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GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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FIRST DEPUTY

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

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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: May 16, 2018
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 Vice-Chair Dane Maxwell called the meeting to order at 9:05 AM

II. ATTENDANCE:

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

SHPD Staff: Kealana Phillips, Maui Burial Site Specialist
Ikaika Nakahashi, Cultural Historian
Barker Fariss, SHPD Lead Archaeologist

Excused: Kapulani Antonio
Nani Watanabe

Guests: Viola Cashman - Hamoa
Ed Cashman – Hamoa
Uluwehi Cashman – Hamoa
John O'Hara – Hamoa/Maka 'alaea

Loretta O’Hara - Hamoa/Maka ‘ālaea
George Kaikala – Maka ‘ālaea
Larry Kaikala – Maka ‘ālaea
Kaleikoa Ka ‘eo
Kaniloa Kamaunu
Amy Halas – Pu ‘uone “Maui Lani”
Victoria Kaluna-Palafox
Noelani Ahia

III. APPROVAL OF MINUTES

A. March 21, 2018

- Council member Kalani Ho-Nikaido make a motion to accept minutes with two suggestions:
- 1) include page numbers on meeting minutes going forward
- 2) page 13, sentence 12, change sentence that reads Mr. Kuloloio stated that **area is question in**..... to **area in question is**.
- Council member Kahele Dukelow second motion
- All aye; no nay
- Motion is carried to accept minutes as written, with two amendments.

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. **Cultural Descendancy Recognition of Moanikealaonaokaalani P. 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 did provide sufficient genealogical evidence, with the submittal of her birth certificate, which lists her mother as Mary Ann Kahana, who was given Cultural Descendancy recognition to these same burials at the March 21, 2018 MLIBC meeting. Thus, SHPD recommends that the MLIBC recognize Moani

Kahana as a cultural descendant to the above unidentified human skeletal remains.

- Vice Chair Maxwell read aloud Pursuant to §92-3 HRS, all interested persons shall be afforded an opportunity to present oral testimony or submit data, views, or arguments, in writing on any agenda item. Additionally, pursuant to a policy adopted by the Maui Lāna‘i Islands Burial Council at its August 25, 2005 meeting, oral testimony for items listed on the agenda is limited to three minutes per person, per agenda item.

- Council Vice Chair open item up for public testimony.

- Viola Cashman, as a RCD to these same iwi kupuna, stated she is in support of applicants claim. Ms. Cashman stated that when she grew up, it was understood that a person learns by *pa ‘a ka waha and ho ‘olohe*. But Ms. Cashman feels that now days, need to encourage question, be educated, make a determination, be there where it counts. Young generation need to speak up and go through process. No more should people come in and use land, ancestors for profit per Ms. Cashman. Time to stand up and say something.

- John O’Hara address council. Mr. O’Hara in support of applicants claim for Cultural Descendancy.

- **Council Member Scott Fisher made a motion that the MLIBC recognize Moani Kahana as a cultural descendant to the unidentified human skeletal remains at the above location.**

- **Councilmember Kahele Dukelow second motion**

- **All aye; No nay**

- **Motion passed**

C. Cultural Descendancy Recognition of John Joseph O’Hara 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 did provide sufficient genealogical evidence, with the submittal of birth certificates that demonstrated the applicant’s connection to his great grandparents, who once resided in the Ahupua‘a of Hāmoa. Thus, SHPD recommends that the MLIBC recognize John O’Hara as a cultural descendant tot eh above unidentified human skeletal remains.

- Mr. O’Hara address council.

- Viola Cashman address the council in support of applicants claim to be a RCD to the iwi kupuna.

- Loretta O’Hara address the council in support of applicants claim to be a RCD to the iwi kupuna.

- Ed Cashman address the council in support of applicants claim to be a RCD to the iwi kupuna.

- **Council Member Scott Fisher made a motion that the MLIBC recognize John Joseph O’Hara as a cultural descendant to the unidentified human skeletal remains at the above location.**

- **Councilmember Kahele Dukelow second motion**
- **All aye; No nay**
- **Motion passed**

D. Lineal Descendancy Recognition of John Joseph O’Hara to Identified Human Skeletal Remains at 6711 Hana Hwy, Kāki’o Ahupua’a, Hāna district, Island of Maui, Hawai’i, TMK [2] 1-4-010:016

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, the applicant was able to identify the individual that is buried on the property listed above as his great-great grandfather. The applicant provided sufficient evidence that demonstrated direct genealogical connection to those Native Hawaiian skeletal remains. Based on the review of the submitted information, SHPD recommends that the MLIBC recognize the John Joseph O’Hara as a lineal descendant to the above identified human skeletal remains.

