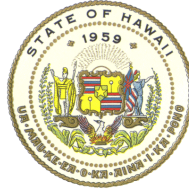
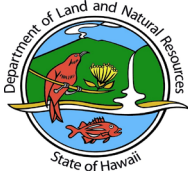


DAVID Y. IGE
GOVERNOR OF HAWAII



**HISTORIC PRESERVATION DIVISION
DEPARTMENT OF LAND AND NATURAL RESOURCES**

601 Kamokila Boulevard, Suite 555
Kapolei, HI 96807

**AGENDA
MAUI LĀNA‘I ISLANDS BURIAL COUNCIL MEETING**

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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
KAHO‘OLAWA ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DATE: Wednesday, February 23, 2022

TIME: 9:00 AM

LOCATION: Online Via Zoom

I. CALL TO ORDER

[9:12] Chair Dane Maxwell calls the Council to order

II. ROLL CALL

[9:12]

Iris Pe‘elua
Kyle Nakaneua
Scott Fisher
Kaheleonalani Dukelow
Everett Dowling

SHPD

Ikaika Nakahashi
Ka‘ahiki Solis
Lesley Iaukea
Ku‘upua Mossman

Dane offers a pule as it is his last meeting

III. ELECTION OF NEW MLIBC CHAIR AND VICE CHAIR

[12:29] Dane mahalos everyone for allowing him to be chair and for taking on this heavy kuleana, mahalo to all council members who will serve on the council in the future as well. He mahalos the community for all of their work. He mahalos Aunty Dana for asking him to serve on

the council. Mahalo to his aumakua and kupuna and all the iwi kupuna that allowed him to assist them. He formally steps down.

[12:31] Scott says it has been an honor to work with both him and Kahele. You both have done so much for the iwi kupuna

[12:31] Kahele offers her mahalos as well, speaking to the large kuleana of serving on the council and in service to the lahui. She attempted to malama this kuleana. Our ability to malama our keiki and kupuna helps build the lahui. Thank you to all who have served and the whole community.

[12:36] Scott makes a motion:

MLIBC nominates Kyle Nakanelua to serve as Chair of the MLIBC

[12:36] Kahele seconds this motion, all in favor, none opposed, motion carries [12:37]

[12:34] Kahele opens public testimony

[12:34] Noelani Ahia – she quickly kako‘os in full support

[12:34] Jocelyn Costa is also in support and wants to mahalo those who are leaving

[12:35] Johanna– she wants to thank all of you for what you are doing and have done, and this is a great way to support the new chair

[12:35] Kahele closes public testimony

[12:35] Kyle Nakanelua now takes on the responsibility of being the Chair. Chair Nakanelua prefers to carry on with Kahele as Vice Chair for the duration of the current meeting

IV. APPROVAL OF MINUTES

A. January 15, 2020

B. June 17, 2020

C. July 15, 2020

D. August 26, 2020

E. September 30, 2020 – Closed Session

F. October 8, 2020 – Closed Session

G. October 28, 2020 – Closed Session

H. February 24, 2021 – Closed Session

I. April 21, 2021

J. May 19, 2021K. May 19, 2021 – Closed Session

L. July 28, 2021M. July 28, 2021 – Closed Session

N. September 29, 2021O. October 20, 2021

P. October 20, 2021 – Closed Session
Q. January 19, 2022
R. January 19, 2022 – Closed Session

[9:17] Scott motions to accept the minutes from January 19, 2022.

[9:17] Everett seconds, all in favor, none opposed, motion carries [9:17]

[9:17] Scott motions to accept the minutes for the closed session meeting

[9:17] Everett seconds, all in favor, none opposed, motion carries [9:18]

V. BUSINESS

A. Descendancy Claim Application of Ke‘eaumoku Kapu to Unidentified Human Skeletal Remains at the West Maui Waterline Project, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK: (2) 4- 6- 015: 001.

[9:18] Dane: The following descendancy claims are revised and corrected from the previous meeting. They are not new descendancy applications.

[9:19] Kahele opens public testimony; no testifiers

[9:19] Scott addresses the council.

