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DEPARTMENT OF LAND AND NATURAL RESOURCES

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

MAUI / LĀNA'I ISLANDS BURIAL COUNCIL
MEETING MINUTES

DATE: December 21, 2017
TIME: 9:00 AM
PLACE: County of Maui, Planning Commission
Conference Room
Kalana Paku'i Building, 1st Floor
250 S. High Street
Wailuku, Maui, HI 96793

I. CALL TO ORDER

The Burial Council Chair Kapulani Antonio called the meeting to order at 9:03 AM

II. ATTENDANCE:

Members: Kapulani Antonio - Chairperson
Dane Maxwell – Vice Chairperson
Kaheleonalani Dukelow
Scott Fisher
Leiane Paci
Kalani Ho-Nikaido
Johanna Kamaunu

SHPD Staff: Kealana Phillips, Maui Burial Site Specialist
Ikaika Nakahashi, Cultural Historian

Excused: Sol Church
Nani Watanabe

Guests: Barbara Barry – Friend of Iwi Kupuna
Trevor Yucha – Cultural Surveys
Zach – Cultural Surveys
Kristi Ono – County of Maui, DPW
Garrett Tokuoka – Austin, Tsutsumi & Assoc.
Lisa Hazuka – A.S.H.
Reynaldo N. Fuentes – A.S.H.
George Fugita
Dave Roth – Travaasa Hana
Victoria N. Kaluna-Palafox - Descendant
David K.K. Prais – Moku O Hana
Ke 'eaumoku Kapu – Aha Moku o Maui Inc.
Kaleikoa Kae 'o – N.O.A.
Amy Halas
C. Rose Reilly
Halealoha Ayau
Annette Hew
Noelani Ahia
Brian Nae 'ole
Kaniloa Kamaunu
Claire Apana
Foster Ampong
Lokahi Antonio
Ed Cashman

III. APPROVAL OF MINUTES

A. November 15, 2017

- Council member Kahele Dukelow motion to accept minutes as presented
- Council member Scott Fisher second motion
- All aye; no nay
- Motion is carried to accept minutes as presented

B. November 15, 2017 – Executive Session

- Council member Kahele Dukelow motion to accept Executive Session minutes
- Council member Scott Fisher second motion
- All aye; no nay
- Motion is carried to accept minutes as presented

IV. BUSINESS

- #### **A. Update on Maui Lani Phase VI, Wailuku Ahupua'a, Wailuku District, Island of Maui, TMK: [2] 3-8-099:999 and 118**
- Information/Discussion/Recommendation:** Discussion on the above topic.

- Lisa Rotunno Hazuka address council
- Ms. Hazuka update council on status of project and work moving forward.
- Original design of subdivision 2005/2007. Inventory survey in 2005; 4 burial features, 1 burial pit. All to be preserved in place within linear features. At the time, ML VI owned by MLP. AIS accepted, AMP accepted, BTP accepted in 2007; construction commenced. Per Ms. Hazuka, started grading on one side of parcel; wasn't until reached the western end of project that burials features were being discovered. During construction, 2007-2010, several burials, burial pits and scatters were discovered. According to Ms. Hazuka, needed to get an access road in on either side of where burials were found. Proposed retaining wall (north and south); two road ways to access western end of subdivision. One side of preserve, proposed median; burials preserved in place.
- Council Vice Chair asked if findings from AIS included in map provided to council.
- Ms. Hazuka replied yes, colored coded in purple. Per Ms. Hazuka, when work started on north retaining wall, one burial feature found. When work started on south retaining wall, approximately 7 burial features and 3 scatters found. Based on new findings; re-design so that those burials could be preserved in place; roadway moved further south towards residential lots. According to Ms. Hazuka, next sections that were graded is across the road in Lots labelled 115, 116, 117 and 118.
- Lot 117, numerous finds, per Ms. Hazuka. Finds comprised of 6 burial features, 17 burial pits and several scatters. Lot 17, became part of preservation area; in preservation.
- Council wanted confirmation that according to map provided by Ms. Hazuka, green and gray (original) shaded areas, represent the preservation.
- Last areas of excavation is around the exterior of the new preservation lots, per Ms. Hazuka. Lot 143 and Lot 142. Excavate other lots in vicinity; No finds. Within Lot 142, 3 burial finds; in preservation. Burial preservation area expanding; started small, getting larger and larger per Ms. Hazuka.
- Lot 143, north retaining wall, burials present.
- Current proposed plan, move road further north. What was original media will become part of preservation area. Roadway become part of preservation area as well. Current design looking at.
- Council Member Dukelow asked, in total, how much burials in area?
- Ms. Hazuka replied, 79 burials, 35 burial pits. All of them have been preserved, except 10 per Ms. Hazuka.
- Council Member Scott Fisher wanted to clarify that during the Inventory Survey portion of project, only 4 found? Ms. Hazuka stated yes. Council member Fisher stated that the disparity between what was found during AIS and what's there now is significant/tremendous. Council member Fisher asked if a better methodology could be used to get a better perspective?
- Ms. Hazuka replied that 59 trenches were dug. Had trenches been concentrated in one area, more iwi would have been found. Several large pu'u in area (4 others cut 15-20 feet), where there were no other finds.
- Public object to testimony from Ms. Hazuka because she is not the Primary Investigator.
- **Burial Council Chair Antonio call a 5 Minute Recess at 9:35AM**
- **Meeting resume at 9:40AM**
- Lisa Rotunno Hazuka address council. Ms. Hazuka wanted to clarify when burial pits find (prob. Burial pit). Could be burial pit, may contain burial. If in

area where known finds, designate burial pit, not investigate, preserve, per Ms. Hazuka.

- Found a lot of burials; Towne realty try to preserve as much in place; redesign 8/9 times.

- Council Member Dukelow asked status of project. Ms. Hazuka, all that's left is utilities; no grading. Some areas will be backfilled.

- Council Member Ho-Nikaido asked how deep will trenches be for utilities. Sewage can be as deep as 12/14 feet in some area. Drain 8/10 feet. Electric and water more shallow trenches per Ms. Hazuka.

- Council Member Fisher asked assuming no more finds, relocate any of current finds? There might be one. However, still going over redesign. Reference burial site 155 (middle of road/Intact burial). Discuss with SHPD, no request to relocate until complete controlled testing of sewer line. No request to relocate until work complete, to be sure no other finds per Ms. Hazuka.

- Council Member Ho-Nikaido asked for clarity on where utilities tie in will come from. Ms. Hazuka replied that utilities will come in from eastern end; move up through subdivision. None on west portion of project.

- Council Member Dukelow asked at this point, what waiting on? More testing for new redesign. Once finish that, come back to council with findings and at that point figure out what to do. No decisions being asked of the council at this meeting per Ms. Hazuka; just an update. Project been going on a while, then stop. Update council.

