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DEPARTMENT OF LAND AND NATURAL RESOURCES**

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CONSERVATION AND COASTAL LANDS
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**MAUI / LĀNA'I ISLANDS BURIAL COUNCIL
MEETING MINUTES**

DATE: January 16, 2019
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
Kalani Ho-Nikaido
Johanna Kamaunu

Excused: Leiane Paci

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

Guests: Noelani Ahia
Clare Apana
Lala Johnson
Amy Halas
Kaniloa Kamaunu
Francis Maddela
Lisa Rotunno-Hazuka
Nico Fuentes
Jocelyn Costa
Yana Dashevsky
Kurt Watanabe

III. APPROVAL OF MINUTES

A. September 19, 2018

- Councilmember Scott Fisher made a motion to accept minutes
- Councilmember Kahele Dukelow second motion
- All aye; no nay
- Minutes accepted

B. October 17, 2018

- Councilmember Scott Fisher made a motion to accept both the meeting minutes & executive minutes
- Councilmember Kahele Dukelow second motion to accept both
- All aye; no nay
- Meeting and executive minutes accepted

IV. BUSINESS

A. Cultural Descendancy Recognition of Jennifer Noelani Ahia to Unidentified Human Skeletal Remains, at Maui Lani Phase VI and Maui Lani Phase IX, Wailuku Ahupua‘a, Moku of Wailuku, Island of Maui, TMK(s): (2) 3-8-099 and (2) 3-8-007:153

Discussion/Determination: Discussion and determination whether to recognize the above individual as a cultural descendant to unidentified human skeletal remains at the above location.

- Burial Specialist Kealana Phillips read aloud SHPD leader of recommendation.
- Applicant Noelani Ahia address council.
- Ms. Ahia recite her genealogy for council.
- Ms. Ahia referenced HAR 13-300-2, definition of cultural descendant, “with respect to Native Hawaiian skeletal remains, a claimant recognized by the council after establishing genealogical connections to Native Hawaiian ancestors who once resided or are buried, or both, in the same ahupua‘a or district in which certain Native Hawaiian skeletal remains are located or originated from.”
- Ms. Ahia stated that she is present before council to demonstrate that she has ancestors that are buried in the district of Wailuku.
- Ms. Ahia explained that her genealogical connections to ancestors who are buried in district of Wailuku comes from descendancy from Keawe line and warriors of the Alapa and Pi‘ipi‘i regiments who were slain in the battle of Kakanilua.
- Per Ms. Ahia, according to Desha, page 33 of Kamehameha and His Warrior Kekuhaupi‘o, “those chiefly armies named the Alapa and Pi‘ipi‘i were composed of persons who were related in some way to Chief Kalani‘ōpu‘u and also some brave, fearless lesser chiefs. Most of the Alapa and Pi‘ipi‘i were ‘ohana in the Keawe line.”
- Ms. Ahia stated she is a direct descendant of Keawe‘īkekaiali‘iokamoku, his son, Kalaninuiiamamao and his son, Kalani‘ōpu‘u. Some warriors that are mentioned by name in the mo‘olelo that fought in the battle that the applicant has direct genealogical ties to, besides Kalani‘ōpu‘u, is Keaweokahikona and Keawemauhili per Ms. Ahia.

- Mo'olelo states in Kamakau, "they slew the Alapa on the sandhills at the southeast of Kalua. There the dead lay in heaps, strewn like kukui branches; the corpses lay heaped in death; they were slain like fish, enclosed in a net."
- Per Ms. Ahia, In the Archaeological Assessment Report for Well Sites 5, 6, and 7, portions of residential sites in Phase 9 by Hazuka and Pantaleo 2007, it states in reference to the district, "District of Wailuku contains the ahupua'a of Waiehu, Waihe'e and Kahakuloa to the north and Waikapu and Pulehu Nui to the south."
- Intention for being here is not for recognition of battle, we all know it took place. Same Archaeological Assessment for Maui Lani, states, "another battle, the battle of Kakanilua, was fought on the Wailuku Sandhills during the 1700's when Kalaniopu'u was defeated and O'ahu and Maui warriors."
- Ms. Ahia stated she is here because her na'au wants recognition to these iwi kupuna. My ancestors, on the losing side, whose mana still rests in Wailuku. Battle was the just the event that brought them to this place. Where they took their last breath and perished in the sand per Ms. Ahia.
- Ms. Ahia explained that she was told that SHPD cannot support claim at this time. There has also been comments about oral history not being accurate. Techniques used now vastly different then memory recollections. Peoples lives were dependent on accurate preservation of stories. Author of book Memory Code, researcher Lynne Kelly PhD., states that "aboriginal people demonstrated that oral traditions not only highly detailed and complex, it can survive accurately for tens of thousands of years." Mo'olelo valuable. If we as lāhui cannot accept mo'olelo, painstakingly preserved in detail for our benefit, what does that say about us asked Ms. Ahia.
- Ms. Ahia stated that there are very detailed accounts of the battle from Kamakau, historians of kingdom, served as judge in Wailuku. From Kalākaua, chief and latter mō'i, Desha, historian prolific contributor to Hawaiian language newspapers. Even Lorrin Thurston. Ms. Ahia explained that Hawaiian literacy was made manifest less than 50 years after when battle took place. Surely people alive with direct accounts. Much of mo'olelo put into written form by scholars, such as Kamakau. Published in newspaper and eventually in book format. Ms. Ahia would like to point out one source that translated and shared battle of Kakanilua, Desha book, Kamehameha and His Warrior Kekuhaipi'o. First published in newspapers between 1920-1924. Book says in introduction, as did his predecessors, Desha records oral traditions gathered both from immediate peers and preceding generation. Sum of the latter, one only shortly after the events described. The translation compilation into book form included efforts on many fronts, including SHPD involved. SHPD commissioned work to be published.
- Ms. Ahia stated she comes here proudly, not to praise ancestors of bravery in battle, but to acknowledge them. Ancestor, Keaweokahikona, echoed *holoa'e* (plea) to Kalani'ōpu'u (other ancestor) to change strategy; Kalani'ōpu'u chose to ignore his Kahuna. Sometimes ancestors make choices we can never understand per Ms. Ahia. Will stand here advocate for right to rest in peace, as all of our ancestors have right to do. Coming from the losing side of battle. Space where ancestors fell; sacred.
- Ms. Ahia wants to clarify that she is not suggesting she knows where exactly battle took place within district of Wailuku. Not saying took place in Maui Lani Phase 9 or 6. For Cultural descendancy, only need to establish it took place in district of Wailuku and ancestors perished there. However, applicants must list which projects to have a voice in individually, at this time Maui Lani Phase 6, 9 as listed on application.
- Ms. Ahia stated that she showed her genealogical connection to the battle; Alapa and Pi'ipi'i regimens who perished. Over 800 on first day of battle. All family, all from Keawe line, all from Ms. Ahia genealogy.