[9:20] Ikaika reads SHPD’s recommendation to approve cultural descendancy

[9:20] Scott makes a motion:

“Maui/Lana‘i Island Burial Council recognizes Ke‘eaumoku Kapu as a cultural descendant to Unidentified Human Skeletal Remains at the West Maui Waterline Project, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK: (2)4-6-015: 001.”

[9:21] Everett seconds, all in favor, none opposed, motion carries [9:21]

B. Descendancy Claim Application of Virginia Block to Unidentified Human Skeletal Remains at the West Maui Waterline Project, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK: (2) 4- 6- 015: 001.

[9:21] Ikaika reads SHPD’s recommendation to recognize cultural descendancy for Virginia Block

[9:22] Kahele opens public testimony; seeing none, closes

[9:22] Scott makes a motion:

Maui/Lana'i Island Burial Council recognizes Virginia Block as a cultural descendant to Unidentified Human Skeletal Remains at the West Maui Waterline Project, Ahupua'a of Paunau, Lāhainā District, Island of Maui, TMK: (2)4-6-015: 001.

[9:23] Seconded Everett; all in favor, none opposed, motion carries [9:23]

C. Descendancy Claim Application of Kahikilani Niles to Identified Human Skeletal Remains in the Ahupua'a(s) of Keoihuihu and Kahoma, Lāhainā District, Island of Maui, TMK: (2) 4-5- 016: 008.

[9:23] Ikaika reads SHPD recommendation to recognize Kahikilani Niles as a lineal descendant to the identified human skeletal remains

[9:24] Kyle clarifies that this is LINEAL descendancy application

[9:25] Kahele opens public testimony, seeing none, closes

[9:26] Scott makes a motion:

Maui/Lana'i Island Burial Council recognizes Kahikilani Niles as a lineal descendant to Identified Human Skeletal Remains in the Ahupua'a(s) of Keoihuihu and Kahoma, Lāhainā District, Island of Maui, TMK: (2) 4-5-016: 008.

[9:27] Seconded by Everett, all in favor, none opposed, motion carries [9:27]

D. Maui Lani Subdivision Phase VI, Ahupua'a of Wailuku, District of Wailuku, Island of Maui, TMK: (2) 3-8-099: pors. Information/Discussion/Recommendation: Update on the above project. E. Consultation regarding the Approved Final Burial Site Component of a Preservation Plan for Site 50- 50-04-5718, Features 4, 8-10, 12, 14, 22, 39, 44, 45, 62, 65, 66, 72, 73, 162, and 182, Wailuku Ahupua'a, Pū'ali Komohana Moku Wailuku Modern District, Island of Maui, TMK: (2) 3-8-099: 209-A and 999.

[9:28] Sharon Paris, Esq. wishes to share screen to show most recent area of the BSCPP

[9:30] Scott makes a motion to move into closed session

[9:30] Seconded by Everett, all in favor except Iris who recuses, none opposed, motion carries [9:30]

Council moves into breakout room along with cultural descendants Noelani Ahia, Foster Ampong Noelani Paresa, Kahala Johnson, Kai Markell of OHA, Andrew McAllister, Nico Fuentes, Marcus Ohlheiser

[9:46] Dane re-opens the main session

[9:46] Sharon Paris – we have completed our exploratory digging and are rerouting road B and attempting to find corridor that bypasses identified remains and provide additional buffers. Completed the digging and found corridor to reroute. Final approvals from DSA for the new road and affiliated construction utilities are being sought but not yet approved. Once DSA approval comes through, then prepared to prepare the final layout of the burial preserve area and that would be in anticipation of preparing the final burial site component of preservation plan for remaining features not covered by previous plans. Planning to do burial site component of data recovery plan to address reinterment of iwi relocated or scatters recovered. Will be consulting on these reinterments. Construction ongoing on eastern side of preserve area.

[9:49] Dane requests sewage lines be present in the next map and meeting and also fragments of iwi kupuna in 144

[9:50] Sharon – since the utility hasn't received final approval yet she does not want to disclose location

[9:51] Kahele opens public testimony

[9:52] Noelani Paresa – Provides clarification on lot 144. She and Noelani went with Kealana and Nico to see the area. She stated concern regarding the scattered iwi in Zoom and site visit. They had already been moved from the area at that time. She felt they should not have been moved. She never received information on the second BSCPP. Concerned at lack of buffer zone.