- John O’Hara address council.
- Loretta O’Hara address the council in support of applicants claim to be a Lineal Descendant to the iwi kupuna.
- Ed Cashman address the council in support of applicants claim to be a Lineal Descendant to the iwi kupuna.
- Viola Cashman address the council in support of applicants claim to be a Lineal Descendant to the iwi kupuna.

- **Council Member Scott Fisher made a motion that the MLIBC recognize John Joseph O’Hara as a lineal descendant to the identified human skeletal remains at the above location.**

- **Councilmember Kahele Dukelow second motion**
- **All aye; No nay**
- **Motion passed**

E. Lineal Descendancy Recognition of George Kaikala to Identified Human Skeletal Remains at 6711 Hana Hwy, Kāki’o Ahupua’a, Hāna district, Island of Maui, Hawai’i, TMK [2] 1-4-010:016

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, the applicant was able to identify the individual that is buried on the property listed above as his great-great grandfather. The applicant provided sufficient evidence that demonstrated direct genealogical connection to those Native Hawaiian skeletal remains. Based on the review of the submitted information, SHPD recommends that the MLIBC recognize the George Kaikala as a lineal descendant to the above identified human skeletal remains.

- John O'Hara address the council in support of applicants claim to be a Lineal Descendant to the iwi kupuna.
- Larry Kaikala address the council in support of applicants claim to be a Lineal Descendant to the iwi kupuna.
- Viola Cashman address the council in support of applicants claim to be a Lineal Descendant to the iwi kupuna.
- Loretta O'Hara address the council in support of applicants claim to be a Lineal Descendant to the iwi kupuna.
- Ed Cashman address the council in support of applicants claim to be a Lineal Descendant to the iwi kupuna.
- **Council Member Scott Fisher made a motion that the MLIBC recognize George Kaikala as a lineal descendant to the identified human skeletal remains at the above location.**
- **Councilmember Kahele Dukelow second motion**
- **All aye; No nay**
- **Motion passed**

V. SHPD/INADVERTENT DISCOVERIES/CORRESPONDENCE

A. **Update on Inadvertent Discovery of Human Skeletal Remains at Hāmoa Beach/Mokae Cove, reported to the Maui Office of the State Historic Preservation Division on November 14, November 15, and November 20, 2017, Ahupua'a of Mokae, Moku of Hana, Island of Maui, TMK: [2] 1-4-010:001**

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

- Burial Sites Specialist Kealana Phillips address council
- Mr. Phillips provided an update to council on agenda item. Mr. Phillips stated that a couple things have occurred since this item was last on the agenda at the Feb. MLIBC meeting.
- Mr. Phillips stated that on Thursday April 5, SHPD Cultural Historian Ikaika Nakahashi and Burial Specialist Kealana Phillips conducted a site visit to the Hamoa Wastewater project. While on site, SHPD met with Dave Roth (Travaasa) and archaeologist Jenny Nu (ASH) as well as Hāmoa residents many of which were/are recognized Cultural Descendants to the iwi kupuna.
- Mr. Phillips mentioned that it was good for SHPD to be there; difficult to see the open holes, with tarp covering the iwi.
- Mr. Phillips stated that he is confident this matter will be resolved in a timely manner.
- The other thing that has transpired since our last discussion re: project is Travaasa has hired a consultant, Dawn Chang, principal of Ku iwalu Consulting, per Mr. Phillips. Ms. Chang met with the History and Culture Branch Chief Hinano Rodrigues and Burial Specialist Kealana Phillips on Thursday May 10. In the meeting, SHPD was able to provide Ms. Chang with an updated timeline of activities that has transpired up to this point in the project. Discussion included possible alternative options, including trailer bathroom/ porta potties, sewage system at the top, above ground septic system.
- Ms. Chang did mention that Travaasa is willing to forgo comfort station if community does not want it, according to Mr. Phillips.