- Ms. Ahia explained that she has made the connection between the battle where ancestors buried and the district in which took place (Wailuku).
- Ms. Ahia thanked the council for hearing descendancy claim application.
- Councilmember Scott Fisher asked Ms. Ahia if she is claiming direct descendancy to Keaweokahikona? He perished in battle?
- Ms. Ahia replied that he did not pass in the battle. He was at battle. Alapa and Pi‘ipi‘i regimien all from Keawe line. Nearly every single warrior that perished was Keawe line, Ms. Ahia ‘ohana, as stated in mo‘olelo.
- Councilmember Fisher mentioned two survivors of battle. Likely family haven’t found names yet per Ms. Ahia. Don’t know direct ancestors who perished; don’t have identified skeletal remain (burial) stated Councilmember Fisher.
- Councilmember Fisher asked in family history, passed down thru generations, was there any recognition that ancestors died at battle of Kakanilua.?
- Ms. Ahia replied specifically no. If look at genealogy, shared one particular line that came from family letter. Have more genealogy explained Ms. Ahia. Ms. Ahia stated that Ahia Kalani-kumaikiekie I married both Kalani‘ōpu‘u and Kalaninuiiamamao. Spreads out like spiderweb as most ali‘i genealogy does. Everyone interrelated.
- Council Chair Antonio open item up for public testimony.
- Clare Apana address council in support of applicants descendancy claim. Support burial council recognition of very important battle that happened in sand dunes of Waikapu, Wailuku and started all the way from Mā‘alaea to Keone‘ōio. First want to go from western side, seem to be always stuck there per Ms. Apana. As kind of a parent of this group, who advocates for our kupuna, wish younger generation are able to have better advocacy than elder generations were able to achieve in this burial. Hinges upon who we are. Hinges upon burial council recognizing history. Long followed battle per Ms. Apana. Applied for descendancy 10 years ago. Told by DLNR impossible. Stand before council as kānaka. As a resident of Kalua and now after all these years, ascended to kupuna years. In support of Noelani Ahia. First talked about battle, kupuna being forgotten by history. Direct connection to warriors, battle, all who left bones, blood and spirit here in sand dunes. Ms. Apana says she feels them. Noelani Ahia will be excellent representative for the protection of not only history and battle, but for all iwi kupuna who have left remains here on island. Ms. Apana stated she has much more information re: what DLNR ask group to do over the years; to prove battle. Archaeologist haven’t found proof of battle. Ms. Apana says they have found evidence. Skeletal remains from battle. Ms. Apana stated can provide info to council.
- Lala Johnson address council in support of applicants descendancy claim. Ms. Johnson stated she is from Moku of Wailuku, brought up in Waiehu. Come from Keawe line. How do we connect to the iwi? For Ms. Johnson and Noelani, may not really direct. Related through grandchild. Ms. Johnson explained that Noelani sister is daughter in-law. Child, who passed away, iwi is what connects Ms. Johnson to Noelani. Understanding of how we are all related. Asking question how related to iwi in sand dunes? Ms. Johnson can say that from Waiehu, been there many generations. Sand dunes in Waiehu, connected to dunes in Wailuku. Connection, link to the iwi that’s there. Iwi dug up in Waiehu (all part of ‘ohana). Connection in Wailuku too.
- Ms. Johnson mentioned to council that when deciding on whether to allow Ms. Ahia to have position, cultural descendancy, Ms. Johnson hope council understands still exist connection to iwi. All in someway connected. Keawe line, all ‘ohana explained Ms. Johnson.
- Amy Halas address council in support of applicants descendancy claim. Ms. Halas stated that several archaeologist mention to her that if osteological analysis, DNA retrieval from iwi were allowed, living descendants who wanted to, could very well be

connected to ancestors. Ms. Halas realize that 6E burial laws, Administrative Rules drafted after Honokahua. Right now, last remaining open spaces, throughout State of Hawai'i being mass graded, excavated. Real critical time for kanaka maoli to do everything can to protect, respect, recognize and acknowledge ancestors.

- Councilmember Dukelow asked what is SHPD plan for application. Did SHPD identify areas where more documentation needed? Has SHPD met with applicant and identified areas where connection need to be strengthened?

- Burial Specialist Phillips explained that it is more, bigger picture.

- Mr. Phillips reiterated the letter of recommendation that SHPD drafted to council. Mr. Phillips explained that in the Administrative Rules, it is required that the applicant provide evidence that they have genealogical connections to an ancestor who once resided or is buried, or both in ahupua'a of Wailuku. The purpose of this rule is to ensure that there is some kind of association between the unidentified human skeletal remains, to the applicable ahupua'a where it was discovered per Mr. Phillips. If the applicant is connecting to a family member from an invading party, does that meet the requirements of the administrative rules?

- Aside from the issue of the applicant's ancestor having ties to the ahupua'a, Mr. Phillips addressed the question of what is a burial? Definition of burial is action or practice of interring a dead body. If someone were to be slain on a battle field and presumed left there (sand blown over and covered individual) is that considered a burial?