[9:57] Noelani Ahia – echoes Noelani Paresa's testimony on Lot 144. Feels disarticulated iwi and iwi that are not in situ should be reinterred back in place they were found if safe. She states that descendants never saw the second burial sites component of preservation plan that HBT mentions in a letter she reads. She feels SHPD ignores the preferences of the descendants when approving plans. The buffer zone is not sufficient

[10:03] Kahala Johnson – concerns regarding SHPD not consulting descendants. Survivors and transformative justice – carelessness on the part of SHPD promotes this and does not center the ea of survivors but power of SHPD and developers. Community trust is broken. Survivors are harmed by lack of communication.

[10:07] Kaniloa Kamaunu – from Waihe'e. Malama ka Kanilua and Aha Moku o Wailuku. This area has been a fiasco. So much agony. What the burial council should and must do – there must be violations and fines.

[10:11] Sharon – speaks to what Ms. Ahia said about what happened with TS187 lot 144 – sent letter Aug. 17, 2021 to MLIBC. 5th motion recommended return of all stockpiled sand assoc. With iwi inadvertently discovered June 30, 2021. Iwi were recovered in accordance HAR 13-300-32-d for comingled remains and material other than recovery of remains was never removed. Placed back where it was recovered. Consulted with council and descendants.

[10:14] Kahele – iwi found in 144 were returned to 144?

[10:14] Sharon – no they will be reinterred but additional consultation must occur

[10:14] Kahele – that is the meeting where we challenged the term scatter. They are still iwi kupuna. Descendants requested iwi be returned to lot 144.

[10:17] Sharon - Nov. 19 2021 is when SHPD approved.

[10:17] Kahele – so you know descendants want to preserve in place but you are building a house there?

[10:18] Sharon – technically there are no provisions in statute for disarticulated remains because they are considered to not have an in situ component particularly as they are in previously disturbed fill in this case. They take comments and make concessions but can't do 100% of what people want. On behalf of her client she can't give a satisfactory answer.

[10:19] Kahele – SHPD and HBT should have consulted before approving.

[10:19] Sharon – our consultation is cumulative and ongoing. Entire preservation plan is not finalized yet, if previously approved must be amended anyway and consistently expanding buffer areas and preservation areas. They do take things in consideration and meaningfully integrating comments.

[10:20] Dane – how to justify need to relocate throughout Maui Lani. Even if you have a preservation area, the preference is to preserve in place. New BSCPP – will this be common practice to take comments from first and apply to the second going forward?

[10:22] Sharon – she feels they meaningfully consulted

[10:22] Dane – he says MLIBC consulted after the fact. He wants to know why SHPD relocated from lot 144. Iwi is iwi even if disarticulated. Was the Wailuku rep contacted?

[10:23] Sharon – recovery measures for scattered iwi are different than relocate or preserve in place. Asks Nico

[10:24] Nico – can not comment if Kealana contacted Wailuku rep. Final disposition will be BSC-AVR. Speak to final preservation boundaries and process individuals reinterred.

[10:25] Kahele – to get houses built in 144 and 145 you proceed with a process you know is rejected by descendants and rejected by the burial council yet moving forward.

[10:26] Marcus – haven't started the home on lot 144 or lot 145.

[10:26] Johanna and recognized descendants notified July 6th and site visit July 7th. Notifications did occur.

[10:28] Noelani Ahia – if this was truly cumulative, they would include all the comments over 5 years. She wants commitment house will not be built on 144 until there is a preservation plan. Other houses going up elsewhere with buffer zones they were never consulted on.

[10:31] Noelani Paresa – she was invited to a scheduled zoom meeting and Aunty Johanna responded. Nico described the scattered remains. He was in front of a house halfway built describing scattered remains. She expressed concern and requested in person site visit. It was peak covid time. She asked they not desecrate further but had already been removed. Asked for buffer zones.

[10:33] Kahala Johnson – gaslighting. Brings up the language of survivors. Rather than developers actually listening and hearing the harms being done, you are backing up and trying to prevent liability. We need you to listen. This does not set a good precedent for community trust.

