

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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

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

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**JEFFREY T. PEARSON, P.E.**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

DATE: March 21, 2018  
TIME: 9:00 AM  
PLACE: County of Maui, Planning Commission  
Conference Room  
Kalana Paku'i Building, 1<sup>st</sup> 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 9:05 AM

**II. ATTENDANCE:**

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

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

Excused: Sol Church  
Nani Watanabe  
Scott Fisher  
Johanna Kamaunu

Guests: Tyson Au

Ed Cashman Jr. - Hamoa  
Ed Cashman – Hamoa, Mokae  
Uluwehi Cashman – Hamoa  
Viola Cashman – Haneo`o  
Uncle Les Kuloloio – Honua`ula, Hamoa  
Mary Ann Kahana - Hamoa  
Richard Kahana - Hamoa  
Kahulali Kahana - Hamoa  
Arlene K. Pi`ihana – Homemaker (Jeff Mertens)  
Michele Navarro-Ishiki – DHHC – Homeless Programs  
Mavis Oliveira-Medeiros - Hamoa  
David K.K. Prais - Hamoa  
Earle Medeiros – Haneo`o  
Amy Halas – Pu`uone “Maui Lani”  
Eliana Halas – Pu`uone “Maui Lani”  
Lisa Rotunno-Hazuka – ASH  
Jeffrey Pantaleo - ASH

### **III. APPROVAL OF MINUTES**

#### **A. February 21, 2018**

- Council member Kahele Dukelow move to accept minutes as presented
- Council member Kalani Ho-Nikaido second motion
- All aye; no nay
- Motion is carried to accept minutes as written.

### **IV. BUSINESS**

#### **A. 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 was deferred/moved to the end of the MLIBC meeting

#### **B. Lineal Descendancy Recognition of Tyson Au to Identified Human Skeletal Remains Found at the Kukahiko Family Burial Plot at 0 Makena, Papa`anui Ahupua`a, Honua`ula District, Island of Maui, TMK: [2] 2-1-007:081**

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

- Burial Site Specialist Kealana Phillips read aloud the letter of recommendation by the department to the burial council re: applicant. Based on the review of the submitted information, SHPD recommends that the Maui Lāna`i Islands Burial

Council recognize Tyson Au as a lineal descendant to the above identified human skeletal remains.

- Tyson Au address the council. Mr. Au states his intent to be recognize to ensure protection of burials; prevent any possible future desecration. Mr. Au would also like to be involved in helping with proper treatment of any future burials that may be discovered in Ahupua`a.

- Burial Council Chair Kapulani Antonio open item up for public testimony.

- Les Kuloloio address council.

- Mr. Kuloloio acknowledge Mr. Au as a family member, however wanted to clarify that applicant is seeking lineal Descendancy for Ahupua`a (Papa`anui) and not Moku (Honua`ula), as stipulated in the rules.

- Mr. Kuloloio in support of Mr. Au lineal Descendancy claim.

- Council Vice Chair Dane Maxwell asked Mr. Au if the reason for him applying has something to do with something currently happening that may jeopardize the safety iwi?

- Mr. Au replied that at the adjacent property, a house is being built (with no monitoring) and the digging is encroaching near the edge of the burial preserve (rock wall).

- Mr. Au stated that he believes there are iwi (`ohana) buried at Makena Landing. Mr. Au hope is that they be protected and not desecrated (development). Mr. Au mentioned that he has`ohana buried at Keawala i Church.

- Kai Prais address council in support of Mr. Au application for lineal Descendancy.

- **Council Member Kahele Dukelow move to accept recommendation of department for Lineal Descendancy of Tyson Au.**

- **Council Vice-Chair Dane Maxwell second motion**

- **All aye; No nay**

- **Motion passed**

**C. Cultural Descendancy Recognition of Edward Chung Cashman Jr. to Unidentified Human Skeletal Remains, Site 50-50-04-1795, Features 1-3, and Site 50-50-13-8507, Feature 1-4, located at Hāmoa Beach Park Wastewater Project, Hāmoa Ahupua`a, Hāna District, Island of Maui, TMK (2) 1-4-010:001 pors**

**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 Site Specialist Kealana Phillips read aloud the letter of recommendation by the department to the burial council re: applicant. Applicant submitted genealogical information, which included a marriage certificate, which lists mother of groom as Viola Leialoha (Naone) Cashman. Ms. Cashman is a recognized cultural descendant, as voted on by the MLIBC at the Feb. 2018 meeting. In this case, the applicant did provide sufficient genealogical evidence that connects him to an ancestor, thus SHPD recommends that the Maui Lāna i Islands Burial Council recognize Mr. Edward Cashman Jr. as a cultural descendant to the above unidentified human skeletal remains.

- Mr. Cashman Jr. address council. As a child, Mr. Cashman Jr. spent a lot of time in Hāmoa with grandfather. Grandfather would point out all family (Naone) burial plots throughout island.

