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LAND
STATE PARKS

**HISTORIC PRESERVATION DIVISION
DEPARTMENT OF LAND AND NATURAL RESOURCES**

601 Kamokila Boulevard, Suite 555
Kapolei, HI 96807

KAUAI NIIHAU ISLANDS BURIAL COUNCIL

DATE: Wednesday September 22, 2021

TIME: 9: 15 AM to 11:18 AM

LINK: Join Zoom Meeting:

<https://zoom.us/j/6559750322?pwd=dGhKVDC0ZzN3Vzhkek9Fa2t6a1Jrdz09>

Meeting ID: 655 975 0322

Passcode: qiUjd3

KNIBC MEMBERS PRESENT: Kau'ilani Kahalekai, Lihue Representative
Sandra Quinsaas, Koloa Representative
Carol Lovell, Kawaihau Representative
Palala Harada, Napali Representative

ABSENT/EXCUSED: Leiana Robinson, Niihau Representative (Excused)

SHPD STAFF: Kauanoë Hoomanawanui, Kauai Island Burial Sites Specialists
David Buckley, Kauai Lead Archaeologist

GUESTS: Ashley Gutierrez, Guest
Puanani Rogers, Guest
Hope Hamilton Kallai, Guest
Ron Cawthon, Guest
E Ola Kakou, Guest
WHF's iPhone, Guest
Becca, Guest
Kaniela, Guest
D K S, Guest
Lucky's iPhone, Guest
Nancy Mae Chandler & Aunty Louise, Guest
Nakaielua, Guest
Angela Neller, Guest
Rupert Rowe, Guest
Mahina, Guest
Elizabeth Okinaka, Guest

I. CALL TO ORDER/PULE

Chairwoman Quinsaas called the meeting to order and gave pule at 9:15 am.

II. ROLL CALL

One member is absent.

III. APPROVAL OF MINUTES

- A. August 22, 2021**
- B. August 22, 2021, Executive Meeting Minutes**

Lihue Geographic Representative Kau'ilani Kahalekai moved and Vice Chair Carol Lovell second the motion to approve the minutes.

Chairperson opens the floor for discussion

Unanimously approved.

IV. NEW BUSINESS

- A. National Historic Preservation Act: Initiation of Section 106, Request for Contact Information and Area of Potential Effect Concurrence for the Waimea Canyon Drive & Kokee Road Improvements Phase II Project, Waimea Ahupua'a, Kona District, Kauai Island, Federal-Aid Project No. STP-0550(005) TMK: (4) 1-2-001-999, 1-2-002:999 (por.); 1-4-001:999 (por.); 1-2-002:001 (por.); 1-2-001:004 (por.); 1-2-001:003 (por); and 1-4-001:002 (por.).**
Information/Discussion: Discussion on the above item.

Chair Sandi Quinsaas opened the floor for discussion and announced the KNIBC members sent correspondence to the listed contact agent.

- B. Training Regarding the Composition and Responsibilities of the Burial Council (Hawaii Revised Statutes §6E-43, 43.5, 43.6, and Hawaii Administrative Rules §13-300).**
Information/Discussion: Discussion on the above item. Presentation by Ku'upua Kiyuna.

Chair Sandi Quinsaas opened the floor for discussion and announced the item has been deferred to October 6, 2021, when the KNIBC convenes for training. Aunty Louise introduced herself and asked if there is quorum, Chair answered yes, the seats are filled however not all members are in attendance today. I am Sandi Quinsaas the chair, Carol Lovell for Kawaihau, Kauilani Kahalekai for Lihue, Leiana Robinson for Niihau and Palala Harada for Na Pali. Aunty Louise gave her Mahalo to the KNIBC as she is not tech or Zoom savvy and has not seen anyone in a while.

V. UPDATES/CORRESPONDENCE

- A. Inadvertent Discovery of Human Skeletal Remains SIHP #50-30-08-02308 encountered at 5243 Weke Road, Hanalei Ahupua'a, Halelea District Kauai Island, TMK: (4) 5-5-002:033.**
Information/Discussion: Discussion on the above item.

