



- ♦ Board of Land and Natural Resources
- ♦ Commission on Water Resource Management

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

P.O. BOX 621  
HONOLULU, HAWAII 96809

- ♦ Aquatic Resources
- ♦ Boating and Ocean Recreation
- ♦ Chairperson
  - ♦ Administrative Services
  - ♦ Community Services Coordinator
  - ♦ Kahoolawe Island Reserve Commission
  - ♦ Licenses/Permits/Store/Visitor Center
  - ♦ Personnel
  - ♦ Public Information
- ♦ Conservation and Resources Enforcement
  - ♦ Hunter Education
- ♦ Conveyances
- ♦ Forestry and Wildlife
- ♦ Historic Preservation
- ♦ Land
- ♦ State Parks
- ♦ Water Resource Management

LIEUTENANT GOVERNOR'S  
OFFICE

'99 JUN 10 P 4:02

**AGENDA**

**MOLOKA'I ISLAND BURIAL COUNCIL MEETING**

**DATE:** WEDNESDAY, JUNE 16, 1999  
**TIME:** 10:00 A.M.  
**PLACE:** MITCHELL PAU'OLE CENTER  
90 IONA STREET  
KAUNAKAKAI, HAWAII 96748

- I. OPENING REMARKS**
- II. APPROVAL OF SEPTEMBER 16, 1998, MEETING MINUTES**
- III. BUSINESS**
  - A. MAPULEHU GLASS HOUSE PROPERTY**

**Information/Recommendation:** Discussion of Nene O Moloka'i's proposed Archaeological Inventory Survey for the Mapulehu Glass House Property.
  - B. BURIAL COUNCIL CONCERNS**

**Information/Recommendation:** Council discussion of Burial Sites Program including, but not limited to, results of 'Aha Malama Iwi Kupuna Summit and status update on Burials Video.
  - C. CASE UPDATES AND INADVERTENT DISCOVERIES**

**Information:** Any recent discoveries, reinterments, and ongoing cases.
- IV. ANNOUNCEMENTS**
- V. ADJOURNMENT**

Materials related to items on this agenda are available for review at the State Historic Preservation Division at 555 Kakuhihewa Building, 601 Kamokila Boulevard, and will also be available at the meeting. Any disabled person requiring special assistance should contact our office in advance at (Kaua'i) 274-3141, Ext. 28033; (Maui) 984-2400, Ext. 28033; (Hawai'i/Moloka'i/Lana'i) 1-800-GOV-INHI, Ext. 28033; or 692-8033, for details.

## MINUTES

### Moloka'i Island Burials Council Meeting

Date: June 16, 1999

Time: 10:00 a.m.

Place: Mitchell Pau'ole Center  
90 Iona Street  
Kaunakakai, Hawaii 96748

Members Present: Lawrence Aki, William Akutagawa, Louella Albino, Edwina Cacoulidis, Myrle Florea, Luana Hamakua, Ronald Kimball, and Philip Solatario

Staff Present: Don Hibbard, Dawn Chang

Guests: None

Chairperson William Akutagawa called the meeting to order at 10:08 a.m. Philip Solatario gave an opening pule.

Philip Solatario moved, and Edwina Cacoulidis seconded, that the minutes of the meeting of September 16, 1998 be accepted with two minor amendments. The motion was passed unanimously.

William Akutagawa explained to the council members that Arleone Dibben had submitted to DLNR a Proposed Scope of Work, dated June 7, 1999, for an archaeological inventory survey of the Mapulehu Glass House property (TMK: 5-7-08:76). DLNR was requesting the Council provide the department with their thoughts on the proposal. Attorney James Mee, representing Arleone Dibben, in a June 9, 1999 letter indicated, "In order that the MIBC and others attending can discuss the proposed scope of work freely, Nene O Moloka'i is not planning to attend the June 16 meeting, and will address any questions/comments/concerns that the MIBC might have as a result of discussion at the meeting."

