

DEPARTMENTAL RECORD

MOLOKA'I ISLAND BURIAL COUNCIL MEETING

DATE: January 21, 1999
TIME: 9:00 a.m.
PLACE: Mitchell Pau'ole Center
90 Iona Street
Kaunakakai, Hawai'i 96748

ATTENDANCE

Members: Myrle Florea Luana Hamakua
Louella Albino Philip Solatario
Ronald Kimball Edwina Cacoulidis

Guests: Alapa'i Hanapi
Donald Kalaiwa'a, Hui Malama I Na Kupuna O Hawai'i Nei
Denise Light, USDA, National Soil Conservation Service

ABSENT Lawrence Aki William Akutagawa
Anna Goodhue

A pule wehe was offered before the meeting began. Alapa'i Hanapi (Hanapi) stated that he has resigned as po'o of Hui Malama I Na Kupuna O Hawai'i Nei, Moloka'i Chapter, (Hui Malama) and as a member on its Board of Directors. He and his 'ohana have just gone back to a grass-roots level to malama which is what Hui Malama's basic purpose was when we first started 12 years ago which was to educate our people in order to take care of our people. Another po'o hasn't been chosen yet.

MAPULEHU

Two Po Kane ago, they put back the rest of our kupuna, and after 1-1/2 years of being out and being threatened with arrests and prosecution charges by the current owner, Arleone Dibben, he has decided to just go and do his responsibilities and not allow anybody to threaten him. It was

very rainy that night, but very beautiful. There were two separate burials. They took some remains from the Bishop Museum and did that at sunset, and then they went to Lana`i and prepared themselves to malama the kupuna and put them back at Mapulehu. The two ahus (one is visible from the road) contains fragments. The kupuna wahine was put back between the two driveways. There was an 8'x8'x6' deep hole that was dug between those two driveways which was used by Ellen Osbourne to throw away her opala before she left. The entire set of iwi of the kupuna wahine was exposed to the sun for about a week before anyone found out. That kupuna was put back to rest, but there were still some fragments that were left on the surface. There were over 60 holes that were dug for the shade poles, and in one of them iwi was found. The coconut trees that used to be there were the grave markers. Osbourne was told that, but a week later, she had them cut down. There has been nothing but disrespect in Mapulehu. That's why our concern is to condemn the land because it cannot be used for any other purpose. Hanapi said that since the new owner has come in, there have been three disturbances -- six to eight individuals. He cannot confirm whether or not the new owner, Klaus Gartner, had sold the property to Arleone Dibben or turned it over to her. There was supposed to be an archaeological study happening and later no ground disturbing activities at all. Yet, he still sees activity going on -- spraying, which is not surface, it goes below the surface and a couple people weed whacking around the graves. He believes that Arleone was told by the SHPD and the burial council that no work was to take place. Arleone was supposed to conduct an archaeological study. Where is this study? Can Arleone do the archaeological study? Hui Malama has insisted that there be a cultural monitor present during any ground disturbing activities. There are no monitors there.

Because of the bad relations between Arleone and the rest of the parties involved (SHPD, the burial council, Hui Malama, and the Attorney General's office) and her unwillingness to listen, she's not allowing them access on her property. Hanapi said that he's concerned about the heavy rains washing away the mounds -- the original easement where 60+ kupuna was reburied about four to six years ago. There has to be a monitor on that land. We're not getting any cooperation from the landowner. She's fighting this all the way. We need to check the property for iwi. He's been in touch with Don Hibbard and Ka`iana Markell from SHPD last week and heard that DLNR's Forestry and Wildlife Division Administrator Michael Buck has denied her permits to move the nene down to Mapulehu. Written confirmation of that is supposed to be forthcoming. All along we've been expressing to the owner that it's a worthy project, but just not the appropriate location. For those of you who attended the meeting with the original owner, Klaus Gartner, who bought this land for her project. He also explained to Arleone that there was to be no digging on that land, no digging at all. Arleone keeps saying she has these minutes from that meeting, but she has not been producing them. SHPD has been asking her where are the minutes, if you have the minutes, let's see what you're talking about.

The same day that we kanu the kupuna two Po Kane ago, he was notified by Mike Bancroft that there was a large box of bones from Mapulehu stored up at the Ho`olehua station up there. Hanapi said that he didn't know anything about it. Mike didn't know what to do with it and explained that the Nene Goose lady gave him a large box of bones and keeps bringing these bags. Hanapi said that the proper procedures to follow when iwi is encountered is to flag off the area, the iwi is not to be touched, removed, or handled in anyway until the proper procedure and guidelines have come down, and that has been violated. That is why he's asking the council to

make a complaint, Hanapi will personally make a complaint from Hui Malama, and the lineal descendants have been notified and will be making complaints, and Hanapi will go to the community and ask them to do a petition action. Hanapi asked Mr. Bancroft where did they come from and was so overwhelmed that he didn't want to look in already, plus we were taking care of the iwi kupuna so he left the box at home and had a discussion when they came back from Keonilele prior to reburying at Mapulehu that night on whether we should open this up and sift through this and prepare this iwi, this kupuna to take back at this time. Hanapi's concern was for 1-1/2 years these remains have been out and if they were to go through this large amount of iwi, they would be there two nights and one day and we're already under kapu. After about one week, Hanapi went through the box and was glad to see that the whole box was not human remains. There was cow, horse, dog, cat, mongoose, pig, bird, goat, all kinds of different types of bones. Hanapi separated them. A councilmember asked how do we know those bones came from Mapulehu or from somewhere else? Hanapi said that's part of the violation. Hanapi asked Bancroft if he knew where they came from? Bancroft said no, she put pieces of paper inside the bag where she wrote where she got it from. The only thing inside was her Nene O Moloka'i business card. Hanapi said there was ancient human bones and he separated them. There were two bags that were so ancient and badly decomposed that he couldn't tell so he put them separate. He's still keeping those because that's evidence. Hanapi said that the complaint has to come from the burial council. After the Ellen Osbourne fiasco and everything and all the knowledge -- Mrs. Dibben told him before she even moved to Moloka'i he had met her and she told him she had done three years of research and knew about this, and you folks know she's proposing a large development and it just cannot happen. Hanapi said that Kai said he needs something in writing from the burial council -- a complaint. It sounds like she's doing her own amateur archaeological study and there are limits to a private property owner's rights. The legalities is there area encumbrances on titles and one of the big ones is birds, and that's included in the 106 Historic Preservatoin Act. Hanapi said that he or the new po`o of Hui Malama will be making a complaint against Arleone. We're requesting the burial council to do the same thing. A little update is that Ellen Osbourne will be prosecuted. A councilmember asked aren't there any fines or something? Hanapi said there's got to be more work done on the NAGPRA -- it wasn't fully detailed out and there needs to be more legislation done on that. It's up to the attorney general's office. She's already disturbed human remains. He's been on the property and doesn't see the markers anymore where the iwi was found and there still hasn't been an arch study that needs to be done. A councilmember asked doesn't DLNR have some kind of procedures to follow? Hanapi said yes. Mrs. Dibben has been complicating that process. She has retained an attorney (Nees) who belongs to an organization that advocates private property owner rights vs. native rights on cultural sites on private property. Nees is advocating for her private property rights and that she has a right to come in and do this stuff. Hanapi said that he only found out on Friday that her permits to move the nene down to Mapul