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# STATE OF HAWAII | KA MOKUʻĀINA ʻO HAWAIʻI DEPARTMENT OF LAND AND NATURAL RESOURCES KA ʻOIHANA KUMUWAIWAI ʻĀINA

STATE HISTORIC PRESERVATION DIVISION KAKUHIHEWA BUILDING 601 KAMOKILA BLVD, STE 555 KAPOLEI, HAWAII 96707

# MINUTES MAUI ISLAND BURIAL COUNCIL MEETING

DATE: Wednesday, August 28, 2024

TIME: 11:00 AM – 3:00 PM PLACE: Online via Zoom

—AND—

Maui DLNR offices Conference Room 130 Mahalani Street Wailuku, HI 96793

This meeting will be held using interactive conference technology under section 92-3.7, Haw. Rev. Stat. (HRS). Board members, staff, applicants, testifiers, and the public can choose to participate in person, online via Zoom, or by telephone.

# To Attend/Provide Testimony Remotely:

https://hawaii.zoom.us/j/98439260291 Meeting ID: 984 3926 0291 Passcode: 462195

\*\*\* Audio Recording at https://dlnr.hawaii.gov/shpd/about/branches/ibc/meetings/\*\*\*

**MLIBC Members:** Present:

Chair Dr. Scott Fisher (LLO), In-person

Vice-Chair Vernon Kalanikau (Honua'ula), *In-person* Member Michelle Ho'opi'i (Wailuku), *In-person* 

Member Iris Pe'elua (LLO), *In-person* Member Diane Preza (Lana'i), *Zoom* 

**Absent:** 

Everett Dowling (LLO)

SHPD Staff: Leinoa Kong, Burial Sites Specialist

Andrew (Kealana) Philips, Burial Sites Specialist Christopher (Ikaika) Nakahashi, Cultural Historian **Guests:** Anna Duvall (FEMA.), In-person

> Amanda Calhoun (FEMA), In-person Ke'eaumoku Kapu (Na 'Aikane), In-person

U'ilani Kapu, (Na 'Aikane) In-person

Kalei Uweko'olani (Grand Wailea), In-person

Walter Kanamu, In-person Rae Kahaiali'i, *In-person* Kaniloa Kamaunu, In-person Lucienne Denaie, In-person

#### I. CALL TO ORDER

Chair Scott Fisher calls to order the meeting at 11:15 A.M.

#### II. **ROLL CALL/PULE**

Community Member Walter Kanamu conducts pule.

#### III. **MINUTES**

A. Postponed Minutes for April and May, 2024.

#### IV. **BUSINESS**

A. Move Agenda to prioritze Lāhāina, defer business items in favor of the updates.

### **Summary:**

**Recording:** 04:20 - 04:58

Motion and vote made at recording 04:31

**MOTION:** To move agenda **MOVED BY: Scott Fisher** 

All IN FAVOR: Members Kalanikau, Ho'opi'i, Pe'elua, Preza

VOTE: Motion carried unanimously

B. Descendancy Claim Application of Carol-Marie Ka'onohiokala De Lima Lee to unidentified burials located at 385 Wailea Alanui Drive, Ahupua'a of Paeahu, Moku of Honua'ula, island of Maui TMK: (2) 2-1-008:1109

Information/Discussion/Determination: Discussion and determination on the applicant's descendancy recognition application to Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever location or description of a Native Hawaiian Burial site is under consideration. The chairperson, by concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the

confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

# **Summary:**

**Recording: 2:40:59 – 2:52:56** 

- Scott Fisher (chair) 2:41:00 2:41:39
- Kealana Philips (SHPD) 2:41:40 2:42:44
- Carol Lee Kamekona (community member) 2:43:50 2:49:57
- Leinoa Kong (SHPD) 2:49:58 2:50:44
- Scott Fisher (chair) 2:50:45 2:51:15
- Carol Lee Kamekona (community member) 2:51:16 2:52:39
- *Motion (1) and vote at 2:52:49*
- Motion (2) and vote at 2:52:56
- C. Descendancy Claim Application of Ruth H. Gonsalves to identified burials located at Awalua Cemetery, Ahupua'a of Olowalu, Moku of Lahaina, island of Maui TMK: (2) 4-8-003:113.