- Council Member Dukelow wanted clarity on type of testing. Ms. Hazuka explained that at burial site 155, sewer line needs to go through there. Certain areas, pre-test for utilities to ensure no burials. Plan to entertain the idea of better testing, asked Council Member Dukelow. In hindsight, could have been done better, can't open-up too much land during AIS b/c need grading/grubbing permit. Most advantageous during AIS, once four finds discovered and one pu'u, come back in, clear pu'u for visibility/access, grub/clear vegetation, then would have been able to have better testing methodology, per Ms. Hazuka. To do grubbing, need permit. Cannot get permit until have accepted AIS. Now that land clear, open-up land during construction, tend to find more burials per Ms. Hazuka.

- Council Member reiterate question, plans to use different methodology other than trenching? One option is to talk with County to get a temporary grubbing permit to increase visibility. Ground penetrating radar, still would need clear field to use that. GPR, bring across surface, pick up all anomalies, not just burial, burial pits. Cannot drag equipment across surface, unless clear. Would need to request clearance from County to open-up area, then can explore other methodology. Need cleared space first.

- Council Vice Chair Maxwell asked if have original topography of area. What determines where the test trenches are dug? Previous experience working in are?

- Ms. Hazuka replied that they try to get representative sample. Maui Lani, water worn cobbles mark burial/burial pit on surface. Walk surface, if see cobbles, test there. If no surface indication of where to test; get representative sample per Ms. Hazuka.

- Council Vice Chair asked how many test trenches total. Ms. Hazuka replied 59. Map showing the trench locations? Did not bring map; will provide at next meeting, according to Ms. Hazuka. Ms. Hazuka pointed out the locations of pu'u, sand dunes, on map to council. Will bring topo map to next meeting.

- Council Member Fisher asked how big is the acreage of this project? 59 test trenches on 45 acres. Is that standard asked council member Fisher? How to

calculate number of test trenches per acreage. Ms. Hazuka replied there is no standard; all case by case.

- Council Vice Chair Maxwell, stated advantageous to do more test trenches. Ms. Hazuka replied yes; would like to have all finds during AIS. A lot more complicated when things are found during monitoring, per Ms. Hazuka.

- Council Member Paci, exemption to County, allow for grubbing/grading during testing. Open up more land, allow for better testing.

- Council Member Kamaunu asked if there are any certain surface indications that determine where to test. Ms. Hazuka replied as mentioned earlier, water worn cobbles, discoloration of in sand (although difficult with vegetation). Can have burials all over, not just in higher elevation (on pu'u). Not every pu'u contain burials, per Ms. Hazuka.

- Council Vice Chair mentioned the councils request to have comprehensive overview of area, adjacent properties, that can help ID markers (not just water worn stones), to assist AIS in terms of determining test locations

- Ms. Hazuka mentioned Site in golf course; 3 acres preserve. After AIS, burials found in Maui Lani Parkways; considered a linear pattern.

- Stricter rules for developing in sand dunes, per council member Dukelow. Broader view; burial pattern.

- Council Member Kamaunu asked if conversation occurred between Lisa and State Lead Archaeologist about testing methodology; cultural practitioners making suggestions in terms of location to test. Ms. Hazuka replied yes.

- Council confirmed landowner in attendance.

- Council Chair Antonio open the item for public testimony.

- Victoria Kaluna-Palafox address the council

- Ms. Palafox made mention of an article, published in OHA newspaper, calling out heir's descendants of Napela and Kaluna. Direct lineal connection; Descendancy application turned into Department, per Ms. Palafox. Awaiting item to be placed on agenda to go in front of council for recognition. Ms. Palafox mentioned that she has visits the burial sites to do her protocols, but has been stopped many times by landowner, not allowing access. Ms. Palafox does not feel that is right for Towne Realty to stop her from perpetuating family traditions. Ms. Palafox asks council how can she continue her practices without getting harassed? Trust that council will kāko'o the things that are right.

- Halealoha Ayau address the council.

- Mr. Ayau stated that he was principle author of Hawai'i burial laws and is at meeting because of concerns of current project; about the process. Mr. Ayau stated that years were spent creating a process to ensure that the wrongful treatment of Hawaiian burial sites, that have happened in the past, does not happen again. Burial council created to stand in place of families; give voice to the kupuna. Not perfect process, but still in place. Good measure that it's been working.

- Mr. Ayau stated that process designed so that when AIS done, comprehensive review of historic properties and burial sites on particular parcel. High number of burials discovered post AIS, concerning per Mr. Ayau. Inverted intended process. High number of burials found should occur upfront, during AIS process. Approach needs to be comprehensive enough to get clear view to assist with planning of use of property. Concerning, number of burials found during AIS small, compared what has been found during monitoring.

- Mr. Ayau referenced previous questions proposed by another speaker, with respect to certification of Ms. Hazuka. Explore issue of whether or not PI (Mr. Jeff Pantaleo) has been to site or familiar with representations being made at IBC meeting.

- Decision making process. During AIS, possible burial site found, during data recovery, determined to have human remains, status of find is previously identified and jurisdiction of IBC per Mr. Ayau. Whether previously ID, or inadvertent, same preservation criteria need to be applied; greater consideration for preservation in place. That's the standard, the starting line. Then, identify criteria, one of which is concentration of human remains per Mr. Ayau.
- Council wants to hear suggestion of speaker re: this project at this junction.
- Mr. Ayau, stated just to be clear, this is just a suggestion. No legal authority, don't represent anyone. Suggestion 1) Consult with attorney (AG) – Whether or not project needs to temporarily halt so that a clear assessment of whether the process has been followed. Ex- Testing of burial pits. Testing of possible burial pits are required, because it determines jurisdiction, per Mr. Ayau. Procedural questions that need to be addressed. IBC has always struggled with having AG present; supposed to be available by phone to provide council with advice should council request it, per Mr. Ayau.
- Ms. Hazuka wanted to clarify that burial pits were not tested, not because of arch desire not to, but more so because of not wanting to be intrusive. Burial pits are considered a burial, even if not confirmed; preserve in place. If decision is to preserve in place pit, not necessary to test further. Never done that in past per Ms. Hazuka. Ms. Hazuka acknowledges that more iwi should be found during AIS, but according to Ms. Hazuka, several burials were discovered deeper in sand. Initial testing, did not go down that deep.
- Vice Chair Maxwell wanted to clarify the case that Mr. Ayau had referenced in previous testimony with regard to the Principle Investigator testifying a certain way, but the archaeologist in the field, another. What was the resolution? The disconnect in that case, according to Mr. Ayau was project was segmented, similar to ML VI. The PI testified that burial was isolated, but archaeologist in field testified that it was actually part of a concentration. Cannot focus on one segment of project; need to look at entire landscape, whole picture per Mr. Ayau.
- Rose Reilly address the council.
- Ms. Reilly suggestion is that the council can have their own archaeologist on projects, someone with a working knowledge of Hawaiian culture. This is separate from the archaeologist hired by landowner. Ms. Reilly stated that there seems to be a disconnect between trained/schooled archaeologist (western), then the rules/laws pertaining to Hawaiian burials. The rules re: who can do archaeology in Hawai'i needs to be looked at as well and perhaps amended if needed per Ms. Reilly.
- Annette Heu address the council.
- Maui Lani project district is built upon a burial ground per Ms. Heu. Ms. Heu finds it hard to understand, how rights of iwi kupuna, can be left to inexperience and the developers themselves. Sit here make decisions on matters that instead should be given to the descendants. Iwi kupuna being desecrated; no other word. Something needs to be seen to it that iwi will have a place of honor, so children of Hawai'i can stand and know sands of their birth per Ms. Heu.
- Amy Halas, speaking on behalf of daughter and husband, address council
- Ms. Halas stated that she lives at Parkways, open door/window, see the preserve. Ms. Halas wanted clarity that she has seen a wooden stake, listed as TS 132. So when, Ms. Hazuka mentions 79 finds, why is there a temporary site listed as 132?
- Ms. Halas mentioned that she has seen the drawings and feels that the buffer zones are insufficient and that the house lots appear to be situated right up to the pu'u (preserve). Ms. Halas also mentioned that it is to her understanding, there are no archaeological monitors present during the construction of the individual

