovery of possible burials.

Markell stated that DLNR was informed several weeks ago of possible burial sites that were discovered at Kaupoa. Based on conversations with several members of the community, it was determined that a site visit by the department was necessary. The Ranch permitted DLNR and several burial council members the opportunity to conduct their site visit earlier this morning.

Chapter 6E of Hawai'i law protects all burial sites in the State of Hawai'i. If we have a possible burial site, the department gathers information to establish proof, or a reasonable belief, that it's a burial site. This kind of information could be surface, oral, or written. This information is gathered and presented to the burial council. The council is the body which attests to the verification and validity of these sites being burials. We're at this stage where we're dealing with the landowner who has fortunately preserved these sites in place. In our rules, we allow for a burial site to be established purely on oral testimony. A last resort is actual physical confirmation. We don't like to have anybody digging to find anything to prove that there's a burial there because we come from a very oral tradition. If the sites aren't going to be impacted, then it's a question whether the landowners needs to come before the council for treatment. If the sites are going to be preserved, we still want to proceed with out determination whether they are burial sites. In the future, if the landowner has plans that would impact any of these four sites that we know about today, you need to come before the council and have a formal council determination. Anyone from the community can come forward at any time during the process. Today, from what Markell has seen at these four sites, he believes three, if not four, are possible burial sites. At this point in the process, we put the landowner on notice that they avoid these sites or any type of impact because we're treating them as burial sites. If the landowner goes in and bulldozes and it turns out there was *Iwi* inside, the law gives the state jurisdiction over those burials whether we knew it was there or not which means, in effect, the landowner could be in violation of Rule 6E and end up with a fine of \$10,000.00 a day per burial. We try to avoid this -- not just because of the trouble, but for the *Iwi*'s sake. We don't like to have *Iwi* found to prove that it's there, or remedy the situation after-the-fact because by then, it's too late. Markell asked Akutagawa and Florea if they had anything to add.

Mr. Alapa'i Hanapi, on behalf of Hui Malama Ina Kupuna O Hawai'i, interjected at this point and requested permission from the council that he be allowed to testify this morning about a very serious issue regarding Mapulehu, and that because of his time constraints and seeing there were a lot of ranch people in the audience today, he requested that his item be heard first. He assured Akutagawa that his item would not take longer than Kaupoa Ranch.

Akutagawa checked with the council. Because there were no objections by either the council or Markell, Akutagawa allowed Hanapi to continue.

D. CASE UPDATES AND NOTICE OF INADVERTENT DISCOVERY

Information/Recommendation: Update of ongoing cases, arrangements for reburial where necessary, and other follow-up by SHPD, including inadvertent discovery of human skeletal remains.

Hanapi said mahalo, aloha mai. He brings this *pu'olo* (bundle, bag, container) that represents the *Iwi* (bone) of our kupuna that have been revealed from Mapulehu. They've had *Iwi* that has been revealed for the last seven months and are very concerned about the reinterment. They want to *re-kamu* (re-plant, re-bury).

Mr. Harry Aki interrupted and voiced that he accepts their *pu'olo* and stated that he also takes care of their kupuna --

Council Member Lawrence Aki interjected that before this becomes a show, he'd like to recess.