- Councilmember Fisher offered his take on situation, interpretation of rules/law. Councilmember Fisher explained that it is known that roughly 800 who perished in Pi'ipi'i, Alapa battalions. Law clearly says resided OR buried in moku. Buried meaning covered by earth. Per Councilmember Fisher, Ms. Ahia has clearly shown that she comes from the Keawe line. Definition of ancestor is someone with a genealogical connection. Not really descended from. Keawe line died in massive numbers in battle of Kakanilua. Extremely high likelihood, that someone in battle, because of descendancy from line has a genealogical connection.

- Councilmember Dukelow asked SHPD if applicant establish genealogical connection to the Keawe line. Did applicant provide evidence of accepted, Keawe descendancy? Connected with *palapala* to that line?

- Burial Specialist Phillips replied yes. Applicant was able to connect to the Keawe with the submittal of written testimony in association with oral testimony provided.

- Councilmember Fisher clarified that SHPD is not refuting her descendancy from Keawe line. Mr. Phillips replied that is correct

- Councilmember Dukelow explained that if applicant was able to connect herself to the genealogical line in question, SHPD not disputing that, only thing that SHPD disputing is the idea that, whether or not that someone killed in battle, left there, equates to a burial, councilmember Dukelow feels that applications satisfies cultural descendancy. If applicant can establish connection to genealogical line, that we all know of, perished, left there, that's cultural descendancy stated councilmember Dukelow.

- Councilmember Fisher provided example of similar situation for his family. Family member travelled on boat from Hilo to Lahaina, got sick, died and was buried in Lahaina. No genealogical connection to the moku of Lahaina, although buried there. Can definitely relate. Again, if look at all criteria, councilmember Fisher is surprised that SHPD did not recommend descendancy because of admission of Keawe line connection (almost all Alapa, Pi'ipi'i perished in battle). Don't understand the lack of connection to land reasoning by SHPD per councilmember Fisher. Talking about iwi. Anything that gives greater protection to iwi is a good thing, not necessarily a liability

per councilmember Fisher. Councilmember Dukelow reminded that the rule states resided OR buried. Lived on the land or iwi per councilmember Fisher.

- Council Chair Antonio asked SHPD if the reason for recommendation of deferral by SHDP was because applicant applied for descendency recognition for iwi in both subdivision properties (ML VI, IX). Burial Sites Specialist Phillips replied no.

- Councilmember Fisher wanted clarity on SHPD decision to recommend deferral. Mr. Phillips stated that it was the question of association of the unidentified human skeletal remains to the land as well as the question of what is a burial? Does it satisfy requirements of the administrative rules?

- Council Vice Chair Maxwell asked SHPD about the rationale about no connection to land; no customary practices? Mr. Phillips explained that the interpretation is that if someone resided in an area, they would create a relationship with the land i.e. cultivating, utilizing, etc.

- Councilmember Kahele Dukelow make a motion that the council recognize Jennifer Noelani Ahia as a Cultural Descendency to Unidentified Human Skeletal Remains, at Maui Lani Phase VI and Maui Lani Phase IX, Wailuku Ahupua‘a, based on her establishing her genealogical connection through the Keawe line to the Alapa that died in the battle in the Ahupua‘a, Moku.

- Councilmember Fisher second motion

- All in favor; no opposed

- Motion Carries.

B. Lineal Descendency Recognition of Francis Maddela to Identified Human Skeletal Remains at 2175 Hana Highway – Maliko Point, Ha‘ikū Ahupua‘a, Hāmākualoa District, island of Maui, Hawai‘i, TMK [2] 2-7-004:028

Discussion/Determination: Discussion and determination whether to recognize the above individual as a lineal descendant to identified human skeletal remains at the above location.

- Francis Maddela address the council.

- Mr. Maddela stated family, including himself, parents along with other family members came before council 20 years ago speaking on behalf of the Kalawai‘a burials at Maliko Point. Did not know, understand the descendency recognition process at the time.

- Mr. Maddela stated that he is present in front of current council seeking lineal descendency for himself, his niece Lianne Maddela and son Isaiah Maddela.

- Mr. Maddela explained that much has gone on in the past 20 years. Fifth generation to Nakiaha Kalawai‘a (one of the individuals buried on property). Mr. Maddela mentioned that his son and niece are sixth generation; eight total that tie back to Nakiaha.

- Biggest concern at this time is to ensure that not only will this current generation have access to burials, but future generations as well per Mr. Maddela.

- Mr. Maddela mentioned his Grand Uncle took care of place. No other ohana knew of place. Grand Uncle passed in 1986/1987. Not even own kids knew of place. Found in 1993. Area has four graves. 2 headstones and two burials delineated with pohaku on surface per Mr. Maddela. 2000 property sold to Sky Lewis. Numerous other graves found on site. According to Mr. Maddela, it was noted in archaeological studies that this place is a very historical, cultural significant site.

- Took care of place for many years. Mr. Maddela mentioned that his Grand Uncle grave (Kimeona) is sinking. Sometimes happening. Pipes below ground, leaking???

- Mr. Maddela stated that it is very concerning to the family that the ground where the grave is located appears to be sinking.