Ronald Kimball inquired as to the status of any land swap between Nene O Moloka'i and the State of Hawaii. He indicated he would prefer to see a land swap move forward rather than an archaeological inventory. The property is basically a significant burial site and should be left intact. The primary motion of the January 1998 meeting by the council was a request that a land swap be considered. At this point Ronald Kimball moved, and Myrle Florea seconded, that the council go into executive session to consult with their attorney. The motion was unanimously approved.

The council went into executive session at 10:22. At 10:35 the council reconvened.

Luana Hamakua wished to note for the record that she had suggested early on, before this issue ever reached the burial council that Ms. Dibben meet with her to discuss the importance of the Mapulehu area. Ms. Dibben, however, never took this into consideration. It appears Ms. Dibben has little desire to listen to the council or the community, and has little concern for the Hawaiians' perspective.

Ronald Kimball initiated the discussion of the scope of work. He expressed concern over the language in the third paragraph on the opening page: "All human skeletal remains encountered during the inventory survey will be properly identified and inventoried, and will then be turned over to the Molokai DOCARE office for curation and protection until such time as a mutually agreeable Burial Treatment Plan can be prepared and approved by the Molokai Island Burial Council." He indicated it was not culturally appropriate to expose and remove the ancestral remains from their resting place.

William Akutagawa reiterated the concern expressed by Ronald Kimball. Any bones discovered in the course of the inventory should be left in place and not taken out of the ground, and the site should be identified. If there is any question as to whether the bones are animal or human, such identification should be done at the site of the burial. In addition to the archaeologists being present to do the work, cultural monitors from the island, including any identified lineal descendants, should be on hand. If any burials are discovered in the course of the inventory, the landowner should immediately contact the chairperson of the burial council.

The burial council membership was in consensus with this position.

With regards to proposals 1,2 and 4 for Site A, Don Hibbard reminded the council members that a protective covenant was recorded at the bureau of conveyances for the burial ground (referred to in the scope of work as the "burial preserve"), and the probable burial ground (referred to in the scope of work as the Crane family burial plot). In that document one of the provisions states, "Landowner covenants and agrees not to willfully disturb in any manner, or allow the disturbance in any manner, the repose of human skeletal remains reinterred at the burial ground or otherwise situated in the probable burial ground at the property. The obligations imposed by these restrictive covenants shall be effective in perpetuity and shall be deemed to run as binding servitude with the property, and shall extend to and be binding upon Landowner, its successors and assigns."

William Akutagawa recommended that the Council support the provisions of the covenant. The preserve area and probable burial ground should not be disturbed. Human remains should not be removed from these areas.

Lawrence Aki thought the recommendation to hold onto the bones until the inventory was completed and a burial treatment plan was prepared and accepted was culturally insensitive. The bones possess mana, and those who hold the bones hold the mana of

those bones. He felt uncomfortable waiting to reinter any bones which were uncovered. He believed Ms. Dibben needed to better educate herself as to the ways of the Hawaiian culture. From day one she has fought the burial council, and has no sense of appropriate behavior. The council members concurred with this position.

William Akutagawa stressed that once ancestral bones had been reinterred, they should not be removed. To abide such an action would be hewa for the council members.

Ronald Kimball recommended that proposals A-1 and A-2 be deleted from the scope of work. Also item A-3, as he felt it was too much disturbance to disassemble the push piles. With regards to proposal A-4, he was uncertain that the Crane family was exclusively buried in that area.

Lawrence Aki indicated that prior to going out to do any archaeological work historic research should first be done. Catherine Summer identified Mapulehu as a major burial ground. He believed that Nene O Molokai's preoccupation with the recent history of the parcel is too near sighted. When you go further back in time this area is clearly a burial ground. Louella Albino supported Lawrence Aki's assertions and noted that a number of chants tell of this place and its burials.