- Mr. Cashman Jr. feels that if septic system placed at Hamoa Beach/Mokae, it would destroy identity of family/communities. The area, what we do in area is critical to community, who we are, according to Mr. Cashman Jr.
- Questions that need to be answered, high water mark? why is so close to ocean?
- As a child, Mr. Cashman Jr. explained that never did two things, 1) swing at Koki and 2) go down to Hamoa Beach at night (because of burials/importance of place).
- If granted Descendancy by MLIBC, Mr. Cashman Jr. would assist with returning iwi, ceremony, be able to mālama iwi and area. Mr. Cashman Jr. would like to be notified if future work were to occur in area.
- Viola Cashman stated that last month, she addressed council as an applicant; this month as a parent, grandparent. Still in opposition to what is happening at Mokae bay. Per Ms. Cashman, project in limbo because of desecration. Those that desecrated iwi has not come forward with a plan on how to remedy situation.
- Ms. Cashman address council in support of Mr. Cashman Jr. application for Descendancy and his opposition to project.
- Uluwehi Cashman address council stating that she is opposed to all the *hewa* that is occurring at Mokae Bay and is in support of Mr. Cashman Jr. being recognized as a cultural descendant to the iwi kupuna in that area.
- May Ann Kahana address the council. Ms. Kahana understands that mistakes happen, but not okay if it continues to happen over and over again; no longer mistake. Ms. Kahana mentions she lives right across street from Hamoa Beach; granddaughter of George Kanawai Pi ilani.
- What's happening at Hamoa Beach, per Ms. Kahana is absolutely wrong. No ancestor next to kukae. Reason why iwi was placed there. No septic tank, let iwi rest in peace.
- Ms. Kahana provided written testimony 2x; now here in person.
- Not too sure how process works, seems wrong to have discovered (7 iwi at this point) and wish/desire to continue project.
- Living across the street, Ms. Kahana is deeply sadden by what's happened. Constant reminder every time step out door. No site visit yet, but one scheduled by department.
- Ms. Kahana implore the council make the right decision re: her ancestors iwi. They cannot talk, Ms. Kahana need to be there voice. If iwi found; shouldn't be touched. What gives right to anybody to dig them out. They were here first. If it wasn't for them, none of us would be here. Decision was made to be buried there (back in the day). No relocation per Ms. Kahana.
- Mavis Oliveria- Medeiros let council know that she is currently working on her family Descendancy application. Will submit application when complete. Ms. Oliveria-Medeiros made mention that most of the genealogical information in Hāna is transmitted orally.
- Ms. Oliveria-Medeiros asked if oral testimony can be submitted to support an applicant.
- Burial council member replied yes.
- Hāna Bay, septic system, contaminated water??
- Hamoa Bay one of the last beaches, Ms. Oliveria-Medeiros stated she would hate to see a similar result like Hāna Bay.
- Kai Prais address council in support of Mr. Cashman Jr. application for lineal Descendancy.

- Mr. Prais stated that he understands this is a burial council meeting (questions addressed to council), but the community really wants some clarity from the department, specifically to see the inadvertent discovery forms that the department fills out when a discovery is made/reported to department.

- Earle Medeiros address the council. Mr. Medeiros mention that he mentors a lot of kids on his property. Always preach to take care of ancestors. What story can be told to next generation if allow landowner to dig up and remove kupuna at Hamoa Bay/Mokae???

- **Council Member Kahele Dukelow move to accept recommendation of department for Cultural Descendancy of Edward Chung Cashman Jr.**

- **Council Vice-Chair Dane Maxwell second motion**

- **All aye; No nay**

- **Motion passed**

- Council member Kahele Dukelow asked the department if could provide an update on status of the Hamoa Wastewater project.

- Mr. Phillips replied that there really hasn't been much communication between landowner and department. Mr. Phillips made mention that a site visit is scheduled for April 5<sup>th</sup> and at that time, the department plans to meet with landowner rep, contracted archaeologist and the community to answer any questions that the community may have re: process and procedures of the department.

- Council recommended that communication be made directly between department and landowner and not department to contracted archaeologist to landowner. Info should be directed straight from department to landowner, per MLIBC.

**D. Cultural Descendancy Recognition of Uluwehiokapulapulaikala 'akea Kukulukūponookahonua Cashman to Unidentified Human Skeletal Remains, Site 50-50-04-1795, Features 1-3, and Site 50-50-13-8507, Feature 1-4, located at Hāmoa Beach Park Wastewater Project, Hāmoa Ahupua 'a, Hāna District, Island of Maui, TMK (2) 1-4-010:001 pors**

**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 Site Specialist Kealana Phillips read aloud the letter of recommendation by the department to the burial council re: applicant. Applicant submitted genealogical information, which included a birth certificate, which lists her father as Mr. Edward Cashman Jr. Mr. Cashman Jr. was recently recognized as a cultural descendant, as voted on by the MLIBC at this March 2018 meeting. In this case, the applicant did provide sufficient genealogical evidence that connects her to an ancestor, thus SHPD recommends that the Maui Lāna 'i Islands Burial Council recognize Uluwehi Cashman as a cultural descendant to the above unidentified human skeletal remains.

- Uluwehi Cashman address council. Ms. Cashman read aloud written testimony that included opposition to project and connection to land.

- Viola Cashman address council, honored and floored, to support Uluwehi (granddaughter) in this quest to be recognized as a cultural descendant.