- At the conclusion of the meeting, Ms. Chang asked the department what is it's hope for a resolution. The department replied to walk away. No wastewater Treatment in light of the additional information (more aware of area) from the finds which occurred during 60's (road), 80's (facility) and now per Mr. Phillips. The department stated in meeting to make things right; cure relationship with community by giving project up.
- Burial Council Vice-Chair Dane Maxwell open item up for Public Testimony.
- John O'Hara address the council on agenda item.
- Going in right direction re: project per Mr. O'Hara
- Mr. O'Hara stated that need to be careful who consult with, as dependent upon who, could sway decision one way or another. Mr. O'Hara like the idea of putting iwi back and leaving it be. Iwi been exposed (out of ground too long).
- Mr. O'Hara recommend timeline need to be established by Travaasa, show of good faith to show that there is a sense of urgency; restore area to what it was, get kupuna home.
- Concerned about orange plastic fencing keeping people out of project area. High traffic area, particularly by the tourist who utilize beach.
- Burial Council clarify Mr. O'Hara concern about what if general community (less voice/decision making authority) than Recognized Lineal or Cultural Descendants, out-number them, could possibly sway decision of project. Council reaffirmed that more weight is given to the preferences of the RLD's and RCD's more so than general community members. Doesn't matter if community outnumber them.
- Viola Cashman address council on agenda item.
- Ms. Cashman made mention about letter drafted by Hamoa Village Hui on April 10? In letter, Hamoa Hui shared with Travaasa its plan of actions to protect site/iwi kupuna. 1) Preserve in Place; returned where it came from 2) No septic system on or near iwi 3) remove all tanks 4) signage 5) plant grass; no building/construction 6) Identify as known burial site; record at bureau of conveyance.
- Ms. Cashman mentioned that it's been a month, no communication from Travaasa. Not even an acknowledgement of receipt of letter. No body from Travaasa present at current meeting. Do they care? Asked Ms. Cashman. Is it important to Travaasa?
- Loretta O'Hara address council on agenda item.
- In support of Hamoa Hui to restore area to what it used to be. Get kupuna back into the ground recommends Ms. O'Hara. A lot of construction going on in Hana; Hana filled with tons of historical sites. Need to be aware per Ms. O'Hara
- Ed Cashman address council on agenda item.
- Mr. Cashman made mention that at the last meeting, Lisa and Jeff (ASH) spoke to Mr. Cashman after meeting and stated that he gets where the Hamoa Hui (RCD's) are coming from.
- Mr. Cashman mentioned that he drafted letter, shared it with all RCD's to get their input. Then finally submitted it, after some technical difficulties. No response from Travaasa (Dave Roth). Mr. Cashman emailed Lisa, she responded quickly. Worried about effectiveness of potential upcoming meeting.
- Mr. Cashman concerned/been pursuing issue of high water mark. High water mark/set back. In this area, it's 40 feet. Permit should never have been issued.
- Kaleikoa Ka'eo address the council on agenda item.
- Mr. Ka'eo referenced Hawai'i Administrative Rules 13-300-36.

- Errors occurred; pertinent information about area did not get disclosed/researched when AIS done for this project. Breakdown/lack of communication with department, contracted arch firm.
- Mr. Ka'eo also referenced Hawai'i Administrative Rules 13-300-40.
- Mr. Ka'eo question if the rules/process have been followed by SHPD. Lack of understanding, responsibilities of SHPD, which is to the community first.
- Mr. Ka'eo asked that the information be disclosed by SHPD as to how they make the decisions that they do.
- Kaniloa Kamaunu address council on agenda item.
- Mr. Kamaunu explain his family genealogy; grandparents from that side of island.
- Mr. Kamaunu asked council to add into motion consultation with Aha Moku.
- Council asked if that person would be Shane Sinenci? Mr. Kamaunu replied that he does know exactly, there is a few of them in that area. He did confirm that Shane is Hana, not sure if appropriate as this matter has to do with Hamoa/Mokae.
- Council Vice-Chair Maxwell close public testimony.
- **Councilmember Scott Fisher made motions:**
- 1) MLIBC recommends that Travaasa, Hāna, cease all projects, related to construction of wastewater treatment facilities at Hāmoa Beach/Mokae Cove.**
- **Councilmember Kahele Dukelow second motion**
- **4 aye; 1 nay**
- **Motion passed**
- 2) MLIBC recommends that within 1 month, Travaasa, Hāna begins to work closely with, in the following priority order, Recognized Lineal and Cultural Descendants, Hāmoa Hui, Hāmoa Community, Hāna Community and Aha Moku to expeditiously and appropriately repatriate all exposed iwi kupuna discovered in the Hāmoa Beach/Mokae Cove project area.**
- **Councilmember Kahele Dukelow second motion**
- **All aye; no nay**
- **Motion passed**
- 3) MLIBC recommends against any future ground disturbance at Hāmoa Beach/ Mokae Cove.**
- **Councilmember Kahele Dukelow second motion**
- **4 aye; 1 nay**
- **Motion passed**
- 4) MLIBC requests the distribution to the burial council of updated and completed BTP's at the July 2018 burial council and a representative present this at the July 2018 MLIBC meeting.**
- **Councilmember Kahele Dukelow second motion**
- **All aye; no nay**
- **Motion passed**
- 5) MLIBC recommends the screening of all excavated material in the Hāmoa project area for iwi kupuna and cultural material, prior to repatriating the burials and completing the project. Additionally, all soil excavated during this project should be retained on site.**
- **Councilmember Kahele Dukelow second motion**
- **All aye; no nay**
- **Motion passed**