**Information/Discussion/Determination:** Discussion and determination on the applicant's descendancy recognition application to Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever the location or description of Native Hawaiian burial site is under consideration. The chairperson, by the concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

#### **Summary:**

Recording: 3:23:57 - 3:26:48

- Kealana Philips (SHPD) 3:24:21- 3:25:04
- Motion 3:25:48 3:26:48

**MOTION:** To recognize the applicant as a lineal descendant

MOVED BY: Member Vernon Kalanikau

**2<sup>ND</sup> BY:** Member Iris Pe'elua

**VOTE:** Motion carried unanimously

D. Descendancy Claim Application of Mary Magdalen Ilima Arcangel-Witt to identified burials of the Kimokeo 'ohana located at Paeohi street, Ahupua'a of Aki, Moku of Lahaina, island of Maui TMK: (2) 4-5-023:069

**Information/Discussion/Determination:** Discussion and determination on the applicant's descendancy recognition application to Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever the location or description of Native Hawaiian burial site is under consideration. The chairperson, by the concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

# **Summary:**

Recording: 3:27:30 – 3:31:35

• Kealana Philips (SHPD) 3:27:57- 3:28:41

• Motion 3:30:01- 3:31:30

**MOTION:** To recognize the applicant as a lineal descendant

**MOVED BY:** Member Vernon Kalanikau

**2<sup>ND</sup> BY:** Member Iris Pe'elua

**VOTE:** Motion <u>carried</u> unanimously less Michelle Ho'opi'i (recused)

E. Descendancy Claim Application of Mary Magdalen Ilima Arcangel-Witt to unidentified burials located at Loko o Mokuhinia, Ahupua'a of Paunau, Moku of Lahaina, island of Maui TMK: (2) 4-6-007:001,002,0036,0037,0038.

**Information/Discussion/Determination:** Discussion and determination on the applicant's descendancy recognition application to Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever the location or description of Native Hawaiian burial site is under consideration. The chairperson, by the concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

### **Summary:**

Recording: 3:31:44 – 3:33:47

- Kealana Philips (SHPD) 3:32:07- 3:32:46
- Motion 3:31:45- 3:33:54

**MOTION:** To recognize the applicant as a cultural descendant

MOVED BY: Member Vernon Kalanikau 2<sup>ND</sup> BY: Member Diane Preza

**VOTE:** Motion carried unanimously less Michelle Ho'opi'i (recused)

F. Descendancy Claim Application of Cindy Ann Huanani Arcangel- Clemons to identified burials of the Kimokeo 'ohana located at Paeohi, Ahupua'a of Paunau, Moku of Lahaina, island of Maui TMK: (2) 4-5-023:069.

Information/Discussion/Determination: Discussion and determination on the applicant's

descendancy recognition application to Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever the location or description of Native Hawaiian burial site is under consideration. The chairperson, by the concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

# **Summary:**

**Recording: 3:34:02 – 3:36:09** 

Kealana Philips (SHPD) 3:34:18- 3:32:46

• Motion 3:35:13- 3:36:09

**MOTION:** To recognize the applicant as a lineal descendant

MOVED BY: Member Vernon Kalanikau 2<sup>ND</sup> BY: Member Iris Pe'elua

**VOTE:** Motion carried unanimously less Michelle Ho'opi'i (recused)

G. Descendancy Claim Application of Cindy Ann Huanani Arcangel- Clemons to unidentified burials located at Loko o Mokuhinia, Ahupua'a of Paunau, Moku of Lahaina, island of Maui TMK: (2) 4-6-007:001,002,0036,0037,0038.

Information/Discussion/Determination: Discussion and determination on the applicant's descendancy recognition application to Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever the location or description of Native Hawaiian burial site is under consideration. The chairperson, by the concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

### **Summary:**

Recording: 3:36:13 – 3:39:04

- Kealana Philips (SHPD) 3:36:38- 3:37:16
- Motion 3:38:00- 3:39:04

**MOTION:** To recognize the applicant as a cultural descendant

MOVED BY: Member Iris Pe'elua 2<sup>ND</sup> BY: Member Diane Preza

**VOTE:** Motion <u>carried</u> unanimously less Michelle Ho'opi'i (recused)

H. Descendancy Claim Application of Michael Jerome Arcangel to identified burials of the Kimokeo 'ohana located at Paeohi, Ahupua'a of Paunau, Moku of Lahaina, island of Maui TMK: (2) 4-5-023:069.