- Get rid of septic tanks that are in ground; put iwi back. Important for potential buyers (property) to understand that they are not simply buying land, but heritage of the people who live there, per. Ms. Cashman.
- Ed Cashman Jr. address council in support of Ms. Cashman application for Cultural Descendancy. One questions that Mr. Cashman Jr. would like answered is where is the iwi that was removed? How is being cared for?
- Mr. Cashman Jr. states that his 'ohana is prepared to care for iwi. Work regularly, kupuna (those that have passed) speak to 'ohana regularly.
- Les Kuloloio address council. Mr. Kuloloio state that the mana resides in the 'ohana in the Moku. Not in the department, non-profits, NHO's, etc. Mr. Kuloloio pointed out that four generations. Not one fight for all; all 'ohana got to come together. Mr. Kuloloio is in support of applicants request to be a recognized cultural descendant to the iwi kupuna at Hamoa Beach.
- May Ann Kahana address the council in support of cultural Descendancy recognition of the Cashman's (Ed Jr. and Uluwehi).
- Kai Prais address the council in support of Uluwehi Cashman cultural Descendancy recognition application.
- **Council Member Kahele Dukelow move to accept recommendation of department for Cultural Descendancy of Uluwehi Cashman.**
- **Council Vice-Chair Dane Maxwell second motion**
- **All aye; No nay**
- **Motion passed**

- Council member Dukelow asked the department what is the status of the seven iwi that were discovered?
- Mr. Phillips replied that the first three discoveries were made during AIS (previously ID) and is preserved in place. The next four discoveries consist of (2 confirm iwi and 2 burial pits). With respect to the 2 confirm iwi, preliminary determination for both is preserve in place. However, with respect to the iwi that was found in the proposed leech field (infant), it was completely disturbed and subsequently removed. The other confirmed iwi, most of it is still in the ground, but a portion that was disturbed was removed (to ensure safety) and is currently being curated on site (with the infant) in two separate pu 'olo.
- Mr. Phillips understands the community/councils concerns about the status of iwi, however, Mr. Phillips states that when the project stopped, permit pulled by county, all decisions are halted, including final determination/disposition of iwi.

**E. Cultural Descendancy Recognition of Mary Ann Kahana to Unidentified Human Skeletal Remains, Site 50-50-04-1795, Features 1-3, and Site 50-50-13-8507, Feature 1-4, located at Hāmoa Beach Park Wastewater Project, Hāmoa Ahupua'a, Hāna District, Island of Maui, TMK (2) 1-4-010:001 pors**

**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 Site Specialist Kealana Phillips read aloud the letter of recommendation by the department to the burial council re: applicant. In this case, the applicant submitted sufficient genealogical information, which included birth certificates and marriage licenses that demonstrated the applicant's connection to her great grandparents, who once resided in the Ahupua'a of Hāmoa. Therefore, SHPD

recommends that the Maui Lāna ʻi Islands Burial Council recognize Mary Ann Kahana as a cultural descendant to the above unidentified human skeletal remains.

- Mary Ann Kahana address the council. Ms. Kahana request desecration be ended. Not too sure how much more people (descendants) need to come forward in opposition of project for it to be stopped permanently. Ms. Kahana request that the decision to stop project be a swift decision so that those iwi that were disturbed/removed are able to get back into the ground sooner than later.

- Viola Cashman address council in support of Mary Ann Kahana application for cultural recognition to the iwi at Hamoa Beach. However, Ms. Cashman would like to see Ms. Kahana recognized as a lineal rather than cultural because of her family historical ties to area.

- Ed Cashman Jr. address council in support of Mary Ann Kahana application for cultural recognition to the iwi at Hamoa Beach. Similar to Ms. Cashman, Mr. Cashman Jr. also feels that Ms. Kahana should be recognized as a lineal descendant.

- Mr. Cashman had a few concerns, with respect to talking about the iwi. First being the safety of the iwi and secondly the term inadvertent. To think that the iwi is considered inadvertently discovered is crazy. Well known burial area.

- Ed Cashman Sr. address council in support of Mary Ann Kahana application for cultural recognition to the iwi at Hamoa Beach. Mr. Cashman asked the county to clarify the 40-foot set-back?? high water mark?? Two issues at hand, the iwi and the ocean.

- Richard Kahana address the council in support of Mary Ann Kahana application for cultural recognition to the iwi at Hamoa Beach.

- Kai Prais address the council in support of Mary Ann Kahana application for cultural recognition to the iwi at Hamoa Beach. Mr. Prais too agrees for lineal recognition.

- Mavis Medeiros address the council in support of Mary Ann Kahana application for cultural recognition to the iwi at Hamoa Beach. Ms. Medeiros too agrees for lineal recognition.

- Les Kuloloio address council in support of Mary Ann Kahana application for cultural recognition to the iwi at Hamoa Beach.

- **Council Member Kahele Dukelow move to accept recommendation of department for Cultural Descendancy of Mary Ann Kahana.**

- **Council Vice-Chair Dane Maxwell second motion**

- **All aye; No nay**

- **Motion passed**

**F. Cultural Descendancy Recognition of David Kaʻeo Kaimanaoakealoha Prais to Unidentified Human Skeletal Remains, Site 50-50-04-1795, Features 1-3, and Site 50-50-13-8507, Feature 1-4, located at Hāmoa Beach Park Wastewater Project, Hāmoa Ahupuaʻa, Hāna District, Island of Maui, TMK (2) 1-4-010:001 pors**

**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 Site Specialist Kealana Phillips read aloud the letter of recommendation by the department to the burial council re: applicant. In this case, the applicant submitted sufficient genealogical information, which included the submittal of

birth certificates, death certificates and marriage licenses that demonstrated the applicant's connection to his great grandparents, who once resided in the Ahupua'a of Hāmoa. Therefore, SHPD recommends that the Maui Lāna'i Islands Burial Council recognize David Ka'eo Kaimanaokealoha Prais as a cultural descendant to the above unidentified human skeletal remains.