B. Inadvertent Discovery of Human Skeletal Remains at Kaulahao, reported to the Maui Office of the State Historic Preservation Division on March 23, 2018, Ahupua‘a of Hāmākuapoko, Moku of Hāmākuapoko, Island of Maui, TMK: [2] 2-6-009:019 and [2] 2-6-009:023

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

- Burial Specialist Kealana Phillips address the council on item.
- Councilmember Kamaunu asked if there is a process of notification (groups that may be interested) when finds occur.
- Culture Historian Ikaika Nakahashi stated that the Aha Moku rep for Hāmākuapoko was notified about finds in the past (is aware of area); was not notified about current find/report.
- Burial Specialist Phillips stated that the he doesn't typically contact Aha Moku re: finds in this area. Mr. Phillips also stated that there are no recognized Lineal or Cultural Descendants to these iwi kupuna at Kaulahao/Tavares Bay. Mr. Phillips mentioned that in the inadvertent discovery checklist, department must seek info from individuals or knowledgeable families that may be connected to remains. However, because the rules specify 24/48 hrs. to make a determination re: inadvertent discoveries, Mr. Phillips typically uses the notification of the burial council member representing geographic region as means of seeking info from individuals/families of area. In this case, Council Chair Kapulani Antonio is the district rep and she was notified via e-mail on April 9, 2018 at 12:30 PM.

Councilmember Leiane Paci Excused from meeting

C. 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.

- SHPD Maui Lead Archaeologist Barker Fariss address the council on item.
- Mr. Fariss stated that SHPD has monitoring reports for Increment 1 and 2. Maui Lani Phase 6, increment 3, is proceeding with accepted Monitoring plan. Increment 4 under stop work order. Received last of historic preservation review materials requested from archaeologist on April 16. Mr. Fariss stated he has 45 days to review docs and submit reply.
- Councilmember Dukelow asked Mr. Fariss if could provide council with more info re: review of docs submitted for Increment 4. What is process?
- Mr. Fariss stated he will review monitoring reports for increments 1 and 2 (either accept or ask for revisions). Increment 3 still building, about 85% complete (building permits). SHPD does not normally review building permit applications. Increment 3 is working with an accepted Monitoring Plan. Increment 4 mistakenly used increment 3 monitoring plan. That was justification for work to be stopped (increment 4) per Mr. Fariss. Using monitoring plan for different project essentially. (despite it being for another, adjacent increment). Each increment, separate project. Cannot use same monitoring plan for one increment on another.
- Mr. Fariss stated that he will use the data submitted to him and do statistical analysis, lineal regression analysis to look at spatial correlations. Provide recommendation based on what data plays out per Mr. Fariss.