**Information/Discussion/Determination:** Discussion and determination on the applicant's descendancy recognition application to Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever the location or description of Native Hawaiian burial site is under consideration. The chairperson, by the concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

# **Summary:**

**Recording: 3:39:26 – 3:41:33** 

- Kealana Philips (SHPD) 3:39:49- 3:40:4
- Motion 3:40:56 3:41:33

**MOTION:** To recognize the applicant as a lineal descendant

**MOVED BY:** Member Iris Pe'elua

**2<sup>ND</sup> BY:** Member Vernon Kalanikau

**VOTE:** Motion carried unanimously less Michelle Ho'opi'i (recused)

I. Descendancy Claim Application of Michael Jerome Arcangel to unidentified burials located at Loko o Mokuhinia, Ahupua'a of Paunau, Moku of Lahaina, island of Maui TMK: (2) 4-6-007:001,002,0036,0037,0038.

**Information/Discussion/Determination:** Discussion and determination on the applicant's descendancy recognition application to Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever the location or description of Native Hawaiian burial site is under consideration. The chairperson, by the concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

### **Summary:**

Recording: 3:41:37 - 3:43:33

- Kealana Philips (SHPD) 3:42:01- 3:42:37
- Motion 3:38:00 3:43:33

**MOTION:** To recognize the applicant as a cultural descendant

**MOVED BY:** Member Iris Pe'elua

2<sup>ND</sup> BY: Member Vernon Kalanikau

**VOTE:** Motion <u>carried</u> unanimously less Michelle Ho'opi'i (recused)

J. Descendancy Claim Application of Sonja Momilani Arcangel- Santos to identified burials of the Kimokeo 'ohana located at Paeohi, Ahupua'a of Paunau, Moku of Lahaina, island of Maui TMK: (2) 4-5-023:069.

**Information/Discussion/Determination:** Discussion and determination on the applicant's descendancy recognition application to Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever the location or description of Native Hawaiian burial site is under consideration. The chairperson, by the concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

# **Summary:**

Recording: 3:43:36 - 3:45:37

Kealana Philips (SHPD) 3:43:52- 3:44:45

• Motion 3:44:56- 3:45:37

**MOTION:** To recognize the applicant as a lineal descendant

MOVED BY: Member Vernon Kalanikau 2<sup>ND</sup> BY: Member Iris Pe'elua

**VOTE:** Motion carried unanimously less Michelle Ho'opi'i (recused)

K. Descendancy Claim Application of Sonja Momilani Arcangel- Santos to unidentified burials located at Loko o Mokuhinia, Ahupua'a of Paunau, Moku of Lahaina, island of Maui TMK: (2) 4-6-007:001,002,0036,0037,0038.

**Information/Discussion/Determination:** Discussion and determination on the applicant's descendancy recognition application to Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever the location or description of Native Hawaiian burial site is under consideration. The chairperson, by the concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

# **Summary:**

Recording: 3:45:41 - 3:47:3

- Kealana Philips (SHPD) 3:46:01- 3:46:37
- Motion 3:46:46 3:47:29

**MOTION:** To recognize the applicant as a cultural descendant

MOVED BY: Member Vernon Kalanikau 2<sup>ND</sup> BY: Member Iris Pe'elua

**VOTE:** Motion carried unanimously less Michelle Ho'opi'i (recused)

L. Descendancy Claim Application of Foster Ampong to unidentified burials located at 611 Front Stree, Ahupua'a of Paunau, Moku of Lahaina, island of Maui TMK: (2) 4-6-002:014.

**Information/Discussion/Determination:** Discussion and determination on the applicant's descendancy recognition application to Native Hawaiian skeletal remains at the above location.