- Kai Prais address council. Mr. Prais request clarity from the department re: process and procedures with respect to discovery of inadvertent human skeletal remains.

- Viola Cashman address the council in support of Kai Prais application for cultural recognition to the iwi at Hamoa Beach. Ms. Cashman also recommends lineal Descendancy recognition for Mr. Prais.

- Ed Cashman Jr. address the council in support of Kai Prais application for cultural recognition to the iwi at Hamoa Beach. Mr. Cashman Jr. also recommends lineal Descendancy recognition for Mr. Prais.

- Mary Ann Kahana address the council in support of Kai Prais application for cultural recognition to the iwi at Hamoa Beach. Ms. Kahana also recommends lineal Descendancy recognition for Mr. Prais. If it wasn't for Kai, jumping in puka, project probably would have commenced.

- Ed Cashman address the council in support of Kai Prais application for cultural recognition to the iwi at Hamoa Beach. Mr. Cashman not always in agreement with method, but Mr. Prais is young and passionate and if not for Mr. Praise jumping in hole and subsequently getting arrested, we all wouldn't be here. Nobody would have known of project going on.

- Mavis Medeiros address the council in support of Kai Prais application for cultural recognition to the iwi at Hamoa Beach. Family well known, well documented in area.

- Les Kuloloio address council. Name Pi'ilani, not cultural/lineal. It's koko (bloodline). Mr. Kuloloio stated that this is the first time at council meeting (served 3 terms) that he sees generations of families coming together/seeking recognition.

- **Council Member Kahele Dukelow move to accept recommendation of department for Cultural Descendancy of Kai Prais.**

- **Council Vice-Chair Dane Maxwell second motion**

- **All aye; No nay**

- **Motion passed**

**G. Cultural Descendancy Recognition of Naleialohaikanaluopuhele Kalani Ka'eo Prais to Unidentified Human Skeletal Remains, Site 50-50-04-1795, Features 1-3, and Site 50-50-13-8507, Feature 1-4, located at Hāmoa Beach Park Wastewater Project, Hāmoa Ahupua'a, Hāna District, Island of Maui, TMK (2) 1-4-010:001 pors**

**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 Site Specialist Kealana Phillips read aloud the letter of recommendation by the department to the burial council re: applicant. In this case, the applicant submitted sufficient genealogical information, which included submittal of birth certificate which lists father as Kai Prais. Mr. Prais was recently recognized as a cultural descendant by the MLIBC at this current March meeting. Therefore, SHPD recommends that the Maui Lāna'i Islands

Burial Council recognize Naleialohaikanaluopuhele Kalani Kao Prais as a cultural descendant to the above unidentified human skeletal remains.

- Puhele Prais address the council.
- Kai Prais address the council.
- Viola Cashman address the council in support of Puhele Prais cultural Descendancy application. Future of our culture; not kupuna, not makua, per Ms. Cashman. Consider her and family lineal.
- Ed Cashman Jr. address the council in support of Puhele Prais cultural Descendancy application. Consider lineal descendant.
- Mary Ann Kahana address the council in support of Puhele Prais cultural Descendancy application. Unfortunate that a situation such as this (disturb kupuna) has to be revealed to such a young child. She's young, but she's listening per Ms. Kahana.
- Ed Cashman address the council in support of Puhele Prais cultural Descendancy application. Mr. Cashman noted that children's names all have meaning/represent Hana. Special when including next generations into this process of caring for land, associated with.
- Mavis Medeiros address the council in support of Puhele Prais cultural Descendancy application. Consider lineal. Puhele, named after surf spot in Hamoa, where ali i used to surf.
- Les Kuloloio address the council in support of Puhele Prais cultural Descendancy application. Consider lineal.
- Earle Medeiros address council in support of Puhele Prais cultural Descendancy application. It is for the next generations that we are doing this for. We will lose everything we have if we don't stand up per Mr. Medeiros.
- **Council Member Kahele Dukelow move to accept recommendation of department for Cultural Descendancy of Puhele Prais.**
- **Council Vice-Chair Dane Maxwell second motion**
- **All aye; No nay**
- **Motion passed**

**H. Lineal Descendancy Recognition of Jeffrey Mertens to Identified Human Skeletal Remains Found at Home Maid Bakery Inc, 988 Lower Main St, Wailuku Ahupua'a, Wailuku District, island of Maui, Hawai'i, TMK [2] 3-5-037:048**

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

- Burial Site Specialist Kealana Phillips read aloud the letter of recommendation by the department to the burial council re: applicant. In this case, applicant was able to identify the individuals buried on the property and provided sufficient evidence that demonstrated direct genealogical connection to his Aunt Eleanora (Villianor) Domingcil, who was given Lineal Descendancy recognition to these same burials at the Feb 29, 1996 MLIBC meeting. Based on the review of the submitted information, SHPD recommends that the Maui Lāna'i Islands Burial Council recognize Jeffrey Mertens as a lineal descendant to the above identified human skeletal remains.