- Mr. Maddela mentioned that his family is actively cleaning the site. The landowner has not been. First concern will always be kupuna. Be the eyes, voice, and the ears. Mr. Maddela mentioned that some in the family, the kupuna speaks to them.
- Mr. Maddela thanked the council for there time. Mr. Maddela stated that Council Vice Chair Dane Maxwell's Papa, Uncle Charlie Maxwell, was a big supporter/help to family.
- Burial Sites Specialist Kealana Phillips read aloud the departments letter of recommendation to recognize Francis Maddela, Lianne Maddela and Isaiah Maddela as Lineal Descendants to the identified human skeletal remains located at the above location.
- Additionally, Burial Sites Specialist Phillips explained that he included both the Burial Treatment Plan and Archaeological Preservation Plan in each of the burial council members packets to review if needed for discussion.
- Councilmember Kamaunu asked Chair Antonio if council relegated to only deciding on descendency at this time as Mr. Maddela has expressed concerns about the maintenance of preserve? Council Chair Antonio answered yes. Council Chair Antonio stated that the department is actively looking into the issue. Burial Specialist Phillips confirmed that he has been in contact with both the family and the representatives of the estate.
- Mr. Maddela stated that he has heard that the house is going under foreclosure. What happens to the BTP asked Mr. Maddela.
- Both plans (BTP and Arch Preservation) runs with the land stated Chair Antonio. Nothing can affect, change the fact that the landowner is obligated to follow approved stipulations in plan.
- Need to make sure Bureau of Conveyances has these plans recorded.
- Burial Specialist Phillips stated that the plans were submitted to council for approval. Once approved my council, it becomes pa'a.
- Councilmember Fisher mentioned deed search should show up whether or not there is an encumbrance on it and if encumbrance should be able to click on it, pop right up.
- Burial Specialist mentioned that the SIHP number associated with the preserve should registered with the BOC. Whether or not the plans are recorded, Mr. Phillips stated he is unsure.
- For today's purposes, focus just on Lineal Descendency Recognition per Council Chair Antonio. Just know, all working together to kākō'o the ohana per Chair Antonio.
- **Councilmember Scott Fisher makes a motion:**
- **The MLIBC recognizes Francis Maddela, Isaiah Maddela and Lianne Maddela as a lineal descendency to recognized human skeletal remains at 2175 Hana Highway – Maliko Point, Ha'ikū Ahupua'a, Hāmākualoa District, island of Maui, Hawai'i, TMK [2] 2-7-004:028**
- **Councilmember Kahele Dukelow second motion**
- **All aye; No Opposed**
- **Motion Carries**

C. Lineal Descendency Recognition of Lianne Maddela to Identified Human Skeletal Remains at 2175 Hana Highway – Maliko Point, Ha'ikū Ahupua'a, Hāmākualoa District, island of Maui, Hawai'i, TMK [2] 2-7-004:028

Discussion/Determination: Discussion and determination whether to recognize the above individual as a lineal descendant to identified human skeletal remains at the above location.

- **Councilmember Scott Fisher makes a motion:**

- The MLIBC recognizes Francis Maddela, Isaiah Maddela and Lianne Maddela as a lineal descendancy to recognized human skeletal remains at 2175 Hana Highway – Maliko Point, Ha‘ikū Ahupua‘a, Hāmākualoa District, island of Maui, Hawai‘i, TMK [2] 2-7-004:028
- Councilmember Kahele Dukelow second motion
- All aye; No Opposed
- Motion Carries

D. Lineal Descendancy Recognition of Isaiah Maddela to Identified Human Skeletal Remains at 2175 Hana Highway – Maliko Point, Ha‘ikū Ahupua‘a, Hāmākualoa District, island of Maui, Hawai‘i, TMK [2] 2-7-004:028

Discussion/Determination: Discussion and determination whether to recognize the above individual as a lineal descendant to identified human skeletal remains at the above location.

- Councilmember Scott Fisher makes a motion:
- The MLIBC recognizes Francis Maddela, Isaiah Maddela and Lianne Maddela as a lineal descendancy to recognized human skeletal remains at 2175 Hana Highway – Maliko Point, Ha‘ikū Ahupua‘a, Hāmākualoa District, island of Maui, Hawai‘i, TMK [2] 2-7-004:028
- Councilmember Kahele Dukelow second motion
- All aye; No Opposed
- Motion Carries

V. SHPD INADVERTENT DISCOVERIES/CORRESPONDENCE

A. Update on Maui Lani Subdivision Phase VI, increment 4, Ahupua‘a of Wailuku, District of Wailuku, TMK: (2) 3-5-099:225

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

- Lisa Rotunno-Hazuka from ASH address council.
- Ms. Hazuka wanted to make clarification from last meeting. Four maps passed out at Dec MLIBC meeting. 2 of the same per Ms. Hazuka. End of meeting, little confusion on two burial preserves. 3-acre burial preserve in golf course Site 2797 (Neller burial site). To the north of current green preservation area in Phase 6. Two preservation areas at this time. Phase 6, 1.9/2 acres. 3-acre preservation area in golf course per Ms. Hazuka.
- Nico Fuentes from Atlas Archaeology address council.
- Recap of last meeting, discussing GPR and findings. Two areas want to discuss, two roads. Road A, 16 anomalies inside road, generated from GPR. Discussing ground truthing at last meeting to correlate, assess imagery with actual findings. Investigated 11 of 16. No human skeletal remains detected. Suggest GPR did not fail in ability to collect info per Mr. Fuentes.
- Two different kinds of anomalies, one type is considered inclusion (pile of something), second is stratigraphic shift, two distinct stratigraphy’s interfacing (trigger for GPR).
- Of the 11 investigated, pile of wood, fill, natural strata. At this point, continue to investigate remaining 5, under the guise, trying to find a way to correlate GPR data imagery with subsurface anomalies, features, etc. Post investigation, hearing from contracted GPR firm. Initial testing. Still need to examine results.
- Mr. Fuentes hand council map for Road B. Two things make note of, dots and lines. All dots burials. Different colors for different things. Some pits, some partial in situ,

some primary in situ. Pink line running through burials, proposed plan for sewer line, per general contractor and developer. Proposed sewer line at depth where never encountered burials. Doesn't mean they don't exist that that depth; just never found any.

- Oblong shape in road, slated to be median preservation area. General larger preservation area, towards the south. Preserve in median would essential act as an extension to that in the road way per Mr. Fuentes. Couple things to note, when investigated area since July found graves all along same line. Per developer and general contractor, can't go over around; asking to go under for proposed sewer line. Can give information re: how finds found, stratigraphy, but at moment, this is what proposed per Mr. Fuentes.