house lots. Want iwi kupuna to be protected and respected. Ms. Halas made mention of materials leaving site recently; washout pit. Ms. Halas would like rest of project to be stopped, designated burial preserve. How can add new finds to SIHP site? 1966 Historic Preservation Act, amended by Hawai'i State Government.

- Council Member Fisher asked Lisa about monitoring of project.

- Ms. Hazuka replied that monitoring was done on all of grading and utilities on the part of where they were no burial finds (eastern part). No monitoring of construction of homes on the eastern end of property. The grading of the house pad (6 in to foot). During tie in, no monitoring. As project moves closer to preserve, closer to the findings, there will be monitoring per Ms. Hazuka. With respect to the washout pit, which was mentioned by previous presenter, it is a pit that construction uses to wash out/discard cement. Council Vice Chair wanted to ensure that the washout pit is lined with plastic sheeting at the bottom to ensure no sand/iwi get stuck to the pit and inadvertently removed when pit is cleared.

- Kaniloa Kamaunu address council.

Mr. Kamaunu question archaeologist Lisa Hazuka credentials. Ms. Hazuka allowed to work, disinter iwi kupuna. Mr. Kamaunu demand that Mr. Pantaleo be present, as the PI. Not fair that Ms. Hazuka is not criticized for her qualifications, but community gets scrutinized when trying to prove connect to iwi kupuna. Mr. Kamaunu question testing methodology. Sonar that can produce pictures needed. No need to dig, ancient method of testing.

- Per Mr. Kamaunu, stated in 6E, 1860, iwi kupuna had right to be buried here. Not American citizens; not part of U.S. U.S. have no titles in Hawai'i; No land patents. Land patents used here are royal patent, belonging to Kingdom of Hawai'i. TMK's shored up by royal patents, LCA's. TMK nothing more than a tax number, per Mr. Kamaunu. No power of conveyance, no legal description of land.

- Council Vice Chair wanted confirmation from SHPD that when a plan gets submitted to SHPD, what role does the PI play?

- Chapter 13-281, HAR Rules Governing Professional Qualifications. Chapter 13-282, HAR Rules Governing Permits for Archaeological Work.

- Brian Nae'ole address council.

- Mr. Nae'ole provide council with genealogy. Mr. Nae'ole present at meeting to quiet title 4 million acres of Hawai'i; recognized descendant to iwi at Auwahi wind farm.

- Mr. Nae'ole, 61 pages of docs, given to department. Looking for recognition. Something needs to happy to take care of this on-going issue. Been in front of council many times, per Mr. Nae'ole.

- Noelani Ahia address council.

- Ms. Ahia recommend a shift in conscience. These are our ancestors. Not scatters, previously disturbed etc. Given them respect they deserve. Inversion of the intended process (rules). Every AIS, likelihood of finding burials is very high. Maui Lani area is a burial ground. Why is area allowed to be built on? Asked Ms. Ahia. Having council in place to mitigate damages, ridiculous, should not be here in first place.

- Ms. Ahia stated that despite descendants not being able to identify iwi (considered for lineal), does not mean individuals should not have a voice. Racism to tell Hawaiian cannot claim iwi because they cannot identify them; not the intent of rules.

- Ms. Ahia engage council to work with community to find better way to protect iwi. Stop desecration; rampant development.

- Kaleikoa Kae'ō address the council.

- This is Settlerism, racism, white supremacy at its worst, according to Mr. Kae'ō. No human being would come in and dig up someone else's kupuna. That is an inhumane act.
- Descendancy Recognition is all BS crap per Mr. Kae'ō. If you really think about it and go back 10 generations, that's over 1,024 kupuna. 12 generations, the time of Kakanilua, 4,096 potential kupuna. Game for those that get paid to dig up iwi kupuna.
- Urge burial council to decide. Enough is enough. Developers are cooking the process. Thousands of kupuna being impacted per Mr. Kae'ō. Who/how kupuna being reinterred. Kanaka? Hired consultant? We are humans; demand to be treated as humans.
- Pu'ū One is ancestors, not the individual iwi that is found per Mr. Kae'ō.
- George Fujita address the council.
- Mr. Fujita state that Ms. Kaluna-Palafox is his mother. Mentioned that he too is a descendant to both Napela and Kaluna (similar to his mother, info in Descendancy application).
- Eye opener for testifier. Did not know the level of desecration of pu'ū one currently occurring per Mr. Fujita. Would like to be able to pass on knowledge he has learned from his kupuna on to his keiki; History getting diluted.
- Mr. Fujita said he's seen meeting before. Community raise concerns; nothing gets done. Mr. Fujita would like to understand how process works; be able to teach keiki. Not happy with what's happening with iwi kupuna, not just in pu'ū one, all of Hawai'i. Recommendation is to do better following procedures. Find someone from Hawai'i can assist archaeologist; offer native point of view. Only way to win is by coming together per Mr. Fujita.
- Kai Prais address council
- Mr. Prais requested that we acknowledge History and Culture Branch Chief Mr. Rodrigues absence from MLIBC meeting.
- Recommend Executive Session and consult with AG b/c questions that MLIBC asking Ms. Hazuka, she not qualified to answer, per Mr. Prais.
- Mr. Prais recommend that council do a better job of understanding roles, responsibilities before making any decisions.
- Foster Ampong address council.
- Reinforce what Mr. Ayau said; Speaking about Process.
- Preponderance and presumption. Quite a bit of burials designated in area. Developers built one side, discovered burials. Followed state laws. Then went to next sections. Presumption is there are more burials. Precedent of patterns; Honokohua. Concerns over what appears to be a concentration of burials; why continue building in this area?
- Suggestion to IBC; No decisions made; should look at process first, deal with that first. Mr. Ampong stated that making a decision prior to looking at the process would be premature.
- Clare Apana address council.
- Ms. Apana passed out court order from preliminary injunction of case Malama Kakanilua vs. Maui Lani.
- Per Ms. Apana, very much a game; encourage council to make better rules.
- Second page in court order, Clare Apana recognized cultural practitioner of area of Kalua. Towne Development Phase VI is in this area per Ms. Apana.
- Ms. Apana request council to make a motion to acknowledge receipt of copy of court order that states that Ms. Apana is a recognized cultural practitioner of area.
- Ms. Apana request council to make a second motion to recognize this area, because of the numerous burial pits and burials that been found, as a recognized burial area.