- Arlene Pihana address the council in support of her cousin (Jeff Mertens) lineal Descendancy application. Ms. Pihana stated her genealogy, Kauaua Nui a Mahi. Kalehua (Jeff Mertens) great-great grandfather was caretaker of Pihana

Heiau. Request was to be buried up on hill so to overlook Heiau as final resting place per Ms. Pihana. Support Descendancy in order to protect kupuna and also family kuleana to Pihana Heiau.

- Ms. Pihana stated she read through previous MLIBC meeting minutes, but was unsure was to what is current status of project, as far as HMB. Work stopped? How would I be able to obtain information?

- Burial Sites Specialist Phillips replied to Ms. Pihana that there is nothing occurring right now. The project area in question, which HMB had planned for a parking lot, is more or less completed/finished. HMB is applying for an after the fact permit per Mr. Phillips, but Mr. Phillips is not abreast as to the status of the after the fact permit.

- According to Mr. Phillips, the issue at hand is getting the iwi back into the ground asap. Per Mr. Phillips, the iwi is wrapped (currently in SHPD curation facility) and awaiting a decision as to where and how to reinter.

- Landowner aware of situation, have been in talks with department, community re: reinternment of iwi kupuna in SHPD possession.

- Kai Prais address the burial council in support of Jeff Mertens lineal Descendancy application.

- Les Kuloloio address the council. Mr. Kuloloio stated he's been part of burial council for 3 terms. Mr. Kuloloio was involved in the previous reburial of iwi kupuna from HMB property (kanu alongside of the road). Lot of confusion, complications. No kupuna related to area during that time of reburial. Now we are educated, maika i. Based on evidence, need iwi returned back to aina asap per Mr. Kuloloio. Still a lot more iwi in the dunes, stretching from Nisei all the way up toward Saint Anthony, etc. Need to get information together. Unfortunate, bad record keeping; GPS coordinates of where burials came from.

- Support lineal applicant, especially in light of 'ohana being caretaker of Pihana heiau.

- Amy Halas address the council in support of lineal Descendancy application of Jeff Mertens. Ms. Halas stated that on October 12, 2017 dozers cleared land. Area that was cleared, an orange preservation fencing was erected, subsequently cleared during work. Hope is that lineal descendants can have a say in where iwi kupuna is reinterred in that current use of area is a parking lot. Per Ms. Halas, it would be sad if iwi is reburied there, only to have cars being parked on top.

- **Council Member Kahele Dukelow move to accept recommendation of department for Lineal Descendancy of Jeff Mertens.**

- **Council Vice-Chair Dane Maxwell second motion**

- **All aye; No nay**

- **Motion passed**

**10 Minute Recesses @ 11AM**

**Chair Antonio reconvened meeting @ 11:10**

**I. 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 the council on this item. Ms. Hazuka stated that Jeff Pantaleo here as well.
- Ms. Hazuka stated there really isn't any new info to present b/c project is in stop work order.
- One item came up at last MLIBC meeting, Efficiency of AIS (2005). Ms. Hazuka present to talk about that.
- Ms. Hazuka reference map passed out to council members. First page shows ML VI as well as two burial sites that were known when AIS started. To preserve burial sites in place (page 2), Maui Lani relocated ML Parkways further south. Page 3 shows the trenches that were excavated as well as the burial sites. Per Ms. Hazuka, last page a comprehensive map of Phase 6 showing increments (show same burial sites). Ms. Hazuka pointed out red dash areas, highest (deepest) excavation (dune). The green is the current preservation boundaries per Ms. Hazuka. Site 5719 and 5719 preserve in Phase 6, increment 4. Keep growing during monitoring.
- 2009, doing work in Maui Lani Parkway, discovered site 6523.
- At time AIS started, two burial (page 1) known, during development, identified burial in Maui Lani Parkway, according to Ms. Hazuka.
- Council Vice Chair Maxwell asked for clarity on whether -6523 relocated for the utilities.
- Ms. Hazuka responded that the sewer and drain lines (18 feet deep) were relocated outside of roadway corridor so to preserve burials on side of and under road (3 feet below surface). Sewer line on edge of preservation area per Ms. Hazuka.
- Sewage/drain lines were placed 18 feet deep. Burials were found above; concrete cap on lines to offer added protection per Ms. Hazuka.
- Ms. Hazuka referenced page 3 (trenches) and stated that originally started with 52 trenches on 45-acre parcel. Found 5 burials and 1 burial pit. Went back in and did 7 additional trenches around find area, not other burials were found.
- With respect to unmarked burials, often difficult to find during AIS. Here at MLIBC meeting to discuss best strategies going forward.
- One strategy going forward is to open up more land (during AIS). To conduct further testing in areas where burials found, expanded scope, by use of a temporary grading permit (county), AIS would be better, more accurate.
- Catch 22. AIS conducted in order to receive a grading/grubbing permit in the future. In order for adequate AIS to be done, need grading permit. There lies of the problems. One solution is to approach County and ask for a temporary grading/grubbing permit based on the project area in question (potential of finding unmarked graves). If granted, allow for a better testing method per Ms. Hazuka.
- In additional to that, talked about using ground penetrating radar. Only thing when using GPR, need a clear surface. Could do combination of grading/grubbing then use GPR. If anomalies show up, could go in and do further testing in spot per Ms. Hazuka.
- GPR more accurate, shallow it is. 1 meter very effective as well as certain soils, such as dry sand per Ms. Hazuka.
- Either strategy, what is known is that a large area will need to be open up more land (AIS) to accurately identify unmarked burials.
- Council Vice Chair Maxwell asked if were to open up more land, find concentration of burials (AIS), how would that change planning and outcome?