The Chair opened up the floor for discussion. Members of the community came forward with testimony beginning with Nancy Mae Chandler. She announced herself from Wainiha, Kauai as being the first to respond to the desecration. Aloha, Louise Saussen (sp) introduced herself sharing, the single residential homes are being for multi-family use filling the septic tanks. The problems are the houses using the toilet all day. We are working and not flushing, and the rentals are flushing all day, and they are going to build up the house with septic tanks surrounded by kupuna iwi. The owners wanted to hoomalimali with the community to make it right, it is not fine we want the septic tanks removed to make it right. They hit one and did not stop. LaFrance like the remove and reintern, we need to stop using our people. To protect the iwi we need to step in and intervene as they continue to desecrate. I have no idea what these archaeologists are doing. Ali'i had kuleana of all the iwi of the area, they dug up the bounty house and want to move the iwi to another property. I filed police reports, but they said we need a lawyer. Burial council you are supposed to intervene. You know that Kauanoë chick, she gets bones over there, she must get crazy all over, teeth all over, bones all over, Moloa'a. I was babysitting, they were a lot of heavy shit protecting iwi. Awesome, Nancy Mae added, the owners hid the bones and found bones in the sifting. It hurts and it is painful. We have hewa at Hanalei, this needs to stop. This is disgusting, hello everybody. Auntie Louise explains, I have had million-dollar lawsuits in federal court to protect the iwi kupuna, sorry this is really deep for me. No one is helping us or protecting us, this is your job. We are up for the training; we have other people to share as they continue to dig. I have the videos of the bones being removed across the street and taken away. They iwi don't know where they are, they are asking where are they? Desecration is ongoing. We went to Koloa to see what is going on there and the bones are being desecrated. Chair Sandi Quinsaat reminds the public to stay on the agenda item. Auntie Louise continues to add the developers continue to build million-dollar homes and desecrate. 16 years since Nau'e, there should be stronger rules for the kupuna iwi. Chair agrees that the laws need to protect the kupuna iwi. Puanani Rogers announces Eo! Chair gives her mahalo sharing, to stick to the agenda. Puanani wants to hear from Kauanoë. KNIBC member Palala Harada asked if there are burial treatment plans or documents for public review? Chair answers not that we are aware of, Palala agrees with the frustration of the community members and shares Lucky would like to speak.

Lucky shared his walk around the property with KNIBC member Palala, and the owners let us on the property. (Inaudible) The iwi should be resting, why they are being desecrated? It never seems right in our decision making (Inaudible). This is my mana'o. Chair gives her mahalo. Ashley Gutierrez introduced herself from Halelea, I witnessed three flatbed trucks blocking the parking lot. There is construction going on right now. Chair and KNIBC member Palala Harada gave their Mahalo. Kaniela introduced himself and explains the definition of inadvertent to be defined by accident. I know that because the research I did is the known cemetery gravesite (Inaudible). If the construction workers are continuing to work, it is desecration, they are being destroyed. If the contractor and homeowner are getting permits, then we should know there are graves. What explains the Ching Young village desecration, Hanalei is a cemetery? We talked to all the neighbors, and they said burials are there in that yard that they found. What are the procedures and laws and why was it not done? The KNIBC and lineal and cultural descendants signed up for this job. We are gifted and in tune with our ancestors. We are spiritually disconnected from the kupuna. I never knew this KNIBC existed before Weke road, through gifted people in my Ohana. The burial council signs up to do this job and I know a few people who have the passion and applied but denied. My wife would like to say her thing. Chair gave Mahalo to Kaniela. Kayla Matsushima introduced herself and was at Weke Road (Inaudible). Never in my life would I think that I would be asking the kupuna on this call to protect the iwi kupuna. I would have not had the experience at 5243 Weke Road, it was a year later that I realize with my own eyes the disregard of the iwi kupuna. I heard heartless comments by the archaeologists and contractors on sight (Inaudible). I could not understand why things were happening this way, we were there every day. The contractor told us over a call they were able to continue working. We made many calls and never got a response. I emailed KPD, the Kauai Council members, the SHPD, are you honored to serve as a KNIBC member. How can you make decisions on behalf of the ohana and made decisions for them (Inaudible) do what is pono. I'o and spirit

see everything, and we should not let foreign ways and mindsets make the decisions of the iwi kupuna. I expect that of others (Inaudible), nourish future generation. Protection is so important; we are all connected. Wake up, come together, Kanaka Maoli are hurting and facing awful statistics. Each burial is desecrated effects each mo'opuna that comes from them. It breaks the spiritual structure, what is done to them is done to us. They are the top priority, the foundation of Hawaii. Chair gave Mahalo for sharing.