The Council may elect to go into executive session pursuant to HAR §13-300-25(d). The Council may close a meeting whenever the location or description of Native Hawaiian burial site is under consideration. The chairperson, by the concurrence of a majority of members present at the meeting, shall be authorized to require the public to leave the meeting while the confidential matter is being discussed and reopen the meeting once the confidential matter is no longer being considered.

# **Summary:**

Recording: 3:47:38 - 3:49:38

• Kealana Philips (SHPD) 3:47:52- 3:48:29

• Motion 3:48:57 - 3:49:38

**MOTION:** To recognize the applicant as a cultural descendant

MOVED BY: Member Vernon Kalanikau

**2<sup>ND</sup> BY:** Member Iris Pe'elua

**VOTE:** Motion <u>carried</u> unanimously less Michelle Ho'opi'i (recused)

#### V. UPDATES

# A. Lāhainā Fire

Information/Discussion/Recommendation: KamehamehaIII Elementary School debris removal.

# **Testimonies:**

- Ke'eaumoku Kapu (Nā 'Aikāne o Maui) 08:37 13:26
- Walter Kanamu (community member) 13:45 19:21
- Rae Kahaiali'i (community member) 19:47 23:35
- U'ilani Kapu (Nā 'Aikāne o Maui) 24:06 24:52
- Joseph Grunditz (FEMA) 25:13 31:55
- Amanda Calhoun (FEMA) 32:56 33:34
- Anna Duval (FEMA) 33:36 37:45
- Carl Dix (FEMA/Hui Huliau International Construction) 38:12 50:25

- Tanya Lee Greig ('Āina Archeology) 50:56 58:40
- Abraham Snake (community member) 58:54 1:04:12
- Myrna Ah Hee (community member) 1:04:17 1:06:05
- Foster Ampong (community member) 1:06:31 1:09:58
- Kaniloa Kamaunu (community member) 1:10:21 1:22:26
- Hui Pono I Ke Kānāwai (NHO) 1:22:41 1:24:44
- Kaulana Kapu (Nā 'Aikāne o Maui) 1:26:32 1:27:28
- Manny Kululoia (community member) 1:28:32 1:31:45
- Recess (need to cut recording) 1:35:31-1:50:05

#### B. Grand Wailea

**Information/Discussion/Recommendation:** Inadvertent Discovery of Human Skeletal Remains at the Grand Wailea Resort, New Grease Interceptor – Main Kitchen Project, Reported to the Maui Office of the Historic Preservation Division on October 12, 2023, Ahupua'a of Paeahu, District of Honua'ula, Island of Maui, TMK: (2) 2-1-008:109.

# **Testimonies:**

- Keola Whittaker (legal representation for Grand Wailea) 2:54:07- 2:55:50
- Trevor Yucha (Culural Surveys) 2:55:52 2:56:04
- Kalei Uwekoʻolani (Cultural program manager Grand Wailea) 2:57:03- 3:03:23
- Maunakea Trask (legal representation Gand Wailea) 3:03:51-3:07:14
- Carol Lee Kamekona (community member) 3:07:27-3:12:32
- Foster Ampong (community member) 3:14:17- 3:17:52
- Dr. Susan Lebo (SHPD) 3:18:19 3:20:55
- Ka'onohi Lee (cultural descendant) 3:21:10 3:22:57

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### VI. INADVERTENT DISCOVERY OF HUMAN SKELETAL REMAINS

A. Inadvertent Discovery of Human Skeletal Remains at Kamehameha III Elementary School Debris Removal. Reported to the Maui Office of the Historic Preservation Division on July 28, 2024, August 2, 6, 13, 14, 16 and 17, 2024, Ahupua'a of Paunau, District of Lahaina, Island of Maui, TMK: (2) 4-6-002:014.

Information/Discussion/Recommendation: Discussion about finds.

- Tanya Lee Greig ('Āina Archeology) 1:50:55 1:55:05
- Foster Ampong (community member) 1:55:55 2:20:35
- U'ilani Kapu (Nā 'Āikane o Maui) 2:20:47 2:24:16
- Anna Duval (FEMA) 2:24:20 2:33:50
- Brenda Arcangel Kimokeo (community member) 2:34:32 2:36:03
- Foster Ampong (community member) 2:36:08 2:37:33

B. Inadvertent Discovery of Human Skeletal Remains at 900 Front Street. Reported to the Maui Office of the Historic Preservation Division on June, 19, 2024 Ahupua'a of Paunau, District of Lahaina, Island of Maui, TMK: (2) 4-5-002:009.