- Based on this information, Ms. Apana request to have a meeting with landowner so that she may be able to do her job of protecting iwi kupuna.
- Lokahi Antonio address council.
- Not an expert on process, laws, etc. However, Mr. Antonio stated that he not ignorant. Mr. Antonio stated that he doesn't care about what's going. Doesn't care for landowner, that bought the land b/c could afford it, plans for area, etc. Point in history, no burial laws, no council. Law/council put in place (not set in stone). Encourage community to keep pushing the issue.
- Mr. Antonio voice frustration of watching kanaka go through process to fight for their iwi kupuna. If can stop development because of a little bird, can stop because of a people. We are the people! Exclaimed Mr. Antonio.
- Mr. Antonio mention the burial preserve that is located behind Target. That's somebody iwi kupuna. Located at rear of store; left there, forgotten.
- Mr. Antonio encourage community to keep fighting the issue. Sad that fighting occur amongst kanaka, amongst community members. Mr. Antonio recommend to fix the issue.
- **Council Chair Antonio called a 10 Minute Recess at 11:05AM**
- **Resume Meeting at 11:15AM**
- **Leiane Paci Excused from Meeting**
- Ke 'eaumoku address council.
- Mr. Kapu read aloud a statement. For more than 10 centuries, Hawaiian system of natural resource management has been handed down in oral traditions and practices. Hawaiian system of natural resource management, based on concept of Ahupua'a has 5 elements in system for best practices for traditional management of Hawaii's natural and cultural resources.
- Bottom line, Mr. Kapu states that the kanaka are being ousted in the process. Hence the formation of the Aha Moku, Act 288. Aha Moku a system part of DLNR. Job is to give recommendation to SHPD and Suzanne Case. All recommendations need to be heavily considered. Adopted 5 managements; regulatory system, code of conduct, none regulatory process, community consultation, eligibility criteria to participate in resource management. Once 5 elements incorporate, 5 laws put together under ACT 212 of Aha Moku system.
- Disfranchise of kanaka and process per Mr. Kapu. Process laying heavily upon what is provided by private sector. Role of burial council is to protect community interest according to Mr. Kapu. Don't worry about getting sued, let department worry about that; ensure rules followed.
- No consideration given to kanaka upon providing consultation at council meeting. Only to private sector, the ones committing the desecration.
- Mr. Kapu explained about Aha Moku System
- Appropriate people at the table to resolve issues at hand.
- Vice Chair Maxwell asked Mr. Kapu, in his previous experience as council chair, what was his method of gaining info, other than from private sector and doing own research. Mr. Kapu replied that making sure right people are at table when it comes to consultation. What it boils down to is making sure the knowledgeable people, live in area, understand area, are the ones that need to be consulted with.
- Council Member Kamaunu asked if Aha Moku has enough cultural practitioners if called upon to work with archaeologist. Mr. Kapu explained the Aha Moku system.
- Council Chair Antonio Close Public Testimony
- Council Member Kahele Dukelow makes motion
- Council Vice Chair Dane Maxwell second motion
- All aye; no nay

- Motion carried.

- **Motion – The Maui / Lanaʻi Islands Burial Council recommends no further earth moving work or decisions should be made regarding redesign of Maui Lani Phase 6 project, until the following issues are adequately addressed:**

- **Apparent lack of comprehensive & sufficient testing during the original Archaeological Inventory Survey.**
- **Role and credentials of Primary Investigator.**
- **Recognition of this area as a site with a burial concentration.**
- **Re-open and re-examine the Burial Treatment Plan to include consultation with cultural and lineal descendants, as well as cultural practitioners and generational community members.**
- **No further decisions should be made regarding iwi kupuna until a comprehensive inventory of burials is compiled for Maui Lani Phase 6 & adjacent lots.**

B. Discussion of Treatment of Human Skeletal Remains in SHPD Curation from Home Maid Bakery Inc 988 Lower Main St, Wailuku Ahupuaʻa, Wailuku District, Island of Maui, Hawaiʻi TMK: [2] 3-5-037:048 Information/Discussion/Recommendation: Discussion on the above topic.

- Burial Site Specialist Kealana Phillips address council

- Burial Site Specialist Phillips read aloud letter dated November 21, 2017, addressed to Mr. Jeremy Kozuki from SHPD. In this letter, SHPD states that the remains from Site numbers 50-04-3924 and 50-04-3556 are currently in SHPD curation facility. The letter goes on to reference that at the March 22, 1996 MLIBC meeting, motion was approved to relocate burials to the southern-most corner of the lot, based on agreement reached between Mrs. Domingcil (lineal descendant) and Mr. Kozuki (landowner). The letter also makes mention of the second motion that was passed at the same meeting, which stated that four individuals recovered from Home Maid Bakery expansion project, other burials found on parcel 48, and all scattered remains from both parcels 49 and 48, be reinterred at the new burial site created. Finally, at the November 17, 2017 MLIBC meeting, current burial council passed a motion to uphold the original two motions.

- Burial Site Specialist Phillips stated that a response from Home Maid Bakery was received by SHPD on Dec 11, in a letter dated Dec 7, 2017, addressed to Mr. Hinano Rodrigues. The letter reads that HMB stands ready to comply with original motions (1996) to relocate burials.

- Council Vice Chair Maxwell asked if SHPD will require a monitor/where does it go from here?

- Burial Site Specialist Phillips replied no, SHPD will be actively involved in the reinternment process. Mr. Phillips stated that he had just received the letter yesterday and had not had time to figure out specifics of what process will entail. Mr. Phillips explained that his intention is to re-review the minutes from 1996 where HMB items are discussed and to honor the wishes of what was agreed upon by the previous council.

- Council Chair Kapulani Antonio open for public testimony on item.

- Victoria Kaluna-Palafox address council.