- Current proposal is redesign. Mr. Fuentes stated this may be from two sessions ago; haven't devised how get around it. This is same augering, horizontal drilling. Depth of sewer line proposed to be 18 feet.

- Depth of burials in preservation median asked council vice chair Maxwell. Mr. Fuentes replied they are all above the grade of road, above surface. Mr. Fuentes referred to the map (green dot) is one of the anomalies.

- Councilmember Ho-Nikaido asked how much more work in area need to be done?

- Mr. Fuentes replied there will be more work as development increases on adjacent lots. This is just the work for the just the utility corridor. Utility corridor done before any work, development of lots. Work will continue in perpetuity in area per Mr. Fuentes.

- Councilmember Ho-Nikaido stated that lot grading, road putting in utility lines at this time, basically for this phase of development; this is the substantial work? Correctly replied Mr. Fuentes. All surround area will eventually be dug to some extent, footings, other utilities etc. Provided, they are generally at higher elevation; doesn't negate fact may or may not find anything per Mr. Fuentes.

- As far as discussion, not quite sure how to proceed. Generally, come before council when stuff found. Sensitivity in area so profound, Mr. Fuentes stated he is here in front of council just to provide update.

- Councilmember Dukelow asked if all burials indicated on map preserved in place. Mr. Fuentes replied yes.

- Samples for GPR, scanned all existing dots (burials) asked council vice chair Maxwell.

- Mr. Fuentes replied that they did not scan all dots (burials). Did run three controls just to see what data would get from GPR.

- Council Vice Chair Maxwell wants to discuss Road A. Tested 11 out of 16 anomalies. When test site, does have to get approval from SHPD? Fall under category of excavation of corridor explained Mr. Fuentes. If asking about procedures used for testing, data came back with two forms of information: top of anomaly and base of anomaly. Knowing that, mechanically went through top of surface until 1 foot of top of anomaly. Switch to manual investigation at that point. Intent was, not know what going to find. Took it carefully down. Each instance, found something, just not burial.

- Procedure entails, run GPR across corridor for Road A, test within foot, take down manually until see top of anomaly, document, wrote it up, picture. At that point, proceed down to the base of anomaly to confirm that anomaly is what it is (document).

- GPR able to detect how deep asked councilmember Dukelow. Mr. Fuentes stated GPR can reach as far as 12 feet; most reliable in the 9-foot range. Anything below that not really going to pick up.

- Councilmembers question the effectiveness of using GPR on Road B for horizontal trenching 18 feet deep of sewer line, if max depth of GPR is 12 feet.

- Real question is what will be buffer of things do know. Three forms of info per Mr. Fuentes: Known, unknown, unknowable. Know something on top, know where they want to put pipe, don't know what's in between, at 18 feet. Do have other information.

Stratigraphy particular form of sand; sandstone. Never encountered grave where lithified sand formed on top. Suggested reason for that is time.

- Mr. Fuentes stated over the years of Maui Lani Parkway, areas excavated at depths deeper than (18 feet). Deepest depth of burial found asked council vice chair Maxwell. 16 feet replied Mr. Fuentes.
- Towne doing home construction of lots 9-12 asked councilmember Ho-Nikaido. Yes, Towne will be building homes on those lots replied Mr. Fuentes, Ms. Hazuka once utilities are in.
- Still connected with project while homes going up confirmed councilmember Ho-Nikaido.
- Look at proximity of 2797, don't know when fittings going in for all lots. Will be coming back if find additional burials. Preserve in place? Properties re-design, lots in preservation. Look at aerial view, high probability of expanding preservation area per councilmember Ho-Nikaido.
- Ms. Hazuka stated on one of the maps passed out to council, dotted lines are a proposed lot that is currently slated for preservation (lot had more than 2/3 burials).
- Councilmember Dukelow referenced Dec 2017 MLIBC meeting, council made a motion, paragraph in motion stated **no further decisions be made re: iwi kupuna until comprehensive inventory of burials is compiled for Maui Lani Phase 6 and adjacent lots.**
- Consistently asking for inventory of all burials. Reason for that is so every single time look at something and council going to make a decision, have an accurate idea of where every single burial is. Just wanted to remind council of that per councilmember Dukelow. Would like to see that before deciding on any type of redesign, stated councilmember Dukelow.
- Ms. Hazuka stated that at the December 2018, a map was presented of all burials at Maui Lani Phase 6. Ms. Hazuka stated councilmember Dukelow was not there; can get copy to her.
- Every time talking about area, should provide map per councilmember Dukelow.
- Council Vice Chair Maxwell is concerned about the horizontal drilling. Hoping for alternatives. Doesn't seem like there is much at this point. Comes down to going top, around, underneath stated Mr. Fuentes. Line is pretty concentrated, consistent.
- Doesn't matter which way move, no safe place. Thing that is bothering council is the fact it is a sewer line reiterated all councilmembers.
- Towne issue is getting sewer line in. Council issue is determining whether allow a sewer line to be installed, below, above around iwi kupuna. Councilmember Dukelow question the ability to go around. Mr. Fuentes concur. If go into golf course, another preservation area exists.
- Discussion ensued among council members re: drafting of a motion.
- Mr. Fuentes explained Sewer line in Road B connects with sewer line in Road A. Line goes up in elevation as it approaches Road A.
- Ms. Hazuka clarified that do understand this is a tough area; highly concentrated. Re-designed a couple of times. Area where burials identified in black (dots) on map, that was location of most recent re-design of sewer line. At this point, no relocate any burials. Only option to go deep, horizontal drilling.
- How much investigation done in lots 9-12 asked councilmember Ho-Nikaido. Reason for asking is if put sewer line in now, 9 months from now when digging footings for homes in lots 9-12 and come across iwi, lots included in preserve, then what. It's a pattern, goes linear. It's a pattern concurred councilmembers and Ms. Hazuka.