Mahina Nani introduces herself from Wainiha. My father was a keeper of the bones, they will continue to come out. How can a Hawaiian grow, we could go to the realtors, how can you sell the cemeteries? Around the world they do not sell cemeteries. The planning department works to sell the land. How do we love each other and not kill each other in digging the bones. I live Wainiha and there is no Kanaka, for fifty years. Are you okay with selling the lands, where no one gives (inaudible). They will keep coming out, I don't know the laws, I know Kauai is telling me she will take care of it. Then everyone will have nothing. I pass Kealia and see more and more homeless (Inaudible). Thank you everyone, I just moved back from Tahiti. Oahu, has all the bones, Kauai, all the bones. I don't know how you deal with yourself in mirror as the decisions you make are not pono. Your heart is pilikia and we are all dead, only 40,000 left of Hawaiians on this Earth. So many hearts to help, like Mauna Kea, I heard you cannot be on KNIBC if you were on Mauna Kea. Why is Kauai council have 6 empty spots. Aloha and thank you for letting me speak and I hope your hearts crack before we are all dead.

May I go next, Nakaielua introduced herself in presenting her personal statement. I am a student of Hawaiian immersion, it is interesting enough, the term inadvertent, the terminology they use at Weke Road burial. Burial treatment plans should come through the KNIBC, the terminology cannot be connected to English words. The KNIBC only has records of known burial sites, are they plantation or cemeteries? Knowing and studying the ike to learn and privileged to have. We take this privilege as a commodity. The spirit, the term inadvertent discovery does not sit well with me. They found one and continued. The archaeologist measured the system going six feet over the permit size, when they found the two additional burials. It was an experience that was mind (Inaudible) experiencing the corruption. We have people who are not from Hawaii and spiritual disconnected people working with a spiritually connected work. They are dealing with our ancestral bones, our lifeline to the kupuna. I do not want to take up more time, but others should put in their statement. Give more allowance to more Kanaka in connection to more Kanaka. Each burial had names. I asked kupuna if I can share the names here, they said yes, Kamahohelani (sp), the first cousin to Kaumualii, I found another Kahakamakalina (sp), and Kahaiakamaiao (sp) carrying a child in her hands and ripped out of her hands and placed in the house. It hurt me a lot to rip the baby out of the mother's hands and separate the iwi, hiding it in the house. They lied about it. I want the KNIBC understand, they had a name, and we need more time to be able to reconnect to tell their stories. We feel what we are supposed to be about. Our keiki, mahalo for having a meeting, it's been a while, thanks that's my personal statement mahalo.

Aunty Louise, at Waipa is where LaFrance lived, the best way to protect the iwi is to reintern, I am not techy. OHA is having at Waipa, it hurts me, more desecration. They are having lau hala and kaula for baskets for kupuna iwi. I am hurt, my heart hurts, the remove and reintern started. All of you who speak have different kinds of ike. Cemeteries, Nau'e, was not the only property, every property from Nau'e to Ke'e, desecration. I asked if they are removing and reintern, it should not be owners, we need to make an ahu on the beach. The people of this land should not forget the kupuna iwi. I can walk you guys around Nau'e. The planning director interpret the law and all these problems come into the fact of kupuna iwi. OHA is doing more desecration, shame on OHA and Kai Markell told us, and nothing has changed.

