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

DATE: Wednesday, October 18, 2023
TIME: 9:00 AM
PLACE: Department of Land and Natural Resources Maui
District Office Complex, Conference Room, 130
Mahalani Street Wailuku, Maui, HI 96793

I. CALL TO ORDER/PULE

- Chair Scott Fisher call meeting to order at 9:04AM
- Pule offered by Vice Chair Vernon Kalanikau (0:00:45-0:02:48)

II. ROLL CALL: (0:02:48-0:04:14)

- Chair Scott Fisher present
- Councilmember Everett Dowling present (arrival 9:20 am)
- Councilmember Michele Hoopii present
- Councilmember Iris Pe'elua present
- Vice Chair Vernon Kalanikau present
- Councilmember Diane Preza present

SHPD:

- Hinano Rodrigues, History and Culture (H&C) Branch Chief
- Kealana Phillips, Burial Site Specialist
- Ikaika Nakahashi, Cultural Historian
- Breena Titus, Administrative Assistant

COMMUNITY:

- Chelsea Klein, FEMA
- Foster Ampong
- Brenda Arcangel
- Aimoku Chee

III. BUSINESS

A. Lāhainā Fire Update.

Information/Discussion/Recommendation: Archaeological Treatment Plan for debris removal.

Scott: With that will jump into item three business, Lahaina fire update, information, discussion recommendation particularly focusing on the archaeological treatment plan for debris removal. So, who is this...

Hinano: I'll go.

Scott: Ok great, thank you.

Hinano: Thank you chair and vice chair. We have with us today, Chelsea Klein, who is with FEMA. Both FEMA and SHPD thought it would be best if we had a representative here that might be able to better answer questions for you guys.

Scott: Great, ok.

Hinano: I thought Tanya was going to be here.

Scott: She is.

Tanya: Hi good morning

Hinano: Ok, so sorry, go ahead Chelsea.

Chelsea: You want me to come up?

Scott: Yes, just because the pueo is in front of us, it will pick up most easily, I think. And for those of you who want to testify on any particular issue if you don't mind signing in on what you'd like to testify on. That'd be helpful as well. Thank you.

0:05:23

Chelsea: Okay Thank you everyone for the invitation. Can everyone hear me?

Confirmations

Chelsea: Ok so as Hinano referred to, I know there are concerns with the (inaudible) of the fire and so we had an expedited conference with the State Historic Preservation Division as outlined in our existing programmatic agreement between FEMA & SHPD & OHA & HIEMA. So, through that we came up with this archaeological treatment plan. This is something that we use also on the continent as well post-fire, and we work with our Native American Partners as well. And so outlining the process that you're talking about what FEMA will and will not be covering, what are what the debris activities will be taking place and what will occur in the event of a human remains discovery. To that end, in the document it does outline that any human remains that are discovered, work will pause. They will be covered with a cloth and then with a tarp and then, as Tanya is here with the archaeological firm, we will come up with how the debris removal will occur around those human remains. They will not be removed. They will stay in place, and we will come up with how we address the debris removal. Sometimes they might be able to just work around them. If it has to occur on top of that, that is something that's when Tanya will call myself and the SHPD office and then we will work with a plan on how to carefully remove the soil and the ash with all those contaminants in the soil and how to proceed further. So, I anticipate that there's a lot of questions.

Scott: Yeah. So, this, was it Aina Archaeology who put the plan together?

Chelsea: No, FEMA put the plan together.

Scott: Oh, but did you consult with Aina Archaeology?

Chelsea: We did not consult with Aina Archaeology. FEMA does not consult with the contractors that will be doing the work. That would be a conflict of interest.

Scott: Yeah, conflict of interest

Janet Six: I don't know how to put my hand up, sorry.

Scott: Ok, yep, that's fine, go ahead Janet.

Janet: I just wanted to say, because Chelsea did consult with SHPD, and she did consult with OHA, and she did consult with myself. I just wanted to ask Chelsea if, and we did recommend that she, hang on, let me start my video so that I'm not hiding... here I am, hello. That she couldn't consult with Tanya because that's the contractor, because we knew that Tanya was our choice to add to this work. So, my only question to Chelsea would be, did you incorporate Stefanie and Andrew's concerns? Because I had similar concerns with that document. And so that's why I wanted to say who was consulted and so.

Scott: Janet can you specify what concerns were expressed? For the benefit of the others.

Chelsea: Well in which version? Well so right, FEMA drafted this plan and then we sent it to the SHPD for their comments. Then addressed their comments, then based on those comments, we went and met with them in person and spent a couple of hours with them and walked line by line through each section of the document. Then we received additional comments and then incorporated them into the document and then we sent it out to our parties. So, to OHA and the other Native Hawaiian organizations that are listed in the document and SHPD and then took those comments and then finalized the plan and then sent it out.