- Councilmember Dukelow asked if council could be provided with an update on what's there (increment 1, 2, 3).
- Mr. Fariss replied there were no finds in Increment 1 and 2. There was a burial found at the border of Increment 2 and 3, site 50-50-04-6675. Mr. Fariss stated that he won't see final report until project complete, however he did request a summary submitted to SHPD for increment 3, has not reviewed yet. Increment 4, quite a bit of data to process.
- Councilmember Dukelow asked about recommended buffers around burials. Mr. Fariss stated that he gives professional opinions about archaeological sites. Opinion given to Branch Chiefs, Administrator and then they make recommendation.
- Councilmember Fisher asked about use of Linear regression. Proximity to another?
- Mr. Fariss stated that is just one technique to do spatial analysis. One to one logistical analysis. Taking features of site and comparing if statistical correlation between feature and other important determining factors. Proximity is one, elevation, depth other aspects of archaeological contexts. Compare each one, if statistical correlations, can use that to say, archaeological, scientific, it's related in one way, or not related per Mr. Fariss
- Councilmember Kamaunu asked about a letter that council requested SHPD draft to the County.
- Mr. Fariss stated that the letter Ms. Kamaunu is asking about is what got this whole process started. It got the final monitoring reports from increment 1 and 2. Summary for increment 3. Initially stop work order for increment 3. County eventually showed that they had gone through proper process (working with accepted monitoring plan). All information for increment 4 (preliminary archaeology data). Requested it be sent that way so that Mr. Fariss is able to interpret data. Did not want to get the opinion/interpretation of data that another arch compiled.
- Councilmember Dukelow wanted clarity on how the process works with respect to when the reviewing of docs is complete. Mr. Fariss replied that his report will go to Hinano R., Susan L., and Dr. Downer. Final decision will be made by Dr. Downer or Chair Case.
- Councilmember Dukelow stated that one of her concerns is when a decision is made, they look at the entire scope of the projects in area and not just simply one project, one area, one increment.
- Mr. Fariss stated that the way the rules are written, had to break it up to individual projects in order to get the reports. Arch firm voluntarily submitting reports. Look at report of specific increment, but a make a decision based on everything. Mr. Fariss report will cover everything, from the early Bishop survey, encompass everything. Statistical analysis something that needs to be done to provide scientific data. Whether or not decision will be made using report by Mr. Fariss, that's out of his control per Mr. Fariss.
- Council Vice Chair open up item for public testimony.
- Amy Halas address the council on item.
- Ms. Halas mentioned that at the Dec MLIBC, ASH arch Lisa stated there were 79 iwi, 35 burial pits. Concerns for buffer zones. Housing constructions getting closer to low lying sand dunes (known burial area) per Ms. Halas. Ms. Halas also mention there are a number of homeowners building swimming pools in increment 3 (within a few hundred yards of sand dunes).
- Kaniloa Kamaunu address council.

- Mr. Kamaunu stated that he understands Mr. Fariss statement of breaking project up (allowing Mr. Fariss) to be involved, but the big concern is the lack of taking into account entire area and the fact that area has been previously disturbed. The notion of no significant historical properties disturbed is just not true per Mr. Kamaunu. A lot of these places were disturbed way back in the day, sand moved. This is a total different landscape than what it was back in the day. Impossible to say (in permit applications) that no significant properties exist. County/State never sent inspectors to these sites prior to area being developed. Tons of areas lost, do to development. How can permit be approved per Mr. Kamaunu.
 - Mr. Kamaunu stated that the rights of our kupuna is being taken; not even a citizen (kupuna).
 - Vicky Kaluna-Palafox address council.
- Ms. Palafox stated that she was told she needs to point out where exactly the bones are to be a recognized descendant. Ms. Palafox stated that because of state moving iwi (family not notified), impossible to pin point where it is. Must have a map. Show what was removed from area. Went up to Church on Waiko Road. All my kupuna buried there, was a church, now a house. Was told need to talk to church to find out where iwi kupuna located.
- Ms. Palafox stated that she is a descendant of the iwi kupuna found at Maui Lani Phase 6. Grandmother is Mary Parker, Napela line. Ms. Palafox said she is not going to let anybody dictate who she is. Ms. Palafox claim all of that.
 - Genealogy is clean, straight forward, from Bureau of Conveyance. Cannot get Descendancy recognition. Not fair, not right.
 - Noelani Ahia address council.
 - Ms. Ahia stated that Increment 4, Phase 6 is the location of the burial preserve. Concerned about buffer zones because there is a lot of construction material right up next to the orange fencing (burial preserve).
 - Ms. Ahia wanted to inquiry about the total number of burials in area. Ms. Ahia stated she understands that council has been asking for decades for exact number. Ms. Ahia stated that perhaps council can ask Mr. Jeff Pantaleo (PI). Total number of iwi in whole area (every place that ASH did work). 79 burials, 35 pits. Is there a burial treatment plan? What happens to iwi, where is it?
 - Councilmember Fisher asked about the size of buffer zones. Does it need to be expanded? Too small?
 - Ms. Ahia replied yes. Ms. Ahia pointed out that discussions about appropriate buffer zones is not in monitoring plans. Recommended landowner work with community (Malama Kakanilua) to talk about what will happen with burial preserve, final plans. Ms. Ahia pointed out that there are houses that are planned to be built right up to the boundary of the preserve. Signage, access, ahu, etc.
 - Question arose re: cultural monitoring. Mr. Fariss stated there are no rules for cultural monitors (SHPD). However, community can ask.
 - Council asked if Mr. Fariss report will be made available by next MLIBC meeting. Mr. Fariss replied that his report will be an internal recommendation to the Director of SHPD, Chair Case. It will be up to them as to what they decide. Once a decision is made, a letter will be drafted (by Mr. Fariss) and sent out to the County.
 - SHPD does not conduct consultation; Common misconception. If consultation was to be made, it would come from ASH to MLIBC. SHPD can help facilitate per Mr. Fariss.