[10:37] Kahele closes public testimony

[10:38] Kyle – he is confused. Developer say they are not building on the lot. Descendants said they were developing on the lot and Nico has film of this. SHPD personnel involved are not at the meeting.

[10:40] Dane – one house lot is being built and another is not being built on

[10:41] Kahele – Kahele wants confirmation lot 144 that lot won't be built until meaningful consultation on behalf of developer and SHPD occurs. If they are found there, leave them there whether original or secondary context.

[10:54] Scott makes a motion:

MLIBC recommends meaningful consultation be conducted with both members of the MLIBC and lineal and cultural descendants of the moku and ahupua'a regarding Lot 144 by both HBT of Maui Lani, LLC and SHPD; and the MLIBC recommends suspending construction on 144 until such time that consultation has been completed.

[10:55] Seconded by Everett, all in favor, none opposed except Iris Pe'elua who recuses, motion carries [10:55]

[10:56] Council takes recess till [11:00]

E. Consultation regarding the Approved Final Burial Site Component of a Preservation Plan for Site 50-50-04-5718, Features 4, 8-10, 12, 14, 22, 39, 44, 45, 62, 65, 66, 72, 73, 162, and 182, Wailuku Ahupua‘a, Pū‘ali Komohana Moku Wailuku Modern District, Island of Maui, TMK: (2) 3-8-099:209-A and 999.

[11:03] Sharon: because we have to ammend this plan, we are not opposed to adding any additional comments and incorporate that into an ammendment

[11:03] Kahele - which of these lots have commenced construction?

[11:05] Marcus: All eastern lots, 13-20, 139 a, 201-207a in various stages from homes complete to complete shortly. 145 and 144 have not started vertical home construction yet. Foundation not layed yet. Some retaining wall work and electric lines going on. Utilites and sewage but no water

[11:05] Kahele opens public testimony

[11:06] Noelani Ahia – BSCPP was accepted without consultation. She thinks SHPD should retract and MLIBC should request SHPD to retract and SHPD should request from public works a stop work order. Must be sent to descendants. Pending settlement agreement but she does not consent to this project. These are just parameters which would allow her to drop the lawsuit.

[11:16] Scott makes a motion:

“MLIBC recommends the retraction of the approval of the Burial Site Component of a Preservation Plan for Site 50-50-04-5718, Features 4, 8-10, 12, 14, 22, 39, 44, 45, 62, 65, 66, 72, 73, 162, and 182, in Wailuku Ahupua‘a, Pū‘ali Komohana Moku Wailuku Modern District, Island of Maui, TMK: (2) 3-8-099, 209-A and 999, until such time that meaningful consultation has taken place and a resolution has occurred between members of the MLIBC and cultural and lineal descendants and HBT of Maui Lani, LLC and SHPD.”

[11:19] Seconded by Kahele, Iris is recused from this agenda item, [11:23] all in favor, none opposed, motion carries [11:23]

[11:17] Andrew McAllister – he is not aware of the details of this agenda item

[11:20] Everett – discussion of setbacks. Has burial council taken position on setbacks and buffer zones? Community could benefit from some guidance from the council

[11:21] Dane– the burial site working group will provide comment to the legislature. Maui should also let a stance be at the discretion of the regional reps and also descendants

[11:24] Sharon wanted clarification on language “until such time...and resolution has occurred...”
What does resolution mean? Divergent interests.

[11:26] Kyle - some cultural and lineal descendants said they were not contacted or have input.
Disconnect between SHPD trying to connect descendants with developers. Discussion between
archaeologists and cultural descendants that buffer zones would be provided and not remove iwi
but yet it was removed and there are no buffers.

[11:29] Dane— resolution is actual meaningful consultation has taken place and not recycled from
a previous one. New consultation for the BSCPP

[11:29] Kahele - can use as example the consultation for the first BSCPP. Path for second plan
was very different

[11:30] Scott - some good faith effort at arriving at a resolution can be re-agendized with MLIBC
if not possible

[11:32] Kahele –wants to recommend a stop work order for areas identified in plan

[11:32] Dane requests to county to pull the permit

[11:33] Sharon - A potential stop work order was not agendized today

[11:39] Scott makes a motion

MLIBC recommends the cessation of work at lots located on Site 50-50-04-5718, Features 4, 8-
10, 12, 14, 22, 39, 44, 45, 62, 65, 66, 72, 73, 162, and 182, in Wailuku Ahupua‘a, Pū‘ali
Komohana Moku Wailuku Modern District, Island of Maui, TMK: (2) 3-8-099, 209-A and 999,
until the previous motions are addressed.