- Ms. Kaluna-Palafox express her happiness and gratitude to the department and council that the iwi kupuna will be returning home.
- Kaniloa Kamaunu address council.
- Per Mr. Kamaunu, Ms. Palafox had a concern, findings from 1994, mound supposed to cornered off and left alone until HMB brought in arch to screen. According to Mr. Kamaunu, mound disturbed when community members arrive on site. HMB did not follow through on SHPD request. Per Mr. Kamaunu, County issues stop work order; SHPD staff Mr. Fariss and Mr. Phillips conduct site visit. Because no permit issued, SHPD recommended to County to stop work. After issuing stop work order, County removed stop work order because determined work being done on property less than acre, grading less than 3''. Community concern, no monitoring. The fact that the county did not take the history into account before allowing HMB to do project, despite not needing permit. Lack of oversight by county to ensure work being done in line with not needing permit. According to SHPD/AG, SHPD cannot intervene because no permit issued by county. After complaints by community, County re visited site and determined work being done exceeded max requirements (no permit) and the stop work order was re-issued. The biggest issue at hand, per Mr. Kamaunu is HMB did not follow through with the requirements that SHPD stipulated in 1996 re: monitoring/sifting of sand mound. Who knows what was desecrated during this unmonitored work, according to Mr. Kamaunu. Stiff penalties need to be enforced on HMB.
- Noelani Ahia address council
- Ms. Ahia stated she wrote a letter to Mr. David Goode re: issue of because not permit issued, SHPD not able to act on potential violation. According to Ms. Ahia, Mr. Goode replied and said that was under SHPD prevue. Ms. Ahia, wrote to Dr. Downer of SHPD, no response. Remedy to situation if no permit issued, no SHPD involvement, despite hundreds of correspondences between SHPD and HMB from early 90's. All decisions were decided upon (monitoring) from 1990's, Ms. Ahia is surprised how can this work occur in 2017.
- Kai Prais address the council.
- Incompetence with processes. Hope is for council to study/understands powers. Mr. Prais pointed out that Mr. Ayau, someone who was instrumental in writing the burial rules is present at meeting. Utilize him; ask questions. Understand the rules and the intent of the law to remedy what is and has been happening to our people.
- Foster Among address the council.
- Speaking with two different hats, 1) individual 2) proxy for Wailuku Moku council po'o, Clyde Kahalehau. With respect to iwi, kanu it, take care of it. In regards to the process, it's seems there is some kind of disconnect, lack of coordination between two government agencies; Public Works and SHPD. Got involved early due to the many Facebook posts. Mr. Among request proper fact finding. Believe that if a proper process, procedure created between County and SHPD, a lot of these problems wouldn't exist.
- Clare Apana address council.
- This area is Kalua according to map. Ms. Apana would like to come forward and be recognized as a cultural practitioner. Request to be consulted with because Ms. Apana been in contact with family members, cultural descendants who has not been recognized yet. Would be very adequate/exception of doing reinternment. According to Ms. Apana, iwi kupuna calling out by the set of ho'ailona happened in this particular place. Per Ms. Apana, HMB try get right to

get permit build there. Every time AIS, more iwi found. Lineal descendant, kahuna of heiau. Cannot discount fact this area had heiau. Mitigation, protection of this area. Upper parking lot is the highest part of land being developed. It should not be driven upon anymore, per Ms. Apana. Area most suspect for having concentrated cultural, sacred places. Not enough just to rebury kupuna; must take care of site. Because of all laws broken by HMB, ask for mitigation. Area should be put aside and protected. Return iwi to ground. According to Ms. Apana, council should do exactly what done with ML VI. Recommend that cultural practitioners, generational residents have a meeting; speak to HMB. SHPD impose fines.

- Council Chair Kapulani Antonio announced that because of time constraints, please submit any testimony to council. Mr. Lōkahi Antonio and Ms. Amy Halas were both signed up to speak on this item and this junction of the meeting.
- Council member Kahele Dukelow asked there was a Burial Treatment Plan approved by then council in 1996? SHPD responded that they'd have to check. Community be included, involved in treatment of burial per council member Dukelow.
- Council member Johanna Kamaunu question AG as to decision not to intervene because no permit issued by County. Council member Kamaunu argued that if conditions that were set by SHPD in 1990's (monitoring of sand mound), not met by HMB, SHPD/AG should intervene based on HMB not following through with condition.
- Council member Dukelow asked that because no accepted BTP, issues re: reinternment can be discussed in the forthcoming BTP. SHPD burial site specialist Phillips replied, yes. Per Mr. Phillips, SHPD more than happy to consult with community; ideal for SHPD to consult.

V. COMMUNICATIONS

A. **Letter Dated November 1, 2017 from the County of Maui Department of Public Works Engineering Division re: National Historic Preservation Act Section 106 Consultation Kaupakalua Road Pavement Reconstruction, Phase 1, Kokomo Road to E. Kuiaha Road, Hāmākualoa District; Island of Maui; Ha'iku, Pa'uwela, and West Kaupakalua Ahupua'a: Federal-Aid Project No.: STP-0365(001), Tax Map Keys: (2) 2-7-002 por. Road, (2) 2-7-027: por. Road, (2) 2-7-15: por. Road.**

Information/Discussion/Recommendation: Discussion on the above letter.

- Item was moved up to the beginning of meeting to be discussed prior to Business items.
- Kristi Ono from the County of Maui, DPW address the council
- Ms. Ono provide council with an overview of project
- Federally Funded; Oversight by Fed Highway Admin and State DOT.
- 11, 825 linear feet of road way; area of potential affect extends 17 inches below surface
- 3 historic properties identified; located beyond area of potential affect
 - 1) Head wall at Ohia gulch, positioned beneath road way, not within excavation area

2) Head wall at E. Kuiaha gulch, rock walls away from road and won't be affected by project

3) Wailoa Ditch; Identified on maps, but not visible and is likely below proposed excavation area

- Council Vice Chair Dane Maxwell asked if there was an estimated dating of head wall (historic properties i.d.)

- Ms. Ono replied that according to the contracted archaeologist, no dating had been done

- Vice Chair Maxwell asked that during the construction, what type of protection measures will these walls be afforded? Fencing?

- Archaeologist Lisa Rotunno-Hazuka address council

- Ms. Hazuka explained that the second Head wall is located somewhat close and will have orange fencing erected around site

- Council member Johanna Kamaunu asked if there is a stone wall?

- Ms. Hazuka replied that the gulch goes under road; head wall supports road as part of the gulch. There is a foot high, rock wall that continues up from the head wall on either side. None will be affected by repaving.

- Council member Kahele Dukelow wanted clarification as to whether the area of potential affect that extends 17 inches below surface from top of the road or from after road is taken out?

- Ms. Ono replied that it is from the existing road

- Mr. Maxwell asked when was the last resurfacing of this road?

- Ms. Ono replied a long, long time ago; very necessary; that's why going down so

deep. Ms. Ono explained that typically resurface just the top two inches.

Because

pavement in such poor condition, need to go down deeper.

- Council member Kamaunu asked if there has been community consultation?

- Ms. Ono replied that per 106 consultation, NHO's contacted; Ms. Jocelyn Costa and Ke'eaumoku Kapu of Aha Moku of Maui, Maui County Resource Commission, Dr. Kamana'o Crabbe of OHA, Thelma Shimaoka OHA Maui

Office

and DLNR. Ms. Ono also reiterated that a notification was posted in The Maui News on November 16 and November 19, requesting anyone who may have ties to

area to comment on project

- Council member Kamaunu asked if there has been a meeting with a community?

- Ms. Ono replied that typically, community meetings are held once the County awards the contract (closer to the start of project), at which time more information

will be known and able to be shared with public. According to Ms. Ono, project is

not slated to begin until early 2019

- Council member Kamaunu stated that if it were in her community, she would like

community consultation to happen now, so that if there were community concerns, it

could be discussed prior to County solidifying project

- Ms. Ono replied thank you for comment

- Council member Kamaunu asked what is typically the next step in the consultation process after receiving comments from the council?
- Ms. Ono replied that all responses/comments from Section 106 Consultation gets incorporated into the Archaeological Monitoring or developing a monitoring plan if necessary
- Council member Kamaunu asked if community association been notified? Ms. Ono replied no; not aware of one that exists for the entire region. Per Ms. Ono, if there was one, County of consult
- Council member Kamaunu stated, the Alliance of Maui Community Associations, and Haiku Community Association
- Vice Chair Maxwell stated that because the date of original construction of road is unknown, suggest monitoring done, particularly at the lower level of resurfacing; no idea where back fill came from
- Council Chair Kapulani Antonio open for public testimony on item.
- Ke 'eaumoku Kapu address council
- Mr. Kapu wanted clarity on once the 106 consultation is initiated, what's the process?? and that the Moku representative for that district, Jocelyn Costa, is contacted/included in communication/consultation.