Lawrence Aki noted that the physical evidence that has so far been discovered conforms with the legends of the area. The local families who live in this area know the sensitivity of this place. They take care of the ancestors buried in this area. Ms. Dibben however proposes to do intense development, introduce nene into the area which could in themselves disturb shallow graves. The human remains found on the property to date, in and of themselves, confirm the stories of the massive burials associated with Mapulehu.

William Akutagawa reiterated the point made by Lawrence Aki, Louella Albino and other members of the council, that the burials are more massive than presently known.

Ronald Kimball noted that the burial council does not need to know about the areas where human skeletal remains are already known to exist. These areas should not be investigated or disturbed any further. Should any inventory survey be undertaken it should look at the areas where it is uncertain whether burials exist. Thus he thought the area on the hillside needed to be looked at, and the areas in the front of the parcel where it is unknown whether burials are present.

William Akutagawa noted that Nene O Molokai seemed to be challenging the fact that human remains were in certain areas of the property. Ms. Dibben has alleged these are animal, which is an insult. She only seems to be trying to fit her project onto the parcel.

Louella Albino questioned the need to dig up the burials. In any culture such behavior is inappropriate. From local informants the council knows people are buried on this parcel.

William Akutagawa explained that the uncovering of the bones creates mischief. Ms. Dibben does not seem to understand this. Human burials are very spiritual, not everyone should be handling these remains.

Lawrence Aki expressed concern that burials already have been found in a variety of locations on the property, he felt very uncomfortable recommending that more bones be disturbed. He felt previous actions have already provided sufficient evidence.

Ronald Kimball thought effort should be placed on the land swap. Doing additional archaeology at this point in time would appear to be wasted effort should a land swap transpire.

Louella Albino agreed. The burials are a spiritual, cultural problem. Any disturbance will have consequences, for which the burial council should not have to be responsible.

William Akutagawa indicated people do have knowledge of the site, and thought it might be best if some of them could go on the property to recount what they know. He also thought it was offensive that it could be suggested that parties unknown deliberately placed human remains on the property. The well being of the bones is much more important than any perceived benefits of such behavior. As for the on-going discovery of bones on the property as a consequence of rain and erosion, he would appreciate it if the burial council was notified. They will send someone to retrieve them.

Lawrence Aki supported this point, as he felt DOCARE was not qualified to take care of the bones. The bones would be much better off under the care of Hui Malama.

Ronald Kimball mentioned that he felt uncomfortable with Nene O Molokai undertaking a survey. When the motion was brought up at the January 1998 council meeting he had assumed the state would be doing the work. Essentially the idea for a survey derived from Mr. Lum's letter on behalf of Mr. Naki. He again questioned if there was a need to do any more disturbance on the parcel, as sufficient remains have already been found. He suggested the land swap process be further pursued. Whenever Ms. Dibben believes a land swap is not possible, she should inform the council, and the council would consider the need to do a survey at that time.

Lawrence Aki moved, and Philip Solataro seconded, that the DLNR staff should continue to pursue in a timely manner the land exchange. The council did not want Ms. Dibben to expend additional money if the land swap is a viable alternative. If the land swap option proves to be infeasible, then bring a scope of work back to the council to review. The motion was unanimously adopted.

William Akutagawa reiterated that it would be beneficial to have knowledgeable informants provide information on the site as a first course of action, rather than sub-surface testing.

Lawrence Aki noted that this meeting would be William Akutagawa's last official meeting, having served eight years on the council. He thanked Billy for all the time and effort he put into the council and moved that Billy be retained as an advisor for the council. Everyone agreed.

The staff had no council updates.

Myrle Florea requested a copy of the burial video script be sent to her.

The Office of Hawaiian Affairs was working on a summary of the Honolulu burials workshop.

Myrle Florea moved, Philip Solatario seconded, that the meeting be adjourned. The motion was unanimously supported and the meeting adjourned at 12:20 p.m.