- Would like more testing of lots 9-12, before deciding on sewer line. Road B (sewer corridor) is in between two highly concentrated burial preserves (phase 6 and 2797) per councilmember Ho-Nikaido.
- Has been grading of lots around preservation area. Some have been filled. Need to look into it. Do not want to misrepresent how much grading been done, exploratory testing per Ms. Hazuka.
- Councilmember Ho-Nikaido request that investigative digging be done where footings will go for homes on (lots 9-12). More info so council can better make decisions.
- Mr. Fuentes stated it's bringing up conversation that should be had. In essence, when development occurs per Mr. Fuentes, archaeologist confined to area of excavation per monitoring. Not go through systematic testing.
- Councilmember Ho-Nikaido stated that because Towne realty is involved with building the homes before selling, they have an idea of where homes will be placed, where footing will be dug. Should be proactive now and test. That particular recommendation needs to come from council, can't come from myself explained Mr. Fuentes.
- Councilmember Ho-Nikaido explained that what trying to achieve with motion is if know more about house lots, does sewer line need to go there? What if allow sewer line to be placed in corridor, and 9 months from now, test the lots, find burials, and no more homes built on lots, part of preservation. Then decision on sewer line would be for nothing.
- Good possible of running into challenges with residential lots (9-12) per councilmember Ho-Nikaido. Site 2797, adjacent to lots 14-17.
- Test lots prior to any installation of other utilities asked Mr. Fuentes. Yes. Replied councilmember Ho-Nikaido. Testing of those lots will answer the questions of does section of sewer need to go there? Will need to extend preservation area?
- Ms. Hazuka stated that permits were separated. Do have grading permits for some of the lots per Ms. Hazuka
- Council Vice Chair Maxwell asked if horizontal augering planned for any other type of utility installation. No. Unique application. Has to be below what you know explained Mr. Fuentes.
- Mr. Fuentes wanted clarity re: testing of lots 9-12. Councilmember Ho-Nikaido stated should explore feasibility of building on lots or need to explore possibility of becoming part of preservation area. If some of those lots placed in preservation, sewer line can change. Would not need to go all the way.... potentially, stated councilmember Ho-Nikaido. If preservation modified, flexibility to solve issue of the sewer line. Developable lots; or if part of preservation explained councilmember Ho-Nikaido. Lots 9-12.
- Regarding testing procedure for lots 9-12, should excavate and test to known utilities or test until find something asked Mr. Fuentes.
- Councilmember Ho-Nikaido stated that should test to known limits, protocol of excavation. Testing should occur where the proposed development will take place echoed the council.
- Discussions ensued among council re: motions
- Council Vice Chair Maxwell asked about methodology re: testing Lots 9-12. Is same testing strategy as AIS asked Council Vice Chair Maxwell. Reason being only 4 burials found during AIS. Standard archaeology protocol. Not worried about things not need to know Mr. Fuentes wanted clarified council.
- GPR in area asked councilmember Dukelow. Mr. Fuentes explained that GPR will provide some info. If can detect, blown sand, logs, stratigraphy, should be able to detect burial.

- Recommend preliminary run with GPR. Looking at layout of construction and utilities. Inside of those, come up with strategy, testing procedures in lieu of installing horizontal auger per Mr. Fuentes.
- Discussions ensued among council re: motions
- Councilmember Ho-Nikaido asked about boundaries of Site 2797. What Ms. Hazuka recall, cluster in center and outliers. Went beyond outliers. Old sand burrow pit. Already had excavated hole in area. That's when Ms. Hazuka was with Bishop Museum. Trying to remember. Aki Sinoto and Jeff Pantaleo took job over. Ms. Hazuka recall there was a concentration, some outlier burials found and expanded beyond outliers. Cannot remember how much stated Ms. Hazuka.
- Council Chair Antonio call for recess at 10:43AM
- Council Chair Antonio resume meeting at 10:54AM
- **MLIBC make a motion: MLIBC recommends against the use of horizontal augering during the installation of the proposed sewer line infrastructure at Maui Lani Phase 6.**
- **Councilmember Scott Fisher make motion**
- **Councilmember Kahele Dukelow second motion**
- **All aye; No Opposed**
- **Motion Carried**
- MLIBC recommends additional exploratory archaeological testing, specific to exploratory archaeological testing, including, but not limited to Lots 9-12 of Maui Phase 6.
- Council Chair Antonio open item up for public testimony based on the suggested motion stated above.
- Kaniloa Kamaunu address council.
- Mr. Kamaunu commented about the length of time of the current project. Nothing changed. Inadequate AIS. Only 4 found; number of burials are upward of 180+ per Mr. Kamaunu. When discussing burial Site, just because no iwi, does not mean essence is not there. Human, outer portion and internal. Once deteriorated becomes the sand. "Ashes to ashes, dust to dust" old saying. Return to earth when buried. Any type of movement of sand taken, taking the person. Iwi is just structure of person. 1860 people given right to be buried in area and to remain there. No authority to remove them; should be left. Mr. Kamaunu referenced email response by Ms. Hazuka to various statements made by Ms. Halas. Mr. Kamaunu HAR 13-300-40 (c) section of the rules that state when discovery of inadvertent, department contact medical examiner/coroner and qualified arch. Mr. Kamaunu reminded council that need to contact two parties to satisfy rule, otherwise in violation. Mr. Kamaunu ask council to make a recommendation to ensure rules being followed.
- Jocelyn Costa address council.
- Ms. Costa stated that once said process of minimum requirements is to test 10%. Probably why sitting here today. Because allowed 90% error upon iwi kupuna per Ms. Costa. Intent of council, to bring balance. Because administrative wise, lend no remedy for iwi kupuna or families. Council here not so much to know where pipe need to go, how deep, but if there is an iwi in area where pipe will be. Redirect focus on iwi, instead of pipe. 9 feet GPR stated Ms. Costa. 18 feet sewer line. Deepest find so far 16 feet from the point of what? Before or after grading? sand mining? Where are you measuring asked Ms. Costa?
- Tons of sand being removed. So, called monitor watching sitting up on dune with hard hat and watching shovel come and dig and load up trucks. Now, if coming in after the fact. They've gone well over 30 feet down. Let's start from beginning and make decisions there. 90% error is why here today.