- Ms. Hazuka replied that burials at Phase 6 being treated as Previously ID. Majority is PIP. Burial find, PIP and move outward. Advantage would be, would have known where concentrations were, if able to open up more land, would help with planning from the beginning. Whole point of AIS is to get an idea of what there (sampling). It is a snap shot. When construction occurs, you get a 100% idea of what's there.
- Ideally, if there are burials, should be found during AIS, not during construction per Ms. Hazuka.
- Find out more about burials spatially across dune (till about 5 feet). If burial found at 5 feet, plans go down to ten. Would not be able to do work. If move to different location, work would not occur in a close proximity that would jeopardize integrity of burial site per Ms. Hazuka.
- Council member Paci wanted to clarify that there is no such thing as a temporary grading permit. No process for that; something county would have to implement. Perhaps, something council would like to advocate for if it would help effectiveness of AIS.
- Councilmember Ho-Nikaido asked what are the ramifications of properties if open up more land during AIS. Erosion control? AIS stage might be years ahead of when actual work takes place. Need to ensure parcel is stabilized and taken care of per Ms. Ho-Nikaido.
- According to Ms. Hazuka, if were to open up more land, would need to have silk fences, spraying of mulch, etc. to stabilize area prior to work commencing.
- if implement new testing strategies for AIS, outside of stabilizing project area while in limbo, no other negatives per Ms. Hazuka.
- Mr. Jeff Pantaleo, Principal Investigator for ASH address the council.
- Mr. Pantaleo wanted to follow up on a couple of things. Per Pantaleo, because unable to get temporary grading/grubbing permit, best strategy in future is to development a sediment pattern model.
- For example, lot of information from Maui Lani area, look at results, see if pattern. So, if any other work in future in another dune area, will have a better idea.
- First did AIS, question was whether there is a pattern. Tried looking at on top of dunes, sides, base. No pattern ID at time.
- One way to go, if burial found during AIS, stop work and use GPR to find perimeter of site to determine if dealing with one or a complex per Mr. Pantaleo.
- Mr. Pantaleo reiterated what Ms. Hazuka said earlier that GPR only works in certain depth, certain sediment.
- Mr. Pantaleo stated that perhaps GPR could be used on areas where there are known burials so that it could be used as a template for when it is used in other areas. Difficult to distinguish a burial on screen. If can test a known burial, will be able to know what it looks like when out in the field in other projects. Goal is less digging, the better. If can positively ID burial on screen, no need dig.
- GPR good in dune areas; clay not so good per Mr. Pantaleo.
- One other issue, per Mr. Pantaleo is sand dunes are continuously shifting. What we see as a shallow burial now, may have been much deeper and vice versa.
- Recommendation per Mr. Pantaleo is to come up with sediment pattern report of whole area, including adjacent, not just a specific site. Present to MLIBC.

- Education is key. Not only for archaeologist, but for developers letting them know what they are getting themselves into if doing work in specific area, per Mr. Pantaleo. Do study first; then create the plan.
- Council Chair Antonio open item up for public testimony.
- Mr. Prais question motive of why Mr. Pantaleo is finally deciding to show up to MLIBC today. Mr. Prais also mentioned that the segmentation of projects is a major problem, not just in Maui Lani, but in other places as well.
- Mr. Prais recommends council/SHPD follow up with what is happening with law suit.
- Amy Halas address the council on item.
- Ms. Halas reiterated what Ms. Hazuka said about the A&B preserve having a 30-foot buffer. Ms. Halas question why burials at ML 6 does not have similar buffer.
- Ms. Halas question why Dr. Fariss told County to suspend all permits/work in ML 6 on Feb 2 and 4 hrs. later allowed all work to commence.
- A lot of outstanding docs that Lisa has not submitted to SHPD. Ms. Halas reference Dec 20, 2017 motions stating no further decisions should be made on iwi kupuna until a comprehensive inventory of burials is compiled for ML 6 and adjacent lots. A lot of unfinished business.
- Ms. Halas also stated that the central Maui Pu`uone is a known burial, battle site. Too bad not registered, preserved. Only one dune left (at ML phase 9).
- Burial council can change status quo. If not made site visit to phase 6, encourage to do so. Orange fencing erected; how to know no more burials outside of fence per Ms. Halas.
- Les Kuloloio address council on this item.
- Mr. Kuloloio stated that area **in** question **is** one area that Mr. Kuloloio has been monitoring for years. Worked with many archaeologist over the years. Been involved with sand dune studies all throughout island per Mr. Kuloloio. No body perfect, we can all come together to make things better. No need comprehensive study. Need to develop trust and move forward, per Mr. Kuloloio. Make a mistake, address problem and move forward.
- Sediment pattern more important than a comprehensive study. They are not one in the same per Mr. Kuloloio.
- Council Vice Chair Maxwell asks Mr. Pantaleo is can clarify the difference.
- Mr. Pantaleo stated that the sediment pattern approach shows where live, what kind of activities occur from one area to the next. Comprehensive plan is more of a planning tool for developer that tells where to stay away from per Mr. Pantaleo.
- Mr. Pantaleo looking more at a comprehensive approach looking at over all sediment of area. Get a better understanding of when lived, what activities, where buried.
- Council Vice Chair Maxwell asked how that can be achieved with the constant shifting of sands.
- Mr. Pantaleo replied that is one of the challenges. Have to start somewhere. Where new information comes in, add to it. Not final, working plan, living document per Mr. Pantaleo.
- Sediment pattern report is something that can be used as a tool for future work. AIS, monitoring report, etc. not always useful long term.
- Councilmember Dukelow stated that the idea for a comprehensive report would give context of entire area to allow council to make better, informed decisions.