Hanapi said this is not a show. L. Aki said he didn't direct it to Hanapi in general and continued to say that these are very serious items that need to be resolved. L. Aki directed to the Chairperson the need to be sure order is kept and that everyone will have an opportunity to testify. Hanapi said he's going to be as brief as possible and said that he'd appreciate no more interruptions when he's talking no matter what protocol, tradition, or custom that is followed. This is a tradition and a custom that we represent. This represents the *Iwi* of our ancestors to remind all of us here of our responsibility. That's why this is here, this *pu'olo*. In Mapulehu, we discovered the *Iwi*. It was found by Ellen Osborne. It came from a trail or a track from bush piles that was made there, and the desecration by Ellen Osborne and whoever was working for her at the time. We knew at that time that the job was not *pau* -- that there was bone that would be scattered because those bush piles over there, and we were concerned with immediately reinterring it even though it took us several years. It took several years, and that's a point to bring up, too. He said he doesn't want that to reoccur again. He'd like to re-*kanu* as soon as possible. He's asking the agencies responsible or the agencies who are professing to have the authority for enforcement or recognition. He's asking for their help as a *po'o* (head, director) of Hui Malama, Moloka'i Chapter, to help us get these *Iwi* back in the ground as soon as possible because, traditionally, it's a sin to reveal their bones. It's *hewa* (sinful). We have to put them back as soon as possible. They came out approximately almost three months, and we'd like to have the help of the community and the agencies who are professing to be responsible for this and *kokua* for what we have to do. As far as we're concerned, as Hui Malama, that's what our concern is. We just want to put them back and to let the Historic Preservation office and the burial council know that we're going to have some more work to do because we just have a small *pu'olo* now of fragments that were brought up, and we know that there's some more that's going to have to be brought up, and we want to just see that you folks are aware of it and conscious of that in the near future, there will probably be some more coming up, and we have a responsibility to put it back. As far as Mapulehu, I don't think I have anything else to say other than that. Are there any questions right now? *Kala mai* (excuse me).

L. Aki asked Hanapi if he had *Iwi* in his *pu'olo* right now? Hanapi replied no, this is just a representation. L. Aki asked Hanapi if he knew at this point in time of any bones that have been removed from Mapulehu that's in someone's possession which hasn't been taken care of properly? Hanapi said *a'ole* (no), except for the five skulls that were originally lost on the original desecration.

Sara Collins, Archaeologist, provided a little background. The land there has changed ownership. Sugar Planters owned it for quite a while and leased it to Ellen Osborne, and it was recently bought by another couple who are intending to establish a Nene preserve. The landowner began working with me at any rate. I just was there in May, and I think Billy was there, too, at one time, to look the grounds over. There is a great deal of disturbance. It looks like it was left over from years ago, and we were told that no ground disturbance was happening now. The

landowner isn't here today, and I don't want to speak in her behalf, but she had planned to do a burial treatment plan and come to the council with it. They will probably find more *Iwi* as they are clearing up vegetation. She wants to be sure that she has the right method of taking care of the *Iwi* now. They haven't been able to move on the land yet because the lessee moves out in October. Originally, I think Arleone thought that she would be able to complete a burial treatment plan this summer. Arleone said that she contacted Hanapi and was going to keep in touch with him, and I was going to work with her. We all have walked the land, showing her where the burial preserve was and everything so that way no sites would be damaged by clearing vegetation.

Akutagawa asked Hanapi if he wanted to continue the process that if anything comes out, we have a reburial process to continue reburying if anything comes out because we don't know when it might come up again. Do we have it in our plans for Mapulehu -- a continued plan for reburial whether it's in the same place, platform, or we create other platforms. I don't now what the protocol is?

Markell stated that for the council's information, Alapa'i had contacted him -- what we can do is go in and put the *Iwi* right back. We don't have to wait for anybody to move out or move in. The only problem is I have to know who the landowner is as of record because of this relationship where somebody owns the land that somebody's living on, who's moving out, and what agreements were made with whatever settlement occurred. That's something that I've got to buckle down and find out who owns the land at this point in time. Then we can go in and put the *Iwi* back. Then it becomes registered and protected. I think there is a burial preserve already on the property. Is this where the *Iwi* will go back, to the preserve? Hanapi said yes it will.

Markell further stated that he doesn't know what the plans are with the Nene, but we're going to have to actively monitor any type of activity -- from landscaping to whatever goes on at that property, and I believe the new landowners are coming in with a burial treatment plan and are well aware of the sensitivity of that area. It's probably the department's fault for not dealing with it and flying over and talking to you guys about getting the *Iwi* back in. That may be part of the delay. We apologize for that.