- Ms. Costa mention Maddela testimony from earlier in meeting. Statement about grave sinking. Pipes installed below surface? With respect to the proposed sewer line, what's to guarantee line won't break, leak, rupture. No other choice, re do plan. That's my suggestion stated Ms. Costa.
- Noelani Ahia address council.
- Ms. Ahia stated agree with Ms. Costa. This particular issue re: sewer line is completely inappropriate. Ms. Ahia stated as recognized cultural descendant, firmly object. Ms. Ahia brought up was councilmember Dukelow stated about motion from Dec 2017 MLIBC meeting, overall number asked. Ms. Ahia stated request was for entire project district. Just to clarify, archaeological monitoring report, turned in Spring of 2018, requirement to lift stop work order, in that report for Maui Lani Phase 6, increment 4, 169 burial finds. Available at SHPD. That was before lifted stop work order. Everything come before council since is added to that number. That's just Phase 6, increment 4 per Ms. Ahia. Ms. Ahia referenced a map that was put together using only burial notes that highlights all find sites in the entire Maui Lani project district. Wanted to make aware, in mediation process Malama Kakanilua vs Maui Lani Partners, court appointed Mediation process, mediator asked Maui Lani Partners how much burials in project district. 700 find sites. Find sites multiple burials, only piece of iwi. Iwi is an iwi per Ms. Ahia. Ms. Ahia request a tally, total number put on record by Maui Lani Partners, archaeology that has been working with Maui Lani Partners. Ms. Ahia mentioned at same meeting, request made that landowner meet with community groups, recognized descendants. Never happened per Ms. Ahia. Ms. Ahia stated that as a recognized descendant, Ms. Ahia request SHPD and burial council help facilitate a meeting between community groups, recognized descendants, landowner and archaeologist. Ms. Ahia stated that she was informed by SHPD that Ms. Dana Hall requested outreach by landowner wait until after Dec MLIBC meeting. No communication. Ms. Ahia stated that in regard to Dec meeting, she was unable to attend because meeting was moved up a week earlier. Many people didn't attend because didn't know. Always on third Wednesday of the month. December meeting moved to second. Apologize for not being there.
- Council seek clarity from SHPD re: kuleana when it comes to organizing community meetings. Understanding that it's not SHPD kuleana stated councilmember Dukelow.
- Burial Specialist Phillips stated that SHPD does not typically get involved in facilitating meetings between landowner and other organizations. Mr. Phillips stated he has talked to representatives from Towne Realty encouraging that the facilitation and coordination of meeting should come directly from them with the community. Mr. Phillips stated that Ms. Iris Pe'elua from Towne Realty had reached out to him re: assisting with facilitating a meeting between interested parties and landowner. Mr. Phillips mentioned to Ms. Pe'elua that it would be best if landowner took the lead in setting up meeting. However, Mr. Phillips consulted with MLIBC Wailuku District Rep Ms. Johanna Kamaunu to get her mana'o re: attendees for such meeting. Mr. Phillips received the request by Ms. Kamaunu and forwarded info to Ms. Pe'elua. Mr. Phillips stated he has not heard anything. Will seek an update.
- Councilmember Dukelow mentioned to Ms. Ahia that she recommends Ms. Ahia contact Towne directly to ask for a meeting, in light of recent cultural recognition.
- Yana Dashvesky address council.
- Ms. Dashvesky stated she is not of Hawaiian descent. Been here 5 years, embraced by ancestors. Talk to you. Can connect. Ms. Dashvesky come before council place of love. Ms. Dashvesky thank everyone for being at meeting. Rules in place to protect Hawaiian people. According to Ms. Dashvesky, what's happening is backwards. Noelani shouldn't have to prove descendancy, bones there, battles happened. It's in legislation per Ms. Dashvesky. Should, first and foremost, should be asking kupuna what is okay to

built on these sites. Then from there proceed. Wouldn't have these problems. Same issues, problems, reoccurring. Address kupuna first, ask how to proceed avoid a lot of problems. According to Ms. Dashvesky, developer could make a lot of money developing Hawaiian Homes. How much Hawaiian Homes being built? In law. Need to start asking questions the right way; spiritual background. Connecting to ancestor of the land. Ancestors make land so beautiful; protectors of the land. Ancestors in chants, oral traditions. Inside of everyone, just have to ask per Ms. Dashvesky. Tune in, be open and ask. Synergistic way to make this right for developer and 'āina. Don't have to fight all the time. Not us vs. them. How do we all work together to provide what is best for the land. Ms. Dashvesky mentioned that these issues are ongoing because there are no attorneys willing to do pro-bono work to help the Hawaiian people. In process of applying to law school. Will be back, educated stated Ms. Dashvesky. Need to tune in and ask ancestors. Need to stop project? Maybe! Answers will come. Just ask in peace stated Ms. Dashvesky.

- Amy Halas address council.

- Ms. Halas wanted to apologize to council. Appeals to Dr. Downer, Dr. Susan Lebo, H & C Branch Chief Hinano Rodrigues go unanswered. Understand council prevue limited to HAR, HRS. Appeal to mayor, governor, politicians. Only body can articulate concerns.

- Ms. Halas stated if go to Maui Memorial, excavate there, sheriff come within minutes and take to MCCC. What is discrepancy between desecrating conventional burial site and one that mo'olelo tell exists in pu'u one? Is it because they are not marked, iwi do not matter?