VI. SHPD/INADVERTENT DISCOVERIES/CORRESPONDENCE

- A. Inadvertent Discovery of Human Skeletal Remains at Hāmoa Beach/Mokae Cove, reported to the Maui Office of the State Historic Preservation Division on November 14, November 15, and November 20, 2017, Ahupua'a of Mokae, Moku of Hāna, Island of Maui, TMK: [2] 1-4-010:001**
Information/Discussion/Recommendation: Discussion about the above find.
- Lisa Rotunno Hazuka, Archaeological Services Hawai'i address the council on this item.
 - According to Ms. Hazuka, in 2005 in Hawai'i, EPA disallowed use of cesspool, if considered large capacity cesspool. Travaasa purchased Hana Hotel in 2010; Process started in 2010 to replace cesspool down at the beach, with a wastewater treatment system (2 septic tanks and leech field).
 - Per Ms. Hazuka, Inventory Survey was conducted in 2014-2015. During AIS, 3 historic properties found. 1) burial feature (burial and burial pit) 2) rock wall (remnants) 3) cultural layers.
 - Ms. Hazuka stated that the burial/burial pit was preserved and the leech field was re-designed.
 - Subsequent to re-design, all accepted in about 2016, preservation plan, monitoring plan, and AIS report. Work started in November 2017 (new design of leech field), which put it a little further from burial preserve, which was established during the AIS.
 - Per Ms. Hazuka, one of reasons of re-design (design a certain way), EPA been changing the rules since 2010, size ?? capacity??

- At the beginning of construction, per Ms. Hazuka, another redesign occurred to allow for less digging. Redesign included tanks not having to be buried as deep. Initial location of tanks was upslope, redesign for tanks to be further down slope.
- During excavation of tank 1, monitoring done, no findings. Tank put in.
- During excavations for tank 2, burial feature and two burial pits identified. Work was stopped; SHPD notified and discussion ensued to redesign and relocate tank 2. New site was chosen for tank 2; excavation occurred with no findings, tank was installed.
- During the leech field excavations, 1 burial was found (feature 7). That burial was disturbed during the excavations. According to Ms. Hazuka, unsure if burial was previously disturbed somewhat, prior to current excavations.
- Ms. Hazuka stated that back in 1987, Bishop Museum did a field inspection and identified skeletal remains in a couple stock piles. Bathroom facilities initially built, no monitors (back in the day), burials identified. Per Ms. Hazuka, based on that information, it was assumed that previously disturbed remains and burial features may be found during current construction.
- Upon discovery of feature 7, leech field relocated further south and temporary preservation area established next to current preservation area to contain features 4-6, which were identified in the excavations for the initial location of tank 2 and proposal is to place feature 7 in the original preservation area.
- Ms. Hazuka updated the number of finds. 1 burial/ 1 burial pit found during Inventory Survey, which was preserved in place. During Monitoring, 2 burial features, 2 burial pits and one of those burials, the request is to relocate.
- Vice Chair Maxwell wanted clarification as to the depth of the trench/hole that was dug for the initial location of tank 2 (where TS4-6 was found).
- Ms. Hazuka replied that TS 7 was discovered at about 3 feet deep. Feature 4 (burial pit), was identified at about 3 feet below surface. Feature 5 (burial), identified at about 7 feet below surface and feature 6 (burial pit), 6 ½ feet below surface.
- Vice Chair Maxwell asked in the leech field, what was the greatest depth tested?
- Ms. Hazuka replied that it was tested to just about 4 feet below surface.
- Vice Chair Maxwell asked if Leech field previously disturbed soil? Ms. Hazuka replied that that is correct for the top; in situ or virgin soil below. Upper disturbed soil contained previously disturbed remains; undisturbed soil is what features 5 and 6 were discovered in.
- Feature 7 was determined to be infant/child. Feature 5 was an adult, per Ms. Hazuka. To clarify, feature 4 and 6 were burial pits; Feature 5 and 7 were burial internments.
- Council Chair Antonio asked if someone from Hotel was present. Ms. Hazuka replied that Dave Roth is present.
- Council Chair Antonio asked Ms. Hazuka how can we know for sure there are no burials below the proposed leech field (base is 4 feet)? Ms. Antonio stated that having burials under the leech field is unacceptable.
- Council Chair Antonio asked Mr. Roth (Travaasa), if there are other alternatives to this proposed septic system?
- Mr. Roth explained that there really isn't. Mr. Roth stated this project in the works for a number of years; Dept. of health continuously changing rules re: size. Understood the potential for iwi to be found, which may stop project; goal is for everyone to benefit. At this point, there is no room to move leech field. According to Mr. Roth, Dept. of Health allowed leech field to be sized down.

Double tank aerobic system to make waste that gets discharged into leech field as affluent, as pure as can be.

- Council Chair Antonio stated that having iwi under the leech field is desecration. Per Ms. Antonio, only way council would support leech field is if entire foot print were to be tested to ascertain no iwi present below.

- Ms. Hazuka stated that testing could occur below 4 feet to see if there are additional finds.

- Council Chair Antonio wanted to make a statement. Ms. Antonio explained that this issue is so heavy for our people. Hawaiians are dealing with a history of dispossession, dealing with history of deception and cover up. Now that things are being uncovered, a lot of hurt, a lot of anger. Per Ms. Antonio, hard to discuss this issue because we are talking about things that should not be discussed together; iwi kupuna and sewage.

- Council Chair Antonio is happy to have Mr. Roth in attendance in hopes that a discussion can be had to explore other alternatives because this area is a burial site. Need to find the best way to take care and ensure safety of iwi kupuna. How to remedy situation.

- Mr. Roth stated that Travaasa ownership group understands that. Try to be best steward to community in general. Per Mr. Roth, upgrades not only for hotel, public use as well. Health of ocean/reef need consideration as well. Happy to have original preservation area, erect CMU wall and even create new preservation area to ensure safety of newly discovered burials/pits and maintaining that thereafter.

- Council Vice Chair Maxwell asked if other options were explored other than leech field? The way it is right now, per Mr. Maxwell, it is not acceptable. Understand a lot of time and work has gone into planning or project, however, Mr. Maxwell states that no CMU wall will protect the unknown, what's below leech field. Ideally, would not recommend testing below to find what we know is already there, but this is a special circumstance; difficult place to be as a developer.

- Mr. Roth explained that if this were the mainland, if had county sewer in street above, easily connect to pump station and go. In this case, houses above are still on cesspool.

- Vice Chair Maxwell explained that that is what makes this place so appealing, why you pay a high price. Because it is not like everywhere else. Want to preserve that.