- Councilmember Dukelow asked so that MLIBC is clear as to what involvement the council will have, what will be the process going forward.
- Mr. Fariss said his report will go to supervisors and they will decide what the landowners needs to do in order for the county to release the stop work order on project.
- Use of increment 3 monitoring plan for increment 4 is the trigger that got Archaeology Branch back involved per Mr. Fariss. Updated monitoring plan, process, compliance with law, are all of what will be looked at by Mr. Fariss. SHPD will ultimately give conditions to the landowner and if the landowner meets those conditions, State will tell County to release permit.
- As a burial council, according to councilmember Dukelow, how and where council can interject is something that they want to know. Ability to relay information to the public, whom they represent. Make motion for improving buffer zones; make a motion to facilitate more community consultation between project proponent and community are steps in the right direction per Mr. Fariss.
- Important to note that this is a 6E.42, private property project per Mr. Fariss. Private property laws apply. Any mitigation proposed has to be agreed upon.
- **Councilmember Scott Fisher made a motion:**
- **MLIBC recommends the Maui Lani Landowner conduct consultations with the Maui Lani Community (Lineal and Cultural Descendants, Malama Kakanilua, and Aha Moku) to discuss the expansion of buffers and other related issues, in order to provide appropriate protection and to protect integrity of iwi kupuna in the Maui Lani Phase 6, increment 4 work area.**
- **Councilmember Kahele Dukelow second motion**
- **All aye; no nay**
- **Motion passed**

- **Councilmember Kalani Ho-Nikaido excused from meeting**
- **QUORUM LOST AT 12:05 PM**

D. Maintenance of the 4 Burial Preserves off of Ku‘ukama Street, Ahupua‘a of Wailuku, District of Wailuku, TMK(s): 2-3-8-083: 038, 003, 008, and 009. Information/Discussion/Recommendation: Discussion about the above topic.

Item Discussed after quorum was lost. See below.

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

NOTES

D. Maintenance of the 4 Burial Preserves off of Ku‘ukama Street, Ahupua‘a of Wailuku, District of Wailuku, TMK(s): 2-3-8-083: 038, 003, 008, and 009.

- Amy Halas address the council.
- Ms. Halas stated that she has witnessed students from Maui Waena walking through the unmarked burial preserves.

- Ms. Halas understands that iwi kupuna are historically unmarked, but in light of all the development, might be a good idea. Perhaps, signage, gate. It is known by school officials. But middle school students. How to stop them, it is a short cut.
- Councilmember Dukelow conflicted with idea. Sometimes, signage a problem. Attracts attention. Take care of kupuna, put back into ground, continue to live with it, on it etc. The questions is what is considered desecration?
- Councilmember Kamaunu mentioned that she is for knowing where burials are especially if it is surrounded by development. Unmarked in backyard at home, in valley is one thing, but in the middle of residential area, best to be known.
- Councilmember Fisher mentioned that dealing with two types of ignorance. 1) didn't know, tell them and issue is addressed, resolved 2) Know, but don't know how to appropriately behave. Kuleana is to protect iwi in physical setting, but the iwi in the society today.
- A lot of people living here from continental U.S. Lack of knowledge about burial practices.
- Noelani Ahia address council. Ms. Ahia mentioned that signage in development is a good idea to educate people.
- General signage is something that Council Vice Chair believes in. Mr. Maxwell does not believe that iwi kupuna wanted to be highlighted. It was not there wishes; will differ to the wishes of old.
- Kaniloa Kamaunu address the council. Mr. Kamaunu believes that the landowner/developer should/need to disclose what is on/beneath property where buying.
- Ms. Ahia stated that according to mo'olelo, battle of Kakanilua should be recognized. Walking on iwi, need to have consciousness.
- SHPD Historian Ikaika Nakahashi mentioned that perhaps Ms. Halas can ask the school to put out a PSA.
- Kaniloa Kamaunu stated that Act 212, page 7, sentences 20-22, DLNR shall provide support services to advisory committee where advisory committee deems necessary.

Meeting adjourned at 12:20 PM

Minutes by Kealana Phillips. SHPD Burial Site Specialist