[11:40] Seconded by Everett, all in favor, none opposed, motion carries [11:40]

[11:40] Ikaika – if council can’t make a motion as a whole, any one (council member,
descendant) can also independently contact the permitting agency

[11:42] Sharon any additional comments on BSCPP?

[11:41] Dane - wants more consultation, but they defer to the preferences of the descendants.
Will give addition comments once they have consulted further

F. Training for Maui Lāna‘i Islands Burial Council on membership, roles, and responsibilities.

To be re-agendized

VI. CORRESPONDENCE

A. Malama Kakanilua, Hooponopono o Makena, and Pele Defense Fund's petition for declaratory orders concerning burials at the Grand Wailea Resort, 3850 Wailea Alanui Drive, Wailea, Island of Maui, Hawai'i, TMK: (2) 2-1-008: 109.

To be re-agendized for the next meeting

VII. INADVERTENT

A. Inadvertent Discovery of Human Skeletal Remains at the Wailuku Civic Center Complex Phase 1B project, reported to the Maui Office of the State Historic Preservation Division on October 22, 2021, and November 23, 2021, Ahupua'a of Wailuku, District of Wailuku, Island of Maui, TMK: (2) 3- 4-013:075.

[11:42] Dane

[11:43] Everett recuses himself of this agenda item

[11:44] Brian Ige - Working on preservaton of burials 2 and 4 but have not finalized at this time

[11:44] Kahele opens floor to public testimony

[11:44] Noelani Ahia – plans being redone. Chair Maxwell and her had a site visit. Two burials want to put a wal in between and they are working on a redesign. Happy with design for site 3.

[11:45] Kaniloa Kamaunu – They were talking to someone in charge of the area for the county but no updates. Aha Moku not being consulted.

[11:49] Clare Apana – she keeps getting left out of consultation

B. Inadvertent Discovery of Human Skeletal Remains During Screening at the Waiko Light Industrial Project, reported to the Maui Office of the State Historic Preservation Division on October 29, 2021, November 3, 2021, November 4, 2021, January 10, 2022, January 11, 2022, January 12, 2022, January 14, 2022, January 24, 2022, January 25, 2022, January 31, 2022, February 2, 2022, February 3, 2022, and February 4, 2022, Ahupua'a of Wailuku, District of Wailuku, Island of Maui, TMK: (2) 3- 4- 013:075.

[11:51] Leilani Pulmano – Updates since they last met in September. Screening resulting in 220 human skeletal remains and minimum number of individuals to 4. Over 95% of the bones found

are faunal bones. Screening pushpile A is 65% complete. Working through the redesign. Meet weekly with cultural descendants and provide weekly updates.

[11:55] Dane - please put the chair on notification of inadvertent discoveries and gatherings of cultural descendants

[11:57] Mike Dega - Fractions being picked up are smaller than a marble

[11:57] Leilani - the screening method is cambert application system

[12:00] Scott - what is the mesh size on screen

[12:00] Leilani - ¼ inch

[12:01] Scott - says this is a standard size screen

[12:01] Dane - newly elected chair and vice chair should take a visit to the site

[12:02] Mike - sediments go to ¼ inch but also can be caught in other piles. They look at everything twice

[12:02] Mike Dega – the sheer volume of faunal remains is impressive at this site so it is very laborious

[12:02] Kahele opens public testimony

[12:03] Pam Crabtree – ¼ inch is very standard for mesh size and it seems very reasonable

[12:03] Jocelyn Costa–Where are origins of pushpile and also estimation of how many total people given fragments – omit minimum number of individuals from this report unless it is guaranteed this fragment belongs to this person. Will there be more finds? It is not truly inadvertent if you find more people

[12:05] Kahele close public testimony

[12:05] Leilani – origins of the pushpile – one is a pre-existing stockpile, not sure where that came from, the second a cow feed lot where cows were buried, and third was from their grading from the work they did.