Scott: Was consultation done with individual recognized lineal and cultural descendants?

Chelsea: So, this is something new for me, so I do not believe so. We received a list from OHA, and they told us who we should have consulted with and so I guess I'm not, I'm sorry, the Native Hawaiian organization and the family, lineal and cultural, is new to me, so if I missed anybody, we can provide this document to them, and they could be listed with the folks on the document.

Scott: Sure, ok. And is the document now complete?

Chelsea: This is it. This is what we are doing, yes. Because work is starting next week.

Scott: Okay is there any possibility of doing an addendum if, for example from this meeting, lineal and cultural descendants come forward who want to be included in that input?

Chelsea: We can send them a copy of the document, but because the contracts have been led and the performance work statements have been led and are starting upcountry next week. It would depend on what the comments are and whether or not we could pivot that, because that would change, you know that could require substantive change of the whole contracting.

Scott: Ok, maybe a better question for SHPD; do you feel confident, that through the consultation with the Native Hawaiian organizations, that those cultural and lineal descendants were adequately consulted?

Hinano: We do. Our concern was that the Native Hawaiian community or any member of the Lahaina community might have information with respect to the existence of preexisting burials and all that. The acceptance of the document does not itself preclude that ability. So, from now on, if anybody has any information, I believe they would actually address Tanya's group.

Chelsea: So, actually how that would work is; I did receive some input from several of the Hawaiian specific to burials on property and many of them were very explicit about who could and could not have that information. So that has been kept within people that need to know. Also, the way that process will occur is the person who wants debris removal on their property - and for right now this is limited to private and commercial structures - county owned property has not yet been included in the direct federal assistance process. The county is to ask for that so we can approve it. So, this is limited to private and to commercial property only for the moment. They will have to fill out what's called a right of entry and on that form there is an opportunity to identify if there's anything on the parcel of concern. We are not making it to say - because I can completely understand that there is distrust of the government, and some people may not want to disclose what they may not be on their property - but there is an opportunity to identify what items may be significant or culturally significant. Or they could just say hey there are rocks on my property, please do not disturb the area around them. You know they're saying like, there's even a place like

they sketch a map or something so you can say hey on this place in the back corner, don't touch that.

Scott: ok, nice

Chelsea: And then so then those will be submitted to the county. Then the county will adjudicate them and then they will be sent to the Corp. of Engineers, because the Corp. of Engineers is doing paperwork, right? And then they have contracted out...

Scott: Dawson?

Chelsea: Um, that I do not believe so. They've contracted out with I know, Aina Archaeology, for the archaeology piece and with Na Aikane for the NHO's and then I'm not sure who is going to do the actual debris removal yet. That contract awarding is not in place, and I can't speak to that.

Scott: On the news, they are saying Dawson.

Chelsea: Oh, ok

Scott: Ok so it sounded like consultation was then... I guess the other thing, the other clarifying point is that if iwi is found, that does not... I mean the consultation can then begin with individual recognized cultural or lineal descendants. And you said the property owners are... it's on state land and private property right now, or?

Chelsea: It's on private property and commercial property.

Scott: Just private and commercial property. Great, that's helpful. I don't want to take up too much time, others?

Michele: I think I'm gonna need to have more clarification on... how does... ok, so what happens with the property owner vs. somebody who is gonna do the lineal or cultural recognition type of thing. You know what I'm saying? So, you're gonna have a private owner, iwi is discovered, then what takes place from there? Since that is the property owner's property, right, so does a monitor, or does it follow the same 6E process, I guess?

Scott, Hinano & Chelsea: Yes

Michele: Even though it's...

Chelsea: Even though 6E is technically waved, right, the governor waved all of the laws and so Section 106 still applies and Section 106 does kind of substitute for most of the 6E process at the state level and so there's monitors on site and like I said, burial will be left in place and avoided, if at all possible, and if not, then we will work to determine how we can do the debris removal around there and without impact to the site.

Michele: So, does the burial council still fall into that process? I think what I am, what I want a little bit more clarity is even though it is being directed and mandated by the federal government or FEMA... where 6E comes into play, I understand that part. So, the burial council then still holds the same... falls into the same processes then?

Hinano: Yeah, so I think um for Chelsea... so the burial council normally has jurisdiction only over previously identified human skeletal remains and burial sites. They do not normally have jurisdiction over inadvertent, which we anticipate...

Chelsea: Will be the majority.

Hinano: Yeah. I think what Michele is asking though is does their role change (inaudible) with this project? I think under the 106 programmatic agreement it calls for consultation with the burial council. I think in terms of the disposition it's still... SHPD doesn't change anything.