Hanapi asked Collins if she's been in touch with Arleone at this point. Collins said yes. L. Aki asked Collins if there are bones that have been exposed or if there aren't bones that are exposed? Collins said they're coming up. Hanapi said that as Hui Malama on our *'aina*, we have a certain area that we keep *Iwi* that come up from all over the island. There's a repository. L. Aki asked Hanapi if he has possession of the bones? Hanapi said yes. It's the weather that keeps bringing them out.

Akutagawa entertained a motion for an immediate reburial of those *Iwi* that had been found. L. Aki stated that he'd like to have time today at the end of our agenda to resume further discussion with Alapa'i if he doesn't have a problem with it. Hanapi indicated that he's on the agenda; Mapulehu is on the agenda.

Markell said that it falls under "other case updates". This is, in effect, moving this matter up from Item D. Basically, the department got the message that we have to get this *Iwi* put back, and I have to make a phone call. When I get back to O'ahu today, that's what's going to happen; this matter is going to come up again for maybe long-term treatment and maybe some of the soil needs to be screened to find the *Iwi* to put it back properly. The pressing issue is the reburial. Hanapi said the reburial of what they have.

A motion was unanimously accepted for the immediate reburial of the *Iwi* found so far at Mapulehu (Hodgins/Hamakua).

Vote: All in favor.

Markell said that's all we can really do at this point until we get a treatment plan, and once the landowners come in and are able to talk with us.

Hanapi said that in the meantime, Hui Malama will be there, too; if there's any concern of the landowner or your office or the burial council, you know we'll always be there to take responsibility for the *Iwi* and make sure that appropriate arrangements are made to take care of them until the burial treatment plan comes up. Mahalo nui from Hui Malama to you folks, and one more thing is that for us as native residents of the *Ahupua`a* _____ (land division usually extending from the uplands to the sea), we had a concern and this would probably be a case update of a burial that crossed the river from our property that composes of we're not sure how many burials, but we know that it's a burial place of warriors, and that they were *Olohe* warriors, and that coconut trees were planted on top. We were told this by kupuna of the area. We know that some of the Lima family has followed to us, some of the kupuna from nearby have passed away who had a hard time verifying this other than from our family knowledge and *mana`o* (thought, idea) passed down orally. We've try to work with your office on that, and Kana'i has come over, but we still haven't achieved the buffer zone or any kind of agreement with the landowner who is Gary Galiher, and I just wanted to bring that up, too. Thank you very much.

Akutagawa resumed hearing Item A.:

A. KAUPOA CAMPSITE UPDATE

Information/Recommendation: Discussion of recent discovery of possible burials.

L. Aki stated for the record that he has been contracted by Moloka'i Ranch as a Cultural Consultant. At this point in time, I'm speaking as a burial council member. At Kaupoa there is ongoing development of a campsite where four possible burial sites were discovered. There is no *Iwi* that has been identified -- only mounds. Buffer zones (30') have been set up at each site. There is no road or campsite anywhere near the 30' buffer zone.

Member Myrle Florea said that she'd like to clarify for the record that in a letter from Mr. Edwards to the council in the first paragraph, he insinuates that the council met illegally. We're well aware of the Sunshine Law. We didn't have Akutagawa here, and he's the chairperson. As newcomers, people just wanted to hear what transpired -- not to make any decisions. After that,

we contacted Markell at the Honolulu office. This is when we came around and agreed that we didn't have a fair council meeting. This meeting was the first thing that came up and we haven't had a council meeting for years so we felt it was important enough for the council to sit down and discuss this. Mr. Edwards should be apprised that we were well aware of what our rights were and what the rights of the community was.

Regarding the site inspection, Florea said that it was very hard for her to make a decision as to whether those mounds were burials or not. We were there for about an hour and looked at the sites that were shown to us. I think the archaeologist has done a decent job. However, it's hard for me to make a determination at this time until I have the opportunity to study it further.