[12:06] Mike Dega - answers questions regarding minimum number of individuals and by definition individuals not found during an AIS are inadvertent

[12:07] Lailani Pulmano - Completely finished pushpile B, the smaller one, and for pushpile A about 65% completed. Took maybe 6-8 weeks to get to 65%

[12:07] Dane – asks for them back at the next meeting

C. Inadvertent Discovery of Human Skeletal Remains at County of Maui Puamana Park, 0 Pualei Drive, reported to the Maui Office of the State Historic Preservation Division on December 7, 2021, December 27, 2021, and January 25, 2022, Ahupua‘a of Polanui, District of Lāhainā, Island of Maui, TMK: (2)-4-6- 033:001.

[12:09] Ikaika – iwi left in place and covered after exposure from natural erosion.

[12:10] Kahele opens public testimony

[12:10] Ke‘eamoku – they requested BTP in december last year in front of MLIBC. Originally one box with 5-7 iwi kupuna. Now a total of 5 boxes in his curation. So many iwi washing up. If they aren’t there, tourists will take iwi to the hotel. He feels the kupuna have been with him for too long. Need SIHP number before reinternment. He wants SHPD to let him reinter.

[12:17] Scott - what still needs to be done

[12:17] Ke‘eaumoku Kapu - need to finalize another document to get iwi from the state. Has waited for so long to do this and wants to put iwi back. Once the pull box comes they are prepared. They have permission from the landowner. What else does SHPD require before he can take kupuna home? He can’t wait anymore. His curation is overwhelmed.

[12:19] Fay McFarlane – she is meeting with parks tomorrow to discuss final details. Pull box estimate is coming. But may need to go in repetitively so because of that she is custom pricing a cylindrical lock for SHPD, the County. Because they fulfilled kuleana for SHPD she had hoped SHPD would be helpful. County is providing land and resources for the crypt but they are doing the edits of the BSCARDP to reflect every date iwi are added to curation. Previously had a promise from SHPD that they would generate SIHP numbers but now SHPD is saying no, the descendants are responsible. The hui of descendents authored the BSCPP.

D. Inadvertent Discovery of Human Skeletal Remains at Kaulahao Beach a.k.a. Tavares Bay, County of Maui Kū‘au Bay Beach Park, and Hāmākuapoko Beach, reported to the Maui Office of the State Historic Preservation Division on December 6, 2021, December 19, 2021, December 27, 2021, and February 6, 2022, Ahupua‘a of Hāmākuapoko, District of Hāmākuapoko, Island of Maui, TMK: (2) 2- 6- 009:023.

[12:25] Ikaika – county property exposed from erosion. When they got to the site, they covered with sand and left in place. Significant amount of iwi exposed on the coast line.

[12:25] Kahele opens public testimony

[12:25] Jocycyln Costa – asked to have a gathering at the site an in attendance was county archaeologist, county parks, SHPD, private landowner in the area Malama Kaulahau, an Aha Moku reps. In consultation. Parks department walked coastline and iwi were there to greet them. Even more urgency.

[12:27] Kahele closes public testimony

[12:28] Kyle– amazing to him what happens when people decide to put heads together. This is meaningful resolution

E. Inadvertent Discovery of Human Skeletal Remains at Kapuna Seaside Subdivision-Waihe'e, near Lot 7, reported to the Maui Office of the State Historic Preservation Division on January 31, 2022, Ahupua'a of Waihe'e, District of Pū'ali Komohana, Island of Maui, TMK(s): (2) 3-2- 002: 001 and 043.

[12:38] Ikaika – not sure where the iwi is at this point

[12:39] Lisa Hazuka is the archaeologist for this project. The iwi is stored in a locked box in a baseyard at this time. Only 5-6 fragments at this point. Putting in an 8 inch waterline in existing roadway. Recovered fragments in installation of waterline. This individual appears ot have been disturbed before, but don't know when how or who. Landowner wishes to honor location where remains were found. Bone shafts of the legs and small fragments from a clavicle and two ribs. Possibly in the vicinity so landowner considering redesigning waterline and roadway. About 20 ft buffer if everything moved south. She thinks some people whill be filling out paperwork for cultural descendancy

[12:43] Scott– there is a heiau known in this area. Was an AIS done?