- Mr. Roth asked the council if the footprint of leech field was to be dug/tested and no finds, could project proceed?

- Ms. Hazuka explained that cesspool demoed, previously disturbed remains uncovered.

- Vice Chair Maxwell stated that that is the problem. It was known, from previous testimony that this is a burial site. Mr. Maxwell questions how the developer could obtain permit for work in this highly sensitive area with known burials.

- Mr. Roth explained that if this issues were brought to light 6 years ago, project wouldn't have happened. Mr. Maxwell stated despite that, the issue persists today, need to work to remedy situation.

Mr. Roth stated that that is his goal as well.

- Council Vice Chair Maxwell asked the question again.... Are there any alternatives, besides wishing sewer system available?

- Mr. Roth stated that, according to the engineers hired by Travaasa, this is the best answer for the location.
- Vice Chair Maxwell asked from a cultural perspective, hearing the concerns of the community, would landowner entertain looking for a different option. Mr. Maxwell explained that it would be in the best interest to listen and take into account, the wishes of the community where project is located so that developer and landowner would be welcomed in community and hotel guests will get best possible experience.
- Mr. Roth replied that that is exactly what trying to accomplish.
- Council Chair Kapulani Antonio open item up for public testimony
- Kai Prais address the council
- Mr. Prais explained that while on project site, Mr. Prais had a conversation with Jenny (ASH), who explained to Mr. Prais that material scooped out from hole where septic tank was to be dropped in, was pushed to the side and used to make a ramp so excavator could use to put tank in hole. According to Mr. Prais, Jenny had made mention about the how fast project was moving. Difficulty sifting through material that was being removed; finding cultural artifacts and bone frag.
- According to Mr. Prais, day 3 work was stopped, by day 4 tank was dropped into hole and work had begun on proposed leech field. Per Mr. Prais, if Jenny was to do all the required archaeological work which she had explained, no way project would move that quickly.
- Per Mr. Prais, he finds it really difficult believing Travaasa is trying to do right by the community because a Pi'ilani lives 10 feet away from driveway; she was contacted about project. SHPD has not conducted a site visit. Shane Sinenci, Aha Moku has been involved, but has not spoken to community.
- Mr. Prais explained that there are other alternatives than having a leech field. For example, at Ho'okipa they pump out sewage. Hana Bay does not have a leech field. Tried, unsuccessfully twice. Same as Hana ball park. Who's to say this will work? When is enough, enough, per Mr. Prais.
- Mr. Prais stated that timing wise, Travaasa would like to get this done b/c it is peak visitor season. Mr. Prais says work has been halted the past few weeks, not because of discovery of burials, but because of the weather and the heat/exposure that Mr. Prais shined on project.
- Mr. Prais also made mention about the proposed installation of grease trap. Location, from what Mr. Prais understands, is it will be located on the opposite side, where driveway comes down. According to Mr. Prais, there is a heavy concentration of burials there. When is enough, enough?
- Mr. Prais is asking/pleading for project to cease and desist from location, until can figure out what is going on. Community wasn't given a chance. No community, or public meeting.
- Mr. Prais asked about the lack of community consultation. General Manager Marty from hotel mentioned that she emailed two Hana boards twice, with no response. Not good enough. People live right across the street, not consulted with. Hotel for sale.
- Kaleikoa Kae'ō address council
- Mr. Kae'ō referenced the approved Burial Treatment Plan, Appendix B Memorandum by Annie Griffin dated Jan 15, 1987, to the DLNR where Ms. Griffin mentioned about the area have known burials. How can the iwi be considered inadvertent when, in 1987, before burial laws, Ms. Griffin, made mention of these known burials? Hana, only a handful of sandy areas.

Historically, burials typically occur in sand. Just because it is previously disturbed burials, does that mean it is okay to remove iwi, or continue to desecrate because it was previously desecrated?

- Mr. Kae'ō stated that there is no need to have leech field and that type of bathroom there. There porta-potties, other options. Reason to have such a facility, per Mr. Kae'ō is to make area more appealing to guests, so resort can make more money.

- Mr. Kae'ō request clarity in terms of how much burials found, whose doing monitoring, who's monitoring the monitor?

- Historic Preservation. Iwi is the highest level of historic preservation.

- Putting shit upon our people, per Mr. Kae'ō, shows the sickness of white supremacy.

- Ed Cashman address the council.

- Mr. Cashman asked how as Hawaiians, can we let these people put a septic system on an ancient Hawaiian burial site. Mr. Cashman is thankful for the efforts of the younger generation, bringing these issues to light.

- Mr. Cashman said he's been going to the beach in question for years. Never used the bathroom. Having a bathroom facility has never been a deciding factor as to whether to go to beach or not.

- Mr. Cashman sat on Hana Advisor Board, Travaasa never came to community. Understand how things work; septic system. Not true that a septic system needs to be installed. The issue is that the cesspool needs to be removed. Alternative options include porta-potties, tank above ground and pump sewage. No need for underground tank, septic system. Special Use Permit, so that do not encroach into ocean. Hana Bay, septic system did not work. What currently happens there is that they pump sewage twice a week and transport it to the tank at the top of the hill, per Mr. Cashman. Leech field in grass, by ocean, will not get supported by community. Mr. Cashman explained that if the developers had involved the community, he would have attended meeting.

- Only solution to this, per Mr. Cashman, back fill, cover everything up and move project elsewhere.

- Kaniloa Kamaunu address council.

- Mr. Kamaunu explain genealogy. Per Mr. Kamaunu, Hawaiian people easy to taken advantage of. Provide them with a place to live, ability to fish and hunt, will not hear from them. But the reality is, not allowed to hunt, fish, what do you think will happened? Hawaiian can only be pushed so far, until push back. We are loving people, giving people, but per Mr. Kamaunu, we are being taken advantage of. There is continuous harm being done to our people, our 'āina. Are we looking for the resolve in Hawai'i for the people to turn violent? Going to come a time where violence occurs, look around the world, it's happening more and more.

- Harder to identify places, feed family, etc. Recommend to the council to do what is right, otherwise, per Mr. Kamaunu, things are going to get out of control.

- Halealoha Ayau address the council

- SHPD oversight of project to ensure compliance with AMP. Mr. Ayau recommend to council to request that the department provide updates/report of the oversight of the project to ensure compliance with AMP.

- Mr. Ayau said he was looking at this case in terms of burials being classified as inadvertent until Mr. Kae'ō read aloud that statement by Ms. Annie Griffin, who was a staff archaeologist with SHPD.

- Mr. Ayau read aloud the definition of previously identified burials.