Everett arrival 9:20 am 0:014

0:015:43

Michele: Right so then technically speaking the burial council... wouldn't have any other... wouldn't have the same position (inaudible)

Scott: We will be consulted, I think.

Hinano: Yeah, you will be consulted.

Scott: If there are inadvertent or previously identified remains.

Michele: So, if that's the case, then should the burial council be put as a consulting party on the document?

Chelsea: No, because this document is limited to the abbreviated consultation process and as outlined in the agreement is limited to the (inaudible) of the agreement.

Hinano: Yeah, I'm gonna take what Chelsea said and I'm going to simplify it a little bit. So, what we have is the FEMA... what we have is the programmatic agreement and the subject matter of the programmatic agreement is what happens in an emergency. So, this agreement was between OHA, SHPD and

Chelsea: HIEMA

Hinano: HIEMA, which is the Hawaii Emergency Management Agency. Ok and so within that programmatic agreement is a provision with respect to. Ok so we got this emergency, how do we... is there an effect to historic properties and how do we protect those properties. That's where we are now moving to the ATP, archaeological treatment plan, which was written as a result of a provision written in the programmatic agreement. I think though, if I'm reading into your question, I think there is a concern with respect to... ok so I have this private property but the burial on the property does not belong to the current landowner.

Scott: That's the concern

Hinano: And so, we are anticipating that... let me take a step back. Chelsea said that before they go in, the cleanup contractor goes in to clean out the property, the landowner has to sign an agreement. Part of that, I believe there is a question on that agreement "Are you aware of any archaeological or burial sites on this property"? So, if they have been there for 50 or 60 years, they can make an informed decision. But what happens is that guy who bought that property 3 years ago. So, we have instances where family members in that situation have approached us and said, "that guy who owns that property doesn't know that my family, my lineal ancestors are on that property". Hopefully people who have that kind of information will come forward and will inform us because obviously the guy who owns the property today doesn't know that.

Chelsea: They have to let the county know, right. So that's the way to let me know. I don't see the right of entries. Because all of that information goes to the county and then the county sends it to the Corp. of Engineers and then the Corp. of Engineers then gives that to their contractor. So, there's no way... The county would have to be...

Hinano: So, what would be the process with respect to letting the county know?

Chelsea: Let me get with Aaron on that. I'll let her know because their contractors (inaudible 0:19...) adjudication process. I will ask her.

Scott: Janey Six has a question.

Janet: More of a comment, I just wanted to, sorry, let me start my video, just to give you guys a piece of mind of the process, kind of what happened after the fire and Chelsea came on board. Tanya, me (inaudible) and Mike Wahl at SHPD, as well as (inaudible) we started immediately putting known burials, burials that had been known from archaeological surveys (inaudible...) things that weren't on HICRIS, so we got them on that as quickly as possible. We also took the 1884 Alexander map and outlined the wetlands to give them an idea of the overlay and the land commission awards. Pre TMK. Just to give an idea of where the burials are likely to be. Precontact or likely to be located. Subsequently talking to Keeaumoku's group, who is doing the cultural monitoring, they were identifying more family plots, like Hinano was talking about. Not necessarily precontact, but they found a crypt underneath a house that had burned. So, working with Tanya, and I am sure Tanya can clarify this further, using iPads and GPS, they're actively trying to identify, and we are trying to work with SHPD, and Tanya was the lead on this clearly, to keep populating that map. I'm working with HECO to let them know where... you know they

are trying to put in emergency power. So, we are trying to, and we have now found a way, we've factored out the 6E, so we factored out that map and they are going to have archaeological monitoring on site. They are going down Shaw Street, which as we know was Mokuhinia. So, we are doing our best to let everybody there, everybody on the outside of Chelsea, who has been great but is just coming in blind to the layers of stuff going on and all the politics of and just the nature of the site. Just so people know, they are aware of precontact burials, like under the Kamehameha III School that were discovered in 2000. So, we've done our best to get people information so that they can make informed decisions. After that, Tanya will take it from there. But they are aware that it is a sacred site, it is a burial ground and that there are pre contact as well as post contact burials that will likely be found in backyards. Family plots. Including maybe just piles of rocks that could be marking a gravesite; not traditional headstones like we are used to. I just wanted to put that out there that Mike Wahl and Tanya and others have been on this since the very beginning to get as much information out that we know. And then I will work with Aaron on how to directly populate the... go ahead, sorry.

Michele: Janet, I have a question, either to you or to Chelsea. When you folks speak of monitoring, what is the qualification when you say monitoring.