Akutagawa stated that he asked Maurice Major about the extent of the project. Considering in size and the access road that goes down, my only concern is there are roads that lead into each of the areas there is trenching in the upper portion of the road as far as the drainage, in the future there may be some impact. In an area of oral history, my uncle and I had discussed that area before. They recollected that there are burials in that area. When they were young kids, they can remember seeing a skull here and a skull there. They don't know what happened to it. My recommendation is to get information from the community, old timers from the ranch, we need to hear from both sides. We need to be enlightened as to what the next step is.

Markell said he thinks today is primarily informational. As far as recommendations, the council can make them at any time on whatever is on today's agenda. I'm here to represent the burials program and to ensure the council can do what they're allowed to do by law, including getting public input, and I'm also here for the landowners should they have any questions or concerns. To keep our minutes clean, whenever we have legal challenges, we need to stick to matters on the agenda. You may wish to ask people if they want to come up to say anything.

A council member asked a question for Moloka'i Ranch. She wanted to know how far back does their records go in the history of Moloka'i Ranch, and whether or not they'd be willing to share that with the council for research purposes.

A Moloka'i Ranch principle replied that anything that's more than several years old has been either lost or were destroyed and we no longer have them. I'm not aware of anything that relates to this issue.

Member Luana Hamakua recalls a farm that her dad spoke to her about when he was a watchman (around 1945) where he worked from early evening to midnight and sometimes the next morning. He shared his *mana'o* with me and said that the whole area is sacred and the whole area is burials.

Akutagawa opened the floor for public testimony limited to any knowledge they may have about any possible burials in that area. Testifiers were asked to state their name and affiliation.

Mr. Ka'eo Adolpho, Moloka'i resident: I am concerned because I'm also in cultural resources with Lawrence who is a consultant. I heard that the archaeologist thinks it's possible there area burials. What it is it's not what I can do, it's where I lay the problems at, and I think

we're doing it right now by getting the burial council involved. Our eyes and ears are open. We can see the future plans of the ranch. I know people who work there who come home at night and dream about the rocks and graves. This is the spiritual part that you cannot feel. Your employees are suffering little by little. Don't use our kupuna as a weapon. We were asked by one of your employees, Harry Aki, to take a look at the sites. We did not ask to go there. In one of the letters that we have from the ranch, it said if anything changes in the plans for the project, we would be notified. Myself, Molly Tengan, and Kauila Reyes are on the council and none of us were informed.

Mrs. Mililani Hanapi, Hui Malama I Na Kupuna O Hawai'i: The bones that are dug up -- the spirits come back and are left with us, the *kanaka maoli* (native man), and we have to deal with them, and we have to ask for their forgiveness before we put them back because they were desecrated. The biggest sin is to mess with people's afterlife. That is sacred. That belongs to them, and none of us have the right to move that afterlife. Keep our *kupuna* informed. I ask that the work stop until we have a collective understanding.

Mr. Harry Aki, Moloka'i resident: My main concern is over my rights as Native Hawaiian. For many years, I could not see eye to eye with Moloka'i Ranch. Finally, I figured it would be better to work side by side with them. Sometimes when things go wrong, I need to consult with my leaders. I need to protect my rights. The best way is to co-exist with Moloka'i Ranch. We just need to come to terms on how best to co-exist with them.

Ms. Iwalani Arakaki, Kaunakakai Homestead: I believe in the burial council and I can see what's going on. Until now, I know there's some burials, but where I don't know.

Mr. Jimmy Douvachelle, Hui Aloha: I am *kanaka maoli*, and I'm sensitive to what's happening. I respect Harry Aki as the caretaker of Kaupoa. It makes me feel a little bit more comfortable knowing he is out there looking out for the *iwi*. He has a lot of heart. I ask the council to take consideration of our ancestors' *iwi* out there and also consider our descendants.