- Based on this information/language used in definition, per Mr. Ayau, these iwis in question are previously identified, jurisdiction of the council, pursuant to statement from SHPD.
- Mr. Ayau wanted to clarify that previous speaker made mention of previously disturbed remains. The fact that it was previously disturbed, has no bearing on treatment of inadvertent discovery. Inadvertent discovery pertains to human remains, not burial sites. Just because a single iwi is found, does not undermine the decision to preserve in place because unable to find rest of remains. Section in rules not intended to target complete burial. Inconsistent with what the law says to justify moving iwi because cannot find rest of individual or agreeing to relocate because they are previously disturbed.
- According to Mr. Ayau, same preservation criteria council applies for previously identified remains, the department must apply for inadvertent discoveries. Starting point, is always greater consideration for preserve in place, per Mr. Ayau.
- Previously disturbed remains, desire to relocate. According to Mr. Ayau, legal question exists whether iwi considered inadvertent or previously identified (Annie Griffin report). Affect Jurisdiction, SHPD vs. Council.
- Mr. Ayau recommends same action that was taken in Maui Lani case, same consideration be exercised here, clarity with legal representative. Most difficult cases are always involving sewage. According to Mr. Ayau, council focus is not on quality or integrity of project; instead needs to focus on sanctity, integrity of burials. In performing your duty to protect burials, if it affects project, so be it. Burial council take care of iwi; no need access value of project.
- Council member Johanna Kamaunu asked that in order to prove lineal Descendancy, per SHPD, applicant needs to identify who is the individual buried. If there is only a bone fragment, or isolated find, what recommendation would you have to the family? Mr. Ayau replied that he would not dare make a recommendation to 'ohana re: treatment of the iwi. Mr. Ayau states that what happens with all AIS, is there is a burial component, BTP and part of that process is the effort to ID lineal and cultural descendants and at that point, that becomes there kuleana.
- Vice Chair Maxwell asked that we have the guidelines set, what was intent of the two classifications, lineal and cultural? How to change, shift, make it more open for families.
- Mr. Ayau replied that through consultation with all communities, it was determined, agreed upon that the council to have the highest authority or say over iwi kupuna are the 'ohana that the iwi kupuna belong to. Per Mr. Ayau, establishment of lineal Descendancy was intended to identify those families that can come forward and identify family burials, and therefore family kuleana to decide. Not the state, landowner or council. Highest level of standard.
- Mr. Ayau explained that there is a second level of recognition that was established because of all that's happen in history, ability to be considered lineal descendant doesn't always exist. So, when families know they're from that area, might not know family buried there, very strong possibility connected to area, second tier of recognition of Descendancy, cultural Descendancy.
- Per Mr. Ayau, foundation of this movement. Return to roots. This is where the burial rules started, where it begun, awakening occurred. Those kupuna at Honokohua did not come out for no reason.
- Lisa Rotunno-Hazuka address the council.
- Ms. Hazuka wanted to clarify a couple of things. Ms. Hazuka explained that when previously disturbed iwi is discussed, it is not considered less important than if entire burial found. Per Ms. Hazuka, often when previously disturbed

scatters are discovered, able to find more of person and put to rest. More often than not during monitoring, make of individual found, able to make whole; collect so that individual does not continually get disturbed.

- Ms. Hazuka made mention that when project came in front of council in 2014-2015, none of current issues came up. If concerns were mentioned, project would probably not have gotten to this point.

- Mr. Prais address council. Mr. Prais mentioned that, he would like some clarity about the work of the monitor. Is there a log that tracks what is being done, what is found, etc. Accountability of monitor to ensure proper procedures being followed.

- Mr. Ayau address council. Mr. Ayau clarified that goal here is not to make bodies whole again. Misunderstanding of the word preservation area. Objective is the not to protect the bones, it's to protect the process of their decomposition. If scattered remains, not doing a favor by collecting them; interfering with decomposition. Literate and knowledgeable of Hawaiian culture values, customs and practices to do this work. Cannot apply Western view to our kupuna. Not protect bones, protect decomp into 'āina. Melding back into elements. Māna go back into 'āina. Make descendants strong, healthy, mind and spirituality. Hāmoa/ Mokae is a known burial site, should be treated as such.

- Council member Kahele Dukelow read aloud written testimony provided by Hana resident John Blumer-Buell. Please see testimony attached

- Council Chair Kapulani Antonio read aloud written testimony provided by president of Hui Laulima O Hana, Lehua Cosma. Please see testimony attached

- Council member Kahele Dukelow read aloud written testimony provided by Hana resident Mary Ann Kahana. Please see testimony attached.

- Written Testimony provided by Shane Sinenci and Mavis Oliveira-Medeiros was not read aloud at meeting. Please see testimony attached

- Council member Kahele Dukelow makes motion

- Council Vice Chair Dane Maxwell second motion

- All aye; no nay

- Motion carried.

- **Motion – The Maui / Lānaʻi Islands Burial Council recommends Travaasa Maui cease all work at Hāmoa Beach/Mokae Cove septic system improvement project, until such time that:**

- **The MLIBC recognized this site as a known burial area (Previously Identified/Burial Council Jurisdiction)**
- **Monitoring compliance can be confirmed.**
- **A more comprehensive consultation with community can be conducted.**
- **Options for a more appropriate septic system can be explored.**

B. Inadvertent Discovery of Human Skeletal Remains at Puamana Beach Park, reported to the Maui Office of the State Historic Preservation Division on November 17, and December 8, 2017, Ahupuaʻa of Polanui, Moku of Lāhainā, Island of Maui, TMK: [2] 4-6-033:001

Information/Discussion/Recommendation: Discussion about the above find.

- Ke 'eaumoku Kapu address the council on this item.

- According to Mr. Kapu, iwi started disinterring from coastline, exposed, and washing up on shore in mid-2017. Very concerning; county is aware. Mr. Kapu understands climate change, ocean taking iwi. Even so, biggest concern is

management of the area. Mr. Kapu brought a box with iwi kupuna to meeting. According to Mr. Kapu, iwi in box collected over the course of a month by Mr. Kapu, community members, tourist. Mr. Kapu recommend that the State lay heavy on County to manage area. Degradation of area, more burials will be exposed unless county starts doing something about area now, according to Mr. Kapu. Mr. Ke 'eaumoku stated that he is ok if iwi went into ocean; take natural course from Kāne to Kanaloa. But too much maha 'oi people. Greatest concern for safety of iwi if area not managed; iwi not collected. Recommendation is for county to go down there and do something about it; hire an archaeology firm to monitor area.

- Mr. Kapu request to council to make a motion. Iwi belong in Lāhainā; not in storage in Ma 'ālaea. Mr. Kapu referenced 13-300-41, private possession of human remains.

- Council member Scott Fisher makes motion

- Council member Kahele Dukelow second motion

- All aye; no nay

- Motion Carried

- **Motion – The Maui / Lāna 'i Islands Burial Council recommends that the recognized Native Hawaiian Organization the Aha Moku O Maui, iwi kupuna committee, in partnership with Na 'AeKane O Maui and SHPD, be recognized to curate, store, act as a repository and repatriate iwi kupuna found in the Moku of Lāhainā, as referenced by HRS 6E-43.5 and HAR 13-300-35 (h)**

C. Training for Maui/Lāna 'i Islands Burial Council on membership, roles, and responsibilities.

Information/Discussion: Discussion on the above item.

(BRING BLACK TRAINING BINDER)

- Item deferred to following MLIBC meeting

Meeting adjourned at 2:06 PM

Minutes by Kealana Phillips. SHPD Burial Site Specialist