Chelsea: So, we have two types of monitoring on all of the work. So, we will have cultural monitors which is the Na Aikane group out there identifying anything that might be significant, landscape wise and sense of place wise and they're out there currently right now with the EPA doing the household hazardous material removal and they are flagging and working stuff. They are taking photos and recording that and then that information will be given to Tanya's team for Phase II. Where there is going to be more ground disturbing and intrusive debris removal. For Phase II there will be cultural monitors and archaeological monitors and per archaeological monitors they have to meet the Secretary of the Interior standard for qualifications for archeology, in that you have a master's or better and need a permit and all...

Michele: My concern is you have the archaeological monitors who are very experienced and knowledgeable in things, such as iwi. Whereas the other ones are from Na Aikane were just trained for like a week or whatever it was. So that's where I'm a little bit concerned about. The experience in the field vs. just training for a couple days, weeks or whatever it was.

Chelsea: So, you mean for monitoring?

Michele: Anything, everything

Chelsea: Oh, ok. So, they are culturally observing, and agreement made with SHPD was that we had cultural observers to identify things.

Michele: May I ask, what is the terminology as cultural? What are you speaking about when you say cultural? Because Lāhainā is multicultural. If you have cultural monitors, are they, and I am speaking about not the Na Aikane ones, are they proficient in other people's culture? Not only Hawaiian.

Chelsea: Right, so they are also working with other members of the Japanese, the Chinese, the Filipino and there's another group, but yes, like all of the groups that were associated with churches, I know how great the concern is there. The EPA is also working with permanent members of those affiliations as well.

Vernon: Question. So, Na Aikane is Keeaumoku Kapu's group.

Chelsea: Yes

Vernon: Not a question, Na Aikane is Keeaumoku's group. So that is a red flag for me. Just straight up. That's good he's gonna work with other ethnic groups. That's a kāko'o way to do it. But my concern is that they are not from there. They were not born and raised there. Who they're gonna bring in. They're gonna be selective on who they like to consult with. We get families in this room, they were born and raised there. They not consulted with. So, they gotta chase. They gotta find you. They gotta apply. They gotta go through the process, the NHO. I no need one NHO

for if I like consult, I just reach out to like Tanya's group in the contact and I'll like to call her up and stuff, but

yeah, I mean I'm just burning up. That's just me and one kanaka because that Na Aikane group, if you know the history, we just are not for who you to go, you are going to learn as you go along. I mean they are causing one cultural war. We are not going to get around that. It's just going to grow and it's gonna happen. I hope things change, cause for me personally, culture is cultural to everybody. Especially Lahaina. A lot of the non-Hawaiian families that born raised there, I mean I'm glad to hear that brother is in inviting or connecting with the other Japanese, Chinese. That's a good thing. Maybe he has to. You know because all eyes are on deck. So, I hope, I hope... it needs to be better I mean listen to some of this thing this morning its very promising. The way we are going through, I mean this is a crisis that everybody's trying to figure out. Yeah, my hope is the real families be involved. So, like let's say you get to one property. There's historic whatever or might get burials. Owner is like a 2-3 year owner, not much information. I assume that Na Aikane is going to be the ones that consult in that situation. Is that kinda like what will happen?

Chelsea: Right, it's not just Na Aikane, it's also Tanya Lee-Greig is out there. If she finds human remains, she has to call me and then we have to call in SHPO. There's a process.

Inaudible...

Vernon: Tanya going to do the best she can. That's for sure but we don't know who's who. So now we... I'm just looking how we go beyond who should consult if that helps. I mean it cannot just be and you just explained to me Na Aikane, Tanya gonna be going to fact check all that stuff and other. But man, we gotta get the families back. We gotta get them in the discussion. Because we'll be heading... we can go down a rabbit hole if it's not maintained. Again, I am feeling good with what I hear so far, but when you threw that name out, that's one red flag for me.

Chelsea: Understood

Vernon: I mean that issue no can. That's just my thoughts. Thank you!

Scott: Any other questions? Or Janet had a question.