Rupert Rowe introduced himself, we are talking about our iwi. The main problem is we lost our identity; we are called Kanaka Maoli. Kanaka is the soul of your character, if we go back into time, we know who we are. We lost our time when they took our language. We know we are not Hawaiian, let us address ourselves as Kanaka. Let the attorney that is representing the KNIBC know we face the same problem not

only on Kauai but in the kingdom as a whole in the state. We should back the KNIBC in writing the AG and the State Supreme Court to change the language of our identity. We measure each other with blood quantum, we should not, my question is to the AG and the Archaeologist. They should tell us when did the Kanaka disappear. We should talk Kanaka, the pain, the anger, it is Kanaka. Let us get on this battlefield together and focus our argument on the Kanaka as who we are, that is all I have. By the next meeting we should have the answer to be that person the language says we are. The state cannot argue with you on identity, only quantum. Let us work together peacefully, I feel the pain of all of you, but I believe identity is important for who we are. Chair gave Rupert Aloha and Mahalo.

I would like to go next, my name is Roslyn Manawaiakea Cummings, born Malama (Inaudible). This is my statement for this item, and I put a descendancy claim. I needed to prove the people that are buried there as Nakaielua has shared. Our spirit and mana are based on the iwi kupuna that buried themselves in the aina. When we look at the sand the iwi is there, and it was cursed. They were going to haul sand. They did drone footage and my spiritual gift is to cross the veil to see what was there. When I arrived, I gathered 80-100 burials, (Inaudible) the deceased pepe was in one of the hands of the twins. They are very well known. Uncle Milton told me what to do, I stated my identity to Hanalei. The affidavit I sent to SHPD; it was denied all four of my applications; I know it was returned with Kauanoe signature on it. In Hanalei, I have Samuel Kaaloa's (sp) tax document and private water rights government official were all in my affidavit. Lota (sp) and Mareko (sp) is her ancestor, (Inaudible) SHPD denied my request, I furthered it to my moku'auhau. In history Kamahoalani (sp) was well known. It is personal, why did I not apply to Timoteo (sp), and we should be there on the aina beyond the warranty deed owners. The owners were happy to help us. The first burial, did have twins and a baby in her hand and had already been disturbed, is it documented found in kapa and 8-9 feet tall. I hope they documented this. He is the great grandson of Manokalanipo (Inaudible), the original digging of the septic (Inaudible). The stories are well written, I am on the website, it says here kuleana of KNIBC with SHPD under DLNR, preservation to me means preservation on site. Those of us were there and disagreed with removing the burials, I was wet and cold and hot. We were there for 21 days. Feeling the bones in the sand pile, Wednesday to Monday when the archaeologist came, I wanted to share with them my mana'o. The argument was that there are no bones in the pile, it was spiritually guided. They denied the bones in the pile. It is a breaking of law if bones in the sandpile. No KNIBC was there and SHPD was not there is beyond me. What are the laws, federal laws, the fact that the archaeologists were not there is beyond me. Section 4.4.8 of the federal laws says the laws of our iwi kupuna. We should go beyond HRS and go to federal law. They speak of where it is buried. We go beyond state laws, we go with supreme laws that oversee the HRS, it's getting to know the laws (Inaudible). The surviving spouse should not tamper with any cemetery where human remains that perpetuate (Inaudible) and then it goes on, I am not going to go on. Now you have desecration, facing the defendant to discover the descendant's actions, the person should be sentenced per desecration. HRS 7.11. desecration law. It is not right, it continued to happen because when Jeff Stone, the amount of time you all were taking to do this. We could continue (Inaudible) we here now, it was okay then for some reason, everyone must abide by. In these maps I served directly to the county attorney for the burial sites that talks about the truth. Land is common law (Inaudible) the whole truth, nothing but the truth. The due of course of law. Chair gave Mahalo to all presenters.

B. Inadvertent Discovery of Human Skeletal Remains SIHP # 50-30-05-02411 encountered at 8798 Kaumuali'i Highway, Waimea Ahupua'a, Kona District Kauai Island, TMK: (4) 1-3-005:040.
Information/Discussion: Discussion on the above item.

The Chair announced the above item and opened up the floor for discussion. (speaker did not announce name, voice sounds like a female) Who is giving the okay for this project to proceed? The fact that this is being claimed as an inadvertent is not right, the desecration can be prevented. If we can do simple research, there is maps with graves on those maps. You all need to put pressure on the county and look

back on the maps so that they do not issue the permits. Why are KNIBC members giving the okay to return to work, this is a known cemetery site. It is a cemetery and not an inadvertent discovery, if the planning commission is issuing permits, we need to put pressure on them. They are not even doing the basic work needed, the county has the map with the gravesite marked clearly. Mahalo that is my comment.