- Ms. Halas referenced article published by Robert Schmitt and Eleanor Nordyke, Death in Hawai'i: The Epidemics of 1848-1849. Estimated 10K persons died of diseases. Who are the people? Who are the ohana in the sand dunes? A & B built dream city. Curious they stopped at the 1,000 acres that has since acquired by Mills. Areas used as training ground during WWII. Private collector, museums, some artifacts may have come from pu'u one. No state archaeologist. Conflict of interest that SHPD rely on archaeologist that is hired by landowner. Need unbiased archaeologist evaluating finds. Who benefits from development asked Ms. Halas. How activity adversely affect na'au of kanaka. Please issue stop work order. Obliteration of cultural landscape. This Wahi Pana. July 12, Hinano Rodrigues lifted Feb 2018 stop work order. Two weeks later infant iwi found. Continued, more iwi found of infant. Next month 3 in situ burials. PB Sullivan mass excavation. How much is to much asked Ms. Halas

- Clare Apana address council.

- Good point about alleged 16 feet being deepest level iwi found. Not exactly reported correctly per Ms. Apana. 16 feet measured from where?

- Ms. Apana referenced conversation with former SHPD archaeologist Jenny Pickett about finding multiple cultural layers.

- Ms. Apana stated it would be good to have information prior to making determination.

- Not able to see updated map. Unable to set up meeting with Towne.

- Ms. Apana referenced motion from Dec 2017 MLIBC. Council recognized area as burial ground. How can developer come forward and propose to put sewer line through burials in a burial ground?

- Council has purview over buffer zones to keep burials safe. Have purview over burial area per Ms. Apana.

- Ms. Apana referenced the burials at Naue, Kaua'i, vertical buffer. Everyone is astounded. Sort of talking about same thing. Vertical buffer to sewer line. Need to take a whole look at what is planned for Phase 6, increment 4. All of the houses, what happened to all burials in area. 2797 established as part of permitting process to go

forward. Need to get all things in line. Where are the facts? Where are the burials? Counted all burials. 700. At least 100 or more per Ms. Apana. Not getting whole story. Ms. Apana stated council can establish boundaries to ensure iwi kupuna is safe.

- Councilmember Fisher re-read the motion.
- **MLIBC recommends additional exploratory archaeological testing, including, but not limited to Lots 9-12 of Maui Phase 6.**
- **Councilmember Scott Fisher make motion**
- **Councilmember Kalani Ho-Nikaido second motion**
- **All aye; No Opposed**
- **Motion Carries**

*** Councilmember Kahele Dukelow excused from meeting at 11:26AM**

- B. Letter Dated December 5, 2018 from the County of Maui Department of Public Works Engineering Division re: National Historic Preservation Act Initiation of Section 106 Consultation, Old Haleakala Highway Traffic Signal Upgrade at Pukalani Street, District of Makawao, Island of Maui, Maka'eha Ahupua'a, Federal-Aid Project No. STP-0367(001), Tax Map Key(s) (2) 2-3-031**
Information/Discussion/Recommendation: Discussion about the above letter.

- Kurt Watanabe, Traffic Engineer, DPW Engineering Division address council
- Project consists of upgrading existing traffic signal at intersection of Old Haleakala Hwy and Pukalani Street per Mr. Watanabe. Work that will occur will involve putting in new signal poles, new controller system and upgrading vehicle detection according to Mr. Watanabe. Other work includes resurfacing the intersection.
- Councilmember Fisher asked about ground disturbance other than taking out old pole and putting new one in same spot?
- Watanabe replied that with the new design standards, pole foundations will be a little bigger, deeper. Depth on average about 15 feet for that type of pole (the one with mass arms). Only of one mass arms, the rest are stand up poles per Mr. Watanabe. Roughly same area as existing poles.
- Councilmember Fisher mentioned that area not a lot of soil; mostly bed rock. Closest burial area that Mr. Fisher knows of is located down the road at Kua'aina Ridge. Burials in vicinity.
- Archaeological monitors asked Mr. Fisher. Mr. Watanabe replied depends on recommendations made thru consultation process.
- How deep is existing pole? Asked Councilmember Ho-Nikaido. Mr. Watanabe replied old design standards, about 8-10 feet. Additional 5-7 feet needs to be dug.
- Should be safe digging in bedrock, but the potential to hit a lava tube is a possibility. Council recommends having an archaeological monitor present during work.
- **Councilmember Scott Fisher make motion – MLIBC recommends archaeological monitoring during earth moving phase of proposed upgrade of highway traffic signal at Pukalani Street.**
- **Councilmember Kalani Ho-Nikaido second motion**
- **All aye; no nay**
- **Motion Passed**
- Councilmember Kamaunu asked if held public meetings?
- Mr. Watanabe replied no. Just published in newspaper and sent consultation letters to NHO's and other individuals or organizations with interest in project.

- C. Letter Dated December 12, 2018 from the County of Maui Department of Public Works Engineering Division re: National Historic Preservation Act Section 106 Consultation, Guardrail and Shoulder Improvements, Phase 1 – Hali‘imaile Road (Route 371), Haleakala Highway (Route 37) to Baldwin Avenue (Route 390), District of Makawao, Island of Maui, Hali‘imaile Ahupua‘a, Federal-Aid Project No. STP-A371(003), Tax Map Key(s): (2) 2-5-3**

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

- Kurt Watanabe, Traffic Engineer, DPW Engineering Division address council
- Third phase of project per Mr. Watanabe. Phase 1 and 2 resurface road. Phase 1 from Haleakala Hwy to Hali‘imaile town. Phase 2 from Hali‘imaile town to Baldwin avenue. In the process, noted needed to be some guardrail improvements. No funding. Separated out guardrail portion of it. Coming back just to replace what is out there per Mr. Watanabe. Basically replace. Where need to be extended, shortened will do so.
- No shoulder; goes right up on bank per Councilmember Fisher. If need to grade, no room.
- Won't be much grading per Mr. Watanabe. Total of 5 locations along Hali‘imaile road.
- No earth -moving equipment, maybe just to clear, cut grass per Mr. Watanabe.
- Council not needing to make recommendation if no/limited earth moving occurring during project.

- D. 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**

Meeting adjourned at 11:37 AM