Information/Discussion/Recommendation: Discussion about above find.

- Tanya Lee Greig ('Āina Archeology) 2:38:05 2:39:31
- C. Inadvertent Discovery of Human Skeletal Remains at Fleming Road. Reported to the Maui Office of the Historic Preservation Division on June 17, 2024, Ahupua'a of Paunau, District of Lāhainā, Island of Maui, TMK: (2) 4-5-014:043.
  - a. Information/Discussion/Recommendation: Update on above find.

# **Summary:**

Recording: 3:49:54 - 3:58:35

• Solomon Ka'ilihiwa (Kulāiwi Archeology LLC.) 3:50:19 - 3:57:26

### VII. ANNOUNCEMENTS

A. The Next MLIBC Meeting is Wednesday, September 25, 2024, 9:30 A.M.

### VIII. ADJOURNMENT

*Meeting adjourns at 03:15 P.M.(093:59:43)* 

#### **To Provide Written Testimony:**

We encourage interested persons to submit written testimony in advance of the meeting, which will be distributed to Board members prior to the meeting and allow a timely review. Please submit written testimony via email to: Leinoa.kong@hawaii.gov. Written testimonies can also be mailed to: 130 Mahalani Street, Wailuku, HI 96793. Written testimonies may be posted upon the MLIBC meeting website; as a precaution, please be mindful with any personal information prior to submitting unless you intend it to be shared. Late written testimony will be retained as part of the record and distributed to MLIBC members as soon as practicable, but we cannot ensure the MLIBC will receive it in sufficient time to review, prior to decision-making.

#### **To Provide In-Person Oral Testimony**

Attend in-person at: 130 Mahalani Street, Wailuku HI 96793.

# To Provide Testimony by Telephone:

On the day of the meeting at the start of the agenda item you wish to testify on, dial +1 669 900 6833 (Zoom); input the meeting ID: 924 3738 5756 Passcode: 963499 and follow the prompts.

# To Provide Video/Zoom Testimony:

Please send your request in a timely manner to: Leinoa.kong@hawaii.gov with your information, email address, and the agenda item you wish to testify on. Once your request has been received, you will receive a confirmation email with pertinent information. You may testify without signing up in advance.

We kindly ask that all oral/video testimony be limited to not more than three (3) minutes. We ask that you identify yourself and any affiliation before speaking, but you can choose not to do so.

Pursuant to §92-3 Hawai'i Revised Statutes (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. Additionally, pursuant to a policy adopted

by the Hawai'i Island Burial Council at its November 17, 2005 meeting, oral testimony for items listed on the agenda is limited to three minutes per person, per agenda item.

The HIBC may go into Executive Session pursuant to section 92-5(a)(4), HRS, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

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

Pursuant to §92-2.5(d) HRS, if a meeting must be cancelled due to lack of quorum, the present council members may elect to continue to receive testimony and presentations on items on the agenda.

A request to be placed on a burial council meeting agenda must be made with the Burial Sites Program 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.

Interested persons can submit written testimony in advance of each meeting that will be distributed to Burial Council Members prior to the meeting. Submit written testimony to Leinoa.Kong@Hawaii.gov or via postal mail to the Maui, Lāna'i Island Burial Council at 130 Mahalani St., Wailuku, HI 96793. Written testimony that is received later than 24-hours prior to the meeting will be retained as part of the record and distributed to the Burial Council Members as soon as practicable, but we cannot ensure that the Council members will receive it with sufficient time for review prior to decision-making.

Materials related to items on the agenda are available for review at the State Historic Preservation Division located at 130 Mahalani St., Wailuku, HI 96793.

If you need an auxiliary aid/service or other accommodation due to a disability, please contact, Burial Sites Specialist, at (808) 652-1510 or leinoa.kong.@hawaii.gov as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this agenda and other materials are available in alternate/accessible formats.