- Mr. Pantaleo stated that flaw in contract archaeology. Focus on one site, one piece of land. Typically, doesn't go into what it means overall (sediment).
- Councilmember Dukelow mention that ASH does all work in Maui Lani; have comprehensive info. Responsibility to share that with council/community, as continue to do work.
- Mr. Pantaleo stated that goal is to continue discussion/conversation, in that work is on-going.
- Councilmember Dukelow stated that council would not entertain any decisions on ML VI until receive report(s) requested. Mr. Pantaleo agree; will be working on it.
- Mr. Kuloloio re-address council. Mr. Kuloloio mention with respect to windmills; do comprehensive wind study, traffic study, etc. Now that sugar cease, all sand will be windblown in area in the next 20 years. That is the kind of plan we need to look at per Mr. Kuloloio.
- Eliana Halas address the council in opposition of development.
- Leiana 'ala Vedder address the council.
- Ms. Vedder stated that she does support a comprehensive plan/survey with the cooperation of ancestral knowledge. Ms. Vedder stated that her father, Les Kuloloio, has done a lot of work in area. Great to have some kind of compilation of studies; wanted for a long time. Community input (info) of what happening in isolated area will help in surrounding areas if ever work done. Arch studies and surveys throughout years, overlay that to geography of area. Used as means of education for next generation per Ms. Vedder. Goal is to preserve areas, particularly areas that have family cultural ties, not only in central Maui, but throughout the island.
- Council Vice Chair Maxwell stated that he was told that the sand dunes used to feed each other, if only one left, it will flatten out. No place for the kupuna that rest in there to go. Because of constant development on dunes, jeopardize the longevity of dunes, will cease to exist per Mr. Maxwell.
- Councilmember Dukelow asked the department for an update on what SHPD is waiting for re: Maui Lani VI.
- Burial Specialist Phillips stated that the matter rests with the archaeology branch at this point. Dr. Barker Fariss would be best to answer/provide update. Mr. Phillips stated that from what he understands, ML VI, increment 4 is under a stop work order. SHPD is awaiting submittal of an updated Monitoring plan to review.
- Councilmember Dukelow asked if council will be updated when plan is submitted. Mr. Philips replied yes.

**J. Maintenance of The Burial Preserve at the Maui Lani Regional park, in accordance with the Burial Site Component of a Preservation Plan for Site 50-50-04-6265 Features 1, 2, 4-7 and an Archaeological Data Recovery Plan for Sites 50-50-04-6265, Features 3, 8, and -6266, Wailuku Ahupua'a, Wailuku District, Island of Maui, TMK: [2] 3-8-007: 131 Pors.**

**Information/Discussion/Recommendation:** Discussion on the above topic.

- Item deferred to end of meeting
- Item was discussed after quorum was lost

## V. SHPD/INADVERTENT DISCOVERIES/CORRESPONDENCE

### A. E-mail dated March 13, 2018 from Carol Reimann, Director of Housing and Human Concerns (County of Maui) seeking guidance from the MLIBC regarding homeless encampments at Maui County-owned Pu'upuha Cemetery.

**Information/Discussion/Recommendations:** Discussion and Recommendations on the above matter.

- Item was moved up to be discussed after BUSINESS item G.
- Michele Navarro Ishiki, Homeless Program Specialist, Department of Housing and Human Concerns Homeless Program Division address the council
- Ms. Ishiki stated that she has received much concern from community members about possible graves being disturbed by the amount of campers in the area. MPD addressed many calls in area.
- Ms. Ishiki conducted site assessment of Pu'upuha on Friday March 2, 2018. Witnessed a large, and well established encampment of approximately 6 structures mauka and a few structures makai, all on county property. Mauka encampment, appears to have common area (living room/parlor), as well as cooking area (kitchen). Almost entire encampment covered with carpet (appear to laid on graves) per Ms. Ishiki.
- According to Ms. Ishiki, due to the size and nature of encampment, coupled with the numerous complaints, it is imperative that we respond to the health, safety, and concerns of our community with respect to the homeless encampment.
- Ms. Ishiki comes before council seeking input on how to proceed with the Compassionate Action Plan (CAP). Part of 8 step plan is having Family Life Center (partner agency) go in and do outreach for the campers. Ample time to do outreach with campers per Ms. Ishiki. Goal of outreach is to link individuals with social service agencies I nhopes of getting them into a shelter and ultimately permanent housing. Most living in encampment are familiar with Salvation Army and Family Life Center per Ms. Ishiki.
- Councilmember Kalani Ho-Nikaido wanted Ms. Ishiki to clarify why this item is in front of burial council. What does county want to achieve by seeking input from council?
- Ms. Ishiki replied that the encampment on the mauka of property is situated on a Hawaiian graveyard. From a personal standpoint, as a native Hawaiian, Ms. Ishiki wants to ensure she was being respectful to the burials that are potentially situated under encampment.
- Ms. Ishiki stated she has sought direction from Clifford Nae'ole (recommended to bring item in front of council).
- Divide between campers. One women may have genealogical ties to burials on site.
- To answer Councils questions, per Ms. Ishiki, item in front of council despite it being on County property is so that council knows that the CAP will take place. County is forthcoming/transparent.
- Councilmember Ho-Nikaido asked if she met with Aha Moku for Lahaina? Response.... No. Ms. Ishiki stated she has no guidance. Initial thought to contact cultural practitioners.
- Councilmember Leiane Paci mention other nonprofit organizations in area (NHO's) or perhaps recognized descendants in area.