I am going to speak again, Manawaiakea, I met with two burial council members and SHPD months ago we talked about this development. I wanted a stop work order prior to this development, like Liz said (possibly above speaker, Elizabeth Okinaka). Today I do not know what happened, people have come forward that when they did the roads there were a lot of burials on their property. In that meeting I had with OHA council members and SHPD they told me that all the burials are depleted, and I feel like you don't understand. I am going from Koloa to Waimea to Weke road, my hands are tied. From April to May and June in Waimea. I arrived there ready to dig a septic system, I gave the contractor instructions to cease the work. There were 17 burials removed and reinterred where I do not know. The allodial is correct not the TMK. The Hawaiians were there telling me that I did not know what the bones are. What if the bones they find is dog bones, (Inaudible) the same archaeologist came out. I asked them, can you deny the fact that there are burials, he said there are burials everywhere, the mullet fishpond got signed off. There was a cultural layer, 1978 BLNR signed off on a fishpond. I was threatened to be arrested; I would not remove my truck. The Hawaiian owners, I told them I was there to help. I was there Tuesday and the archeologist told me they disturbed a burial. This application, I got denied as lineal descendant, I cannot produce death certificates in 1850's. There is no record of their actual death, only records of them being present. Sadly, it could have been prevented. My allodial title is missing to this LCA, I did not receive it. That disturbance could have been prevented, OHA and SHPD did not do their job, I call them over and over, no one understands that there is the burial of Kamehameha's mother, the Tutu Kane are buried there (Inaudible). The current owner told me that people from Hawaii island are buried on Kauai. The cave systems go directly to Hawaii island. We are letting them deplete our burials each and every day, this one I tried hard. We are connected to Hawaii island. I have a lawsuit against DLNR and SHPD, if you want to be in there. I have evidence recorded from the archaeologist on sight telling me that Leiana Robinson signed off on that permit. How does a lineal descendant have the right to make that determination. Chair asks if anyone has further information.

Kaniela asks to speak and continues to explain the research on Kekaha and permits should have been denied. Mana demanded them to stop in protecting her loved ones, the KNIBC and SHPD signed up for this. Why should we put ourselves in danger. Paul the archaeologist, dug up a woman, how does a lineal descendant get to make the decision? Chair gave Kaniela mahalo.

(possibly Liz-Elizabeth Okinaka) I want to say Koetje(sp) is the contractor on this site (Inaudible) the burials on the property and they should be aware of the burial sites. Manawaiakea shares, she spoke to KPD and the only way they can do charges is only if we get David Buckley to write a letter to say there is a burial disturbance. The Hilo office is the only ones' that answer at SHPD. OHA told me to call Native Hawaiian Legal Corp. They have not answered my calls. OHA must be compliant, SHPD must be compliant, the position is to public service under laws of the people in general. Why am I not being heard, how do I find the public record of who gave them the scope of work after the disturbance of the burial.

Puanani Rogers asked can we hear from Kauanoe, why is she not responding to questions, all these questions are directed for her. This is Kaniela, I called SHPD and never get a call back from them till this day. We are saying our statements, we need answers, other departments all our meetings they listen, and they do nothing. I checked google and it clearly shows everything, I don't know why everyone does not already know this information. Can we do something about that, I want to see everyone in person. I want to hear a response. Puanani adds Eo! Chair adds we should have in person meetings, the personal

meetings we have had in person we can feel and see each other. This venue today is hard during these COVID times. I understand the frustration.

Kauanoë Hoomanawanui, introduced herself and giving aloha to everyone and mahalo for asking for her to speak. Mahalo for coming to our KNIBC. I do not want to take any spotlight from the focus of the KNIBC. Most of you sound like you have grievances in the burial laws within the purview of SHPD. All of these inadvertent discoveries listed on today's agenda have been preserved in place and we have consulted with the kupuna descendants of the area. Most of you work with the elders that we have worked with and some of you may not as they sometimes remain anonymous as descendants. We are grateful for all of you here today and for all your hard work in taking care of the iwi kupuna. We give our mahalo to Nancy Mae, Palala and Mana for making sure the burial sites were protected from the initial response throughout the rest of the archaeological monitoring. I appreciate the volunteer service that you all and the KNIBC do in defending the iwi kupuna. Please contact me directly through my email or phone if you have any concerns directed towards me or SHPD. Mahalo for respecting the wishes of our descendants.