Mr. Alapa'i Hanapi: We have to remember our spiritual values, the true material values of our ancestors, the water, the *'aina* (land), the spiritual value. They saw God in everything -- in the fish, in the sea, in a rock. It's *hewa* to disturb the afterlife. I asked my Aunty Harriett why us Hawaiians cannot get together and unite. It makes sense when she said we never *malama* (take care of) the *iwi*; we never *malama* our *kupuna*. We have a beautiful culture here. If we want to promote our culture, you need to be sensitive to our needs. We need to make conscious decisions when it pertains to burials and bones. It is our obligation and responsibility to take care of the *iwi*. I can work with developers. I don't like it, but times have changed. You cannot separate man from land or land from the man. One or the other perishes.

Ms. Dudoit, Board of Directors of Puli Aloha and Moloka'i Ranch Employee: A major problem that we have is no one wants to say what they may really mean. I can hear all the wonderful things about our culture here, but what exactly do we want out of this. People here are not willing to come up here and say exactly what they want. Do you want the whole project stopped? If that's so, I haven't heard anyone say that. I think the biggest problem Hawaiian have

is we try not to offend. So we end up bucking at each other but not really saying anything specific. We need to tell each other what we want so we can work this thing out.

Mr. DeGray Vanderbilt, Moloka'i resident: I think we have all these problems because there was never any public input on all of these resort developments that the Ranch is doing. A small group called Pono, they finally took up the fight to try to see why there wasn't any public input for the approval of 14 resort type developments in sensitive areas along the coastline and primarily on the west end. I see Moloka'i Ranch pushing the system. I know Harry has always been a component of access, especially in Kaupoa. The Planning Commission wanted access. The State represented to me there is public access to Kaupoa. I'm going to leave some documentation which shows the frustration of the Cultural Resources Commission for not being involved in this when they're supposed to be experts for the County and how they were compromised, their own responsibilities, by the administration and by Moloka'i Ranch. So hopefully the Ranch will be more up front and not put the burden on community groups, such as Pono. I'm going to leave some documentation that shows that sites were destroyed on building the road to Kaupoa. The State knows about this. I left you some documents about the access problems. Hopefully, the Ranch will reconsider vehicular access.

Mr. Water Ritte, Hawaiian Community: Harry Aki called me to take a look at the sites because no one was listening to him at Moloka'i Ranch. In my heart, I feel those are burials. Moloka'i Ranch failed to inform the proper authorities, including the kupuna advisory council. We are labeled "activists" or the "bad guys" because we are the ones who make the telephone calls. We contacted our lawyers, and our lawyers contacted their lawyers. I suggest that the burial council stop the work down there because we went from no burials to four possible burials. There's all kinds of sites down there. You shouldn't build on cultural or burial sites. We have an obligation to our kupuna. The Ranch has vested interest. Once you spend the buck, you have vested interest. The game is to put your vested interest and squawk later. That's what we're dealing with here. Now we try to take em to court. Thank you for this process, and I hope you do the best possible job in resolving this problem.

Mr. Maurice Major, President of Cultural Landscapes Hawai'i and Kaupoa Cultural Monitor: There were several sites that were located before any construction happened. Some of these that Walter mentioned were actually recorded many years ago. That's an area in which the sites are already preserved. It doesn't correspond exactly to the road going down, but it's north of the road. Once I decided to do this campsite, another survey was done. I was one of the people that went down to recheck, and there are two sites in which that area intends to be developed. My job was to put a 30' buffer. That's working out very well. Two sites I interpreted as burials. There's one more possible burial pointed out by Harry Aki in one of the habitation areas already fenced off. The final feature is one that Harry had a feeling about. I looked at it and had my archaeologist look at that and the landscape around. It is part of an outcrop of rock and the soil there is going down. There has been erosion because of a slope. That area to me does not look like a cultural feature so I did not put the 30' buffer at this point. Nevertheless, I've been keeping people off of that area. This is on the farming edge of the community. The sand dunes are outside of where any construction are going on. We pulled out a lot of Kiawe trees. So far what I see is really good soil. In my opinion, it was a good place for

agriculture. The first thing when we find a site, we put up fence posts, use bright fluorescent orange flagging tapes so we make sure people can see it. With possible burials, those should be fenced off more permanently. We don't want impacts to happen next year or five years from now.