[12:44] Lisa Hazuka - Scott Frederickson did not find a heiau in the project area but there was a wall found. Some people refer to the wall as a heiau. The wall is 500 feet away from where they found these remains. Some iwi in the trench is very fragile and to do anything further would be destructive.

[12:45] Dane besides waterline, anything in immediate vicinity

[12:45] Lisa - there will be an eletrical line away from this location. This individual was underneath a roadway for sometime. Maybe good to relocate the road. Objective is to honor this location, they don't say preserve in place because it is not in situ, but would say interr individual in the area where it was found.

[12:46] Kyle – are there any cultural descendants here?

[12:47] Kahele opens public testimony

[12:47] Kaniloa – he made a visit as a descendant of the area. He objects to Lisa giving public opinion as she is not the principal investigator and she has only a BA. Jeff Pantaleo holds the permit. The monitor has a different story than her.

[12:51] Johanna– they have a concern because there is historic value to the area. Sent a list of conditions for what the family is asking for if work were to continue and how to proceed but initial concern to protect cultural history of the place

[12:53] Lawaina Malii Kapu – her father’s line has been on that land for many generations and her father was the caretaker and the complex there was huge.

[12:54] Kyle– do you know where exactly iwi are buried, and would you be willing to apply to become a lineal descendant and apply to be a cultural descendant of the area?

[12:55] Lawaina– yes, she can go through the process and she will ask someone to assist her

[12:57] Scott mentions a workshop devoted to education regarding iwi kupuna issues and to bring together descendants in the Waihe‘e area

[12:58] Kahele closes public testimony

[12:59] Scott– he and Johanna had a good conversation yesterday.

[1:01] Kahele asks for us to make a motion for meaningful consultation before any plans are approved or moved forward with

[1:06] Scott makes a motion:

MLIBC recommends consultation with the following individuals and groups relating to the iwi kupuna found in Waihe'e on February 1st, 2022: 1) the Mali'ikapu 'ohana; 2) Kuleana 'ohana of Waihe'e 3) the Waihe'e Community Association; and 4) Kanaka maoli

[1:07] Seconded by Everett, all in favor, none opposed, motion carries [1:07]

[1:09] Scott motions to close the meeting

[1:09] Seconded Everett, all in favor, none opposed, motion carries [1:09]

[1:10] Meeting adjourned

VIII. ANNOUNCEMENTS

A. Next meeting is scheduled for Wednesday, March 16, 2022

Pursuant to Hawai'i Revised Statutes (HRS) §92-3, all interested persons shall be afforded an opportunity to present oral testimony or written testimony 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. Interested persons can submit written testimony in advance of each meeting that will be distributed to Council Members prior to the meeting. Written testimony must be submitted no later than 24 hours prior to the meeting to ensure time for Council Members to review it. Late written testimony will be retained as part of the record, but we cannot assure Council Members will receive it with sufficient time for review prior to decision-making. Submit written testimony to andrew.k.phillips@hawaii.gov. Or via postal mail to the Maui/Lāna'i Islands Burial Council c/o SHPD at 130 Mahalani Street, Wailuku, Hawai'i 96793. Pursuant to HRS §92-4, §92-5(a)(8), and §6E-43.5, and upon compliance with the procedures set forth in HRS §92-4, the Council may go into a closed meeting to consider information that involves the location or description of a burial site or to discuss confidential genealogy. A request to be placed on a Council meeting agenda must be made in writing with the SHPD History and Culture Branch staff at least two weeks preceding the scheduled meeting date. In addition, the request must be accompanied by all related documents. Failure to comply with this procedure will delay the item to the following month's agenda. Materials related to items on the agenda are available for review at the Maui State Historic Preservation Division located at 130 Mahalani Street, Wailuku, Maui, Hawai'i 96793. INDIVIDUALS REQUIRING SPECIAL ASSISTANCE OR AUXILIARY AIDS OR SERVICES (E.G., SIGN LANGUAGE INTERPRETER), PLEASE CONTACT STAFF AT LEAST 72-HOURS PRIOR TO THE MEETING AT (808) 243-1285 SO THAT ARRANGEMENTS CAN BE MADE.