C. Inadvertent Discovery of Human Skeletal Remains SIHP # 50-30-04-02412 at Hui Road, Moloa'a Ahupua'a, Kawaihau District Kauai Island, TMK: (4) 4-9-012:021.

Information/Discussion: Discussion on the above item.

The Chair announced the above item and opened up the floor for discussion. Nancy Mae Chandler explained she always was called to inspect the Moloa'a burials. It was scattered all over and then it was either covered up or removed, I don't know. Puanani Rogers shares, when we got there, it got bulldozed and bones were scattered. The neighbors told us it happened, and it was after the fact. We always find out afterwards, I hope we can fix this. I told Kauanoë and OHA and Kai Markel about the burials in Moloa'a, we had to go and take care of them ourselves, me, Kaimi and Noelani. We took sands and wrapped all the bones we could and prayed for forgiveness. I gave Kauanoë the police file report, she said I needed to do this and do that, she got the information, she supposes to tell SHPD and SHPD supposed to know what happened. I don't know and I found a police report that should have arrest the desecrators of the iwi kupuna. They should not crush our bones. Make the police report available for us. We have our own iwi protectors, Kaimi, Nakai, Mana, Louise, you guys are failing, and we should have our own burial council. I would like to know when you received the information when you received from Kauanoë or SHPD main office. Kaniela adds I went to Moloa'a to protect the iwi in Moloa'a, this is known burial site and documented previously when they built the road. The iwi was area and the slope area and picked up teeth with my fingers, where is the skull and jaw. Bones were scattered everywhere, what happened to the body? I am 32 years old; I am not supposed to do this stuff I did not sign up for this. It is my responsibility to make sure the iwi is protected, what was done, what laws, what ceremony? Who is held accountable? Chair asks if there is further discussion. Manawaiakea asks to speak, I am making it public record that it is part of Paul Ricky's lands and I have burials there in my Makanui (sp) lineage. If this is the place of villagers, if 10 years ago they did something. How can they continue their scope of work because the owners are giving permission. I am glad this is public record. In the future we should know that the villagers are there. How can we prevent this from continuing to happen. How will our children know this? Puanani Rogers announces Eo! Kaniela adds with the roads, did they bypass the permits? I know the burial is on the roads, I tap into spiritual, and they put me in places where I am supposed to be. I know I suppose to be where I am, they (Inaudible) putting a road in behind my house. Current development is illegally done, they did not do any permits, none of them are in place. When they build utilities, they do not need permits, why? We need to put pressure on them. I am in Kilauea, the road is far, and they don't need a permit? They may have bones left and right. Maybe you can push for that and have them address that. There are so many loopholes that need to be closed. I don't want to have to stand in front of a machine after this call, mahalo for your time. Chair gave mahalo to Kaniela and everyone that attended and contributed today.

The Chair adjourned the meeting at 11:18 am.

VI. ANNOUNCEMENTS/PULE

A. Next meeting is scheduled tentatively for Wednesday, October 6, 2021.

Pursuant to §92-3 HRS, all interested persons shall be afforded an opportunity to present oral testimony or submit data, views, or arguments, in writing on any agenda item.

Pursuant to sections §92-4, §92-5(a)(8), and §6E-43.5, Hawai'i Revised Statutes (HRS), and upon compliance with the procedures set forth in section 92-4, HRS, the council may go into a closed meeting to consider information that involves the location or description of a burial site.

A request to be placed on a burial council meeting agenda must be made with the History and Culture Branch staff at least two weeks preceding the scheduled meeting date. In addition, the request must be accompanied by all related documents. Failure to comply with this procedure will delay the item to the following month's agenda. Materials related to items on the agenda are available for review at the Kauai State Historic Preservation Division located at P.O. Box 1729 Lihue, Hawaii 96766.