- Councilmember Ho-Nikaido recommended opening up a line of communication with ke'eaumoku Kapu to assist with outreach and getting in touch with the right people in the area.
  - Council Chair Maxwell recommended that a cultural monitor or an archaeologist be present during the removal on campers/structures.
  - Councilmember Ho-Nikaido stated important thing to do before going in is to create caretaker, someone from area. Shift and transition in positive way.
  - No concrete plans; based on outcome of current MLIBC meeting per Ms. Ishiki.
  - According Ms. Ishiki, Compassionate Action Plan is 8 step plan, inter-departmental involving MPD, DPW, Parks and Rec, Malama Maui Nui, Family Life Center
  - Council Chair Antonio recommended Ms. Ishiki speak with Burial Specialist Phillips to get a list of NHO's to contact.
  - Council Chair Antonio open topic up for public testimony
  - Amy Halas address council on subject.
  - Ms. Halas request to the council that they make a motion, requesting County erect a fence or barrier around their property to ensure safety of burials.
  - Les Kuloloio address the council implore County being careful and cautious. Mr. Kuloloio willing to help; caution not to have too much people involved.
  - Pu 'upiha historical place per Mr. Kuloloio. Need to have appropriate strategy in place to do this or all hell break lose.
  - Mr. Kuloloio request permission to assist County, Ms. Ishiki with this project, in this very important place.
- QUORUM LOST AT 12:15pm

.....Item listed below discussed after quorum was lost.....

## NOTES

- J. Maintenance of The Burial Preserve at the Maui Lani Regional park, in accordance with the Burial Site Component of a Preservation Plan for Site 50-50-04-6265 Features 1, 2, 4-7 and an Archaeological Data Recovery Plan for Sites 50-50-04-6265, Features 3, 8, and - 6266, Wailuku Ahupua 'a, Wailuku District, Island of Maui, TMK: [2] 3-8-007: 131 Pors. Information/Discussion/Recommendation:** Discussion on the above topic.
- Burial Sites Specialist Phillips address the council on this agenda item.
  - Mr. Phillips stated that there seems to be two issues at hand 1) the maintenance of current burial preserve 2) possible amendment to the accepted BSC of PP and Arch Data Recovery Plan.

- Mr. Phillips stated that there has been community concern about the lack of maintenance of current preserve, particularly areas of the dry stack rock wall surrounding burials. The maintenance of the preserve falls under the responsibility of the landowner, in this case Maui County, per Mr. Phillips. County of Maui is aware of preserve and responsibility of maintenance per correspondence with Parks and Rec Director Ka'ala Bouenconsejo and Chief of Rec, Kaeo Ah Sau.
- Mr. Phillips also mention that community is concerned with people climbing on the rock wall of preserve, due to the diminutive size of rock wall. One way to resolve this issue (not wanting to change wall) is to plant a hedge outside of the preserve. Mr. Phillips stated that he conducted a site visit on March 25 and noticed a row of naupaka was planted on the mauka side of the preserve, around 3 ft. from edge of rock wall. Mr. Phillips stated if County could continue planting naupaka hedge completely around all four sides of preserve and erect signage outside of the hedge for education, that would satisfy/safeguard preserve, rock wall.
- Councilmember Dukelow mentioned that the accept plan states that amending plan can be done by SHPD and burial council rep. Start there for now and maybe have suggestions and ideas by next meeting. Mr. Phillips agree.
- Amy Halas address council on item.
- Acknowledge county planting native plants. However, still lots of activity; people walking dogs. Sports practices, games, etc. According to Ms. Halas, understand that peoples should be secretive, however, in light of everything that has been going on, would be a good idea for landowner to educate users of park of the preserve being there.
- Leina'ala Vedder address council on item.
- There is a buffer zone, whether lateral, or vertical. Ms. Vedder stated she is not versed with stipulations in current plan, but it should be consistent. Is the stipulations only for this area, this preserve, this island etc. Who will pay for work? Descendants, landowner, Homeowners association?
- Council Chair referenced Item A under Business – Q & A with Deputy AG. Council review and if any specific topics that would like to bring up, we can discuss at future meetings, under same agenda item.
- Council asks if opportunity to continue Q & A with Deputy AG. Department replied yes.

Meeting adjourned at 12:20 PM

Minutes by Kealana Phillips. SHPD Burial Site Specialist