Adolpho asked Major if there was any kind of complete plan to show the council that entails the project? Major said yes. Adolpho asked where are they going to put the 400 coconut trees on the 30 acres? Major said that he didn't know because he wasn't the landscaper.

Markell said that from the department's perspective, a 30' buffer appears acceptable. It depends on the type of activity going on in the area. It's always kind of give and take. We are telling the landowner that land which you have title to you can no longer use. At this point, the landowner he can live with it, and we feel it's adequate. If it's determined that those are burials and it comes before the council as part of their determination on whether to keep in place or relocate it, will also set up a buffer zone and other issues like access. That will be finalized at a later time. Right now, the department is working with all parties involved to come up with what we can do to protect the sites until more information is gathered.

Vanderbilt brought up the subject that even our *kupuna* who were advising the ranch, Ka'eo Adolpho, hasn't even seen Moloka'i Ranch's final site plan, or how this project has been approved at other agencies without providing a final site plan.

Akutagawa said he's worried about the size of the project, how many sites on the project, and the complex. We know a complex is not simply governed by boundaries. The complex might be out of the boundaries. We need to keep our communication open. Aside from the subject, the fiscal restraints affecting the burials program is another concern.

George Peabody: I've heard better speakers here today than I've heard in a long, long time. It's a imperfect process and system that causes conflicts in a God's perfect world. I think we got to focus on Aloha again.

When Harry Aki and Alapa'i Hanapi started talking simultaneously about Native Hawaiian rights issues, Akutagawa said we need to get to the next agenda item and called a short recess before resuming with the next item.

B. COUNCIL DUTIES: Discussion of burial council duties, procedure, and law.

AND

C. BURIAL SITES PROGRAM: Discussion of status of program.

The meeting reconvened with Markell talking to the burial council about the Sunshine Law; Burial Council Duties and Responsibilities and Determinations and Recommendations; Four Criteria Stated in HRS §6E-43(b) Relating to Preservation of Unmarked Burial Sites; HRS, Chapter 6E,

Historic Preservation Rules; Title 13, Sub-Title 13, Chapter 300, Rules of Practice and Procedure Relating to Burial Sites and Human Remains ("Administrative Rules"); as well as an update the council on the State's fiscal condition of the Burial Sites Program. Markell informed the council that Eddie Ayau resigned from his position as the Director of the Burial Site Program a few weeks ago. Michelle just came on board in August, and she's been a tremendous help with handling telephone calls in our absence and organizing our administrative and secretarial work. He stressed the importance of keeping accurate Minutes because anyone could legally challenge the council's recommendations/determinations.

Akutagawa was unanimously elected as the *Chairperson* and **Florea** as the *Vice Chairperson* for the next four years. Hamakua excused herself from the meeting at 12 noon. Members who voted were **Hodgins, L. Aki, Goodhue, Florea, Akutagawa, and Cacoulidis**.

Florea suggested we stop corresponding so much and just meet with the principles of Moloka'i Ranch to voice our concerns. It's hard to talk to employees who can't make decisions on behalf of the Ranch.

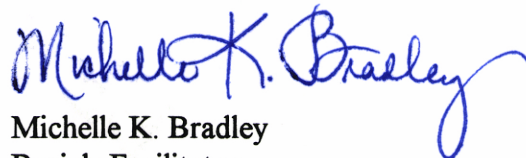
A motion was unanimously accepted to draft a letter to Moloka'i Ranch from the burial council requesting a meeting with Mr. Harold Edwards and other principles in order to discuss the burial council's concerns about their project (**L. Aki/Hodgins**).

Vote: All in favor.

V. ADJOURNMENT

There being no further business, Akutagawa adjourned the meeting at 12:30 p.m.

Respectfully submitted,


Michelle K. Bradley
Burials Facilitator