Janet: I just wanted to answer the question that was being asked about cultural monitors. So, I saw foster's emails and Vernon's questioning of what a cultural monitor is and where is it in 6E and it doesn't exist. It really came into play with the rail. So, we did stuff on the fly and it's not perfect. I don't know how Na Aikane was chosen other than they have contracts of right of way contracts with Kula. We were working with them on Puamana. So, I would like to make sure Vernon, and everyone knows that they can be included at the county. And Tanya of course will do that. Again, it was kind of done on the fly and there wasn't anybody in there and we watched the Foo Dogs get crushed and we said we gotta get somebody. I also want to say (**inaudible 29:48**) is the one that pushed to get the people from churches involved. Stanley said we need not just and then I got pushed back from Na Aikane that said, "oh well many of our monitors are multi-ethnic" That, that's not what we were asking, what we were asking was does this person worship at this Temple? Let's get these families if they can involve. They have specific knowledge of the (inaudible) of the artifacts and these kind of things. So, they are including other ethnic groups. But at first the cultural monitoring training thing that I read was very narrow and was about Native Hawaiian and kanaka and everyone said that is a multi-ethnic community. We are doing our best and I know I am very pleased that Tanya and Aina Archaeology, because like Vernon said, they are going to do the best job possible in a really impossible situation. I just wanted to say, the cultural monitors were something, we just, we didn't know what to do and we had to do it on the fly and sorry if it wasn't a perfect process and if there's people that want to be involved and you feel you are being marginalized. Reach out directly to myself and Aaron Wade because we do not need more division. This is such a traumatic event that happened to all these people, we want to make sure there is not more trauma inflicted if at all possible. Especially if the county has any control. Because again we're the bottom feeders. We got the Feds and then the State and then we

are at the bottom. But I am your link to get your word to Aaron and to others to make sure that people are not being excluded or marginalized in this process. Thank you.

Scott: Thank you Janet. Appreciate it. At this point does anyone... Do any council members have any questions? If not, we will open up for testimony from the public.

9:35 am Public Testimony 0:31:33

Scott: We'll open it up to testimony from the public. If anybody has any questions, thoughts, concerns. Nobody has signed up.

Iris: Scott, do we need a time limit? No need?

Scott: You know what, let's hold off on time limits. I just want to make sure everybody gets to speak. It's the only item on the agenda, so for this meeting and this meeting only, we will suspend that. Unless anybody has any objections to that?

NO OBJECTIONS

Foster Ampong (0:33:09)

Foster: Aloha, Foster Ampong, from Lahaina. I've got several questions that pertain to the Archaeological Treatment Plan, the discussion or consultation. Pretty much the history that Lahaina has. First of all, I'm trying to collect myself and not get too into one holoholo. I'm going to start off with the lineal and cultural descendants. The question that I'm asking the burial council and hopefully maybe we can get some clarification also from FEMA. When the term lineal descendant and cultural descendent is used in the conversations, particularly involving the clean-up process, who exactly are we talking about? And what is the definition of a lineal descendant in the legal context?

Scott: Are you asking us that?

Foster: Yes.

Scott: Yeah, I mean lineal descendant is someone who is recognized as a... Lineal descendant... I think there's two qualifications. One you have to have ancestors who are in that particular ahupua'a and then two then you have to be able draw a direct link to the person in that grave and yourself. That's the lineal descendancy.

Foster: Oh, okay.

Scott: As opposed to cultural descendancy.

Foster: This is partly why I am asking these questions here is because, and I don't mean any disrespect, but your response sort of maybe made it a little bit confusing. As I understand under **13-355 (35:08)** lineal descendant relates to the individual, the iwi kupuna.

Scott: Yeah

Foster: That person

Scott: Yeah

Foster: And that's lineal descendancy. For instance, my great-grandmother, buried in Lahaina. When I registered her burial, I had to identify her by her name. I had to have documentation of my tutu.

Scott: And you had to draw a connection to you.

Foster: Yes. So, a lineal connection, be it straight line or through collateral. In that case it was straight line to my tutu, she's, my great-grandmother. She is buried here, therefore when I apple, when I refer to her as my tutu, that's lineal descendent, that's straight. Correct?

Scott: Yeah

Foster: If we're speaking and using the term lineal descendants in the context, we have been discussing this morning, pertaining to the clean-up to the private properties, to Lahaina, to the properties within the burn zone.

Scott: Uh-huh, right

Foster: We're talking about geography, we're not talking about iwi kupuna, the individual.

Scott: And you're right, in the sense that the ahupua'a doesn't matter as much for lineal because you're actually talking about a specific spot on the land, right?

Foster: Yes. You're speaking of geography then, not by iwi kupuna.

Scott: Well but all burials are going to be in a particular ahupua'a. So basically, you think of it like a particular burial, and you can demonstrate that you know who is buried there and that you have a connection to that burial.

Foster: And the reason why this is such a big issue for me is, and as the burial council here has been through its own experience with the community. You have folks out there who will loosely use the term lineal descendant to come forward and to come into the burial council.

Scott: Yes. Yeah.

Foster: And they try to muscle their way, forgive me for not having a more polite way of putting it, but trying to muscle their way into someone else's kuleana. And quite frankly you know culturally speaking, that is my whole point. You know that is maha oi. Translated, that is a transgression.

Scott: Yeah

Foster: And so, I want our verbiage to be a little bit more precise. If we are going to talk about lineal descendancy, and use the term lineal descendancy, then let's keep it to the way the statute defines it. Which is to the iwi kupuna. Not if we're going to be speaking about the geography of that area.

Scott: Ok, I think that is a little bit irrelevant because all burials, wherever they occur on the land, are in a particular ahupua'a. You are right in the sense that the statute does not specify ahupua'a to the same degree that it does with the cultural descendancy. Because cultural descendancy, you are a cultural descendant of a particular iwi. You don't necessarily know who that individual is, but because your ancestors come from that ahupua'a.

Michele: That's right, but I think it's...

Foster: I don't think it's irrelevant here.

Michele: You're saying though, you're speaking to this specific iwi. [Pointing to pen for reference] This specific iwi. That's it.

Scott: That's true

Michele: And it's not anything else outside of that. This particular iwi and this particular iwi reside in this particular ahupua'a. But the term, everything is guided to this specific iwi.

Scott: Yeah

Michele: And I think that's where the confusion is. It's not the geographical area, per say, it's this person [again pointing to pen for reference] who had resided in this ahupua'a.

Scott: And generally, we need to know who that person is.

Michele: Right

Scott: And so, years ago, 2010 or 2011, we were dealing with an issue in Kahikinui where there was a burial, the person said I know it's my kupuna, but I don't know the name. So, we went back and forth for months trying to figure out whether or not there was enough information there for us to decide whether or not he qualifies as a lineal descendant. It wasn't a marked grave; it was actually in the cave. But there was a family oral history. So, there was some ambiguity. And again, this is our kuleana, we can determine... The burial council has the sole right to determine if someone is a cultural or lineal descendant. And if they apply for lineal descendant, we have to be consistent in saying who is. But you are right, and the only reason I say ahupua'a is because what

happens then is if you can say you are a lineal descendant of a particular person in ahupua'a, then the next time that iwi is found in that ahupua'a, you are almost guaranteed at least cultural descendancy. That's why it is relevant.

Foster: To your point, Chair, and I will use Kahoma as an example. We know the troubles that have taken place in Kahoma.

Scott: Right

Foster: We know the people involved and responsible for that. One of the methods and one of the tactics that they are using is this narrative that they have built off in saying that we're lineal descendants of Kahoma. K. Now, lineal descendants, as I stated, refers specifically to the iwi.

Scott: To the individual, yep.

Foster: So, in Lahaina in Aki, I have family that are buried throughout Lahaina, Honokowai, throughout the whole island. The burial council knows. I can prove it on paper. I don't just blow it out my rear end. So, when, for instance, I find it offensive if someone were to come and say I'm a lineal descendant of Aki Ahupuaa. And they're saying I am a lineal descendant of this ahupua'a. But they are speaking towards my tutu who is buried in Aki specifically. That's what happened in Kahoma. They're saying that they are lineal descendants of Kahoma, yet they have nothing to do with my family burials at all.

Scott: I think that's a misunderstanding that people have. I hear that all the time "I'm a lineal descendant of such and such ahupua'a". But that's not a legal category from SHPD's perspective, right? There is no legal category. There is a legal category of a lineal descendant to iwi or there is a lineal category of being a cultural descendant of an iwi in an ahupua'a. So, your first observation of that's it's a little bit confusing, yeah, I misspoke. I should have said lineal descendant, a particular individual, but it's also true to say particular individual and kind of full stop that's where it ends. It's probably the easiest way to make it understandable. The second is you are a cultural descendant of a particular iwi that's found. Like you are doing an application for the iwi found in Waihee. No one else is a cultural descendant of that particular iwi. Even though they would qualify, they would have to apply. And thank you for... you are the one who actually pointed that out. I had in my mind that if you are a cultural descendant of iwi in Waihee, in Kaupo, you are also a cultural descendant of iwi automatically in Kaupo (inaudible) of other iwi. And that's just not the case. You have to reapply, and you have been very diligent about that and congratulations to you for that. And making us aware. Because it's easy for us to think that is, you are a descendant of an ahupua'a you should always be a descendant to that ahupua'a. You have kind of opened my eyes on that.

Foster: That's why I think it is important, and it may sound like nitpicking.

Scott: No, no, no, that's important.

Foster: But it's really important that we get the narrative right.

Scott: Yes

Foster: There's too much room for hanky panky. Too much room for drama. As recently as the iwi that was exposed at the ocean, the Marriott Ocean place. Which, by the way, we did the (inaudible 0:44:05), we did that. I understand the amount of work that SHPD has to do. And they have just only one or two people doing it. Like the Waihee tutu that was just discovered. When the notification went out, I went down to Round Table to look and it's there. Keahi didn't back those, but that's ok, it started the process. Because we're leading with the other tutu in that close vicinity, we're doing it. But I really want to emphasize island express how important it is that even though we may not be... it's not an intentional thing to misspeak. I would... when we're speaking about lineal descendants and cultural descendants we have to do better. And in this case, in Lahaina, especially with the emotions running really high. People are really sensitive. We lost a lot. My family lost a lot. And we have come together and we're trying to help each other out.

(0:45:21) Let me go into the other question that I have. Cultural monitor, cultural observers. One of the things, the question that I have is the cultural observers, which I understand is coming out of Na Aikane, like Vernon indicated. What training... Are they being vetted, first of all. These cultural observers and monitors. Secondly, are they being trained and who is training them? Because I find it very offensive for anybody from Na Aikane to come into my family kuleana and tell me what's Hawaiian, what's not Hawaiian. I'm talking about family boundaries here. We all come from different schools, different families so we all have different training, for lack of a better word, or different experiences. For me 90% of what I share, you know about my family, about the history, of you know being Hawaiian, and like I have said on many occasions, I'm not just Hawaiian. I'm Filipino and I'm Puerto Rican. I know my genealogy on all three. I know where my tutu's come from, the province and the islands that they come from, and as far back, you know, at the time of Magellan. So, when I hear cultural observers, or I hear cultural monitors pertaining to the lands in Lahaina. The impact area. I want to know what credentials these people have.

Scott: That's a good question

Foster: I don't mean any disrespect to any academic or kumu hula, but who teaches them? Quite frankly, quite a few people in that Na Aikane group, kapulu, hewa.

Scott: Yeah, well, my understanding is that cultural monitor and cultural observer is an informal category. That there's no legal status. You don't have to... And to be honest with you, I don't know how they're vetted. I don't know. I don't know what tradition school they come out of that gives them that authority. It's not my place to question that because that's not my kuleana. I think if you want to say an archaeologist, they have a master's degree in Archaeology and as Chelsea pointed out, that's the federal standard. I think the state standard differs a little bit that there can be a... Well no. Maybe not, maybe not. You have to have a master's degree in order to have an archaeological firm, but that you can work under someone else's license, and I think that's the (inaudible 0:48:04) But to get back to your point, cultural observer, cultural monitor, not all knowledge is found in one school. There are different ways of approaching the issue and I think that's why it's absolutely critical that people step forward and say this is how we.... In this ahupua'a or iwi or whatever, this is how we... I think as cultural monitors and cultural observers, they ought to be sensitive enough to understand. I mean, anybody can understand that there's different ways of doing things. Any other thoughts or comments on that issue? Or perhaps other members of the council know better?

Michele: For me it's just a matter of when you say cultural. What culture are you speaking about? And is that culture... is that monitor culturally attuned to other cultures? Not just one specific culture. So, what may be offensive to one culture may not be offensive to another. But whoever is observing, what culture are they viewing it from? Right?

Scott: You know Hawaiian culture is not monolithic. I mean they think differently on Niihau that they do on Hawaii Island.

Michele: Exactly.

Scott: Thank you, good point. Any other thoughts, questions, concerns? And again, I just commend you and thank you Foster. It's good. We need someone like you to keep us... You really brought to my attention in the fact that you have to have cultural descendants, cultural descendants have to apply for every iwi. And that's really important.

Foster: The credit really goes to the burial council and 2018. I remember a discussion and I know you were part of that discussion, and a question did come up. There was a recognized cultural descendant, and the question was because since they are previously recognized in this one ahupua'a, would that then mean that they would automatically be recognized as cultural descendants for all subsequent inadvertent discoveries. I think it was Kahele?

Scott: Yep

Foster: You guys talked about it, and it came out that each inadvertent discovery has to have descendancy application.

Scott: Yeah, that's how it has to be... how the law is written. Absolutely. SO, taking off my burial council hat and putting on my landowner hat, that does put landowners in a very tricky position. As you can imagine. Because, as sometimes these conflicts arise, we are required to consult with... you know to do a broad consultation to make sure that everybody that has a claim to that ahupua'a, who has ancestry there, who has moku (inaudible) there, has the opportunity to weigh in. So, it's something that I talked to the DLNR vice chair, Laura Ka'akua, because I happened to have her ear because she is my former boss and she's great. So, I had mentioned this to her about that issue and she understood. I don't know if anything is going to happen because these things move glacially. But there needs to be some kind of way to think that through and that's gotta be one the issues I think **(inaudible 0:51:40)**

Foster: And when that discussion does come up, I hope, I hope you, Scott, as a landowner and as a chair for the burial council. I would hope that I be included in that discussion. Simply because what you are bringing up is really important. Because this happened at Waiko. At the light industrial project.

Scott: Yeah

Foster: And because there were recognized descendants to an iwi kupuna that was being discovered there. And there were other people in the community who wanted to have their say in that matter. And you guys know the history, we butt head, we disagree about stuff, and it gets really nasty. It got nasty here in the burial council several times.

Scott: Yep

Foster: So, in the course of me looking at the situation and through the lens of problem solving, I initiated with the landowners that I didn't want anybody that was not a recognized descendant to be involved with my consultation process with the landowner. I understand the landowner can talk to whoever they like, nobody can tell who to talk to, who not to talk to.

Scott: Yeah

Foster: Yet when it comes to my consultation process, as a recognized lineal, cultural descendent, I didn't want nobody that wasn't recognized. So, I asked that my consultation process be only kept with recognized descendants. And if there's a thinking or you know an initiative towards trying to do away with that protection, that burial, I'm wholly in favor with that. Simply because it again, it comes down to boundaries.

Scott: Yeah

Foster: And in Lahaina we're talking about family boundaries. And all these private properties and land owned by private landowners, and I do not want to maha oi their rights. Because you know I might have a different religion or different belief or culture. To me it's the landowner. Now, I'm sorry, I gotta go into this one from there. So. The one particular burial that I am referring to in the Aki Ahupuaa, that's the one I'm talking about, the two properties where there's these burials that have already be registered with SHPD and notified. My family lost those lands in a quiet title case, the lands were auctioned off and so, this was in 2013.

Scott: Oh

Foster: And so, the burial is, and the land the burials are on, are currently owned by someone that is not part of my family. But the burial is there.

Scott: Yeah

Foster: And so, I get it, the part where there's, yah know, it's a previously recognized, identified burial.

Scott: Right

Foster: So, you know, I would think the burial counsel gets some jurisdiction in that matter. That circumstance where now you have you have burials, but the land is owned by somebody else.

Scott: Ahh... Yeah, I think so.

Foster: Yeah, so you know my family is facing that. In fact, my cousin my, my cousin Brenda, her in fact and her siblings, my cousins we all come from the same genealogy, and they've been on that land, that was awarded to my tutus back in the (inaudible) and they're still there. They never left.

Scott: All right yes, Hinano

Vernon: To circle back on the January 11 (inaudible). With respect to what is lineal and what is cultural. What I would say is that we use complete sentences.

Scott: Yes

Hinano: And part of that using complete sentences is to add in an adjective and add in a preposition so when we talk about lineal and cultural descendancy we should say: MLIBC RECOGNIZES such lineal or cultural descendent. And then we want to add a preposition to that sentence and that is: MLIBC RECOGNIZED lineal and cultural descendancy to HUMAN REMAINS. That way it preempts an opportunity to talk about linear descendancy to a place because under the burial laws, that does not exist. So, it's always linear or cultural descendancy to HUMAN SKELETAL REMAINS and not to a place. So maybe from now on we use complete sentences.

Scott: Yeah, but cultural descendancy then is an individual who we don't know who they are but they reside or were presumed to reside in that ahupua'a during their lifetime and the applicant can show anything on the, and this gets confusing, but the applicant can show that they have...

Hinano: Okay that's a... you just asked a pregnant question.

Scott: Yeah:

Hinano: Because the question is really two separate issues. It doesn't matter whether it's cultural or lineal, the sentence remains the same: cultural descendancy.

Michele: To iwi

Hinano: to HUMAN SKELETAL REMAINS. The question is pregnant because it goes to a separate question as to what now qualifies a cultural descendent.

Scott: Yes

Hinano: vs. what is defined as a cultural.

Scott: Yeah OK

Hinano: So, they're totally relevant, totally related but they answer two separate questions.

Scott: Yeah, that's fine. You've given us some.

Hinano: Unless now I know it sounds like a weird example, but unless you are conceived on that land and unless the gestation occurred within that land, you are not a lineal descendent to that land. You are a lineal descendent to a

Michele: A person

Hinano: HUMAN SKELETAL REMAINS

Scott: That's a good point. Because you are really talking about an individual, but the cultural gets confusing if you're also talking about an individual but what gives you validation for being able to apply is your ancestry in the ahupua'a?

Hinano: No, your ancestry to someone of that ahupua'a.

Foster: OK so I've been debating in my head for the last five minutes whether to ask this question.

Scott: OK

Foster: I'll keep it short, because you guys know me and can't go home without doing my due diligence.

Vernon: Yeah, we trying to go home early today... nah.

Foster: OK so cultural descendent does that pertain to only Native Hawaiian iwi kupuna? Or is that to all iwi kupuna that is found in the ahupua'a?

Scott: OK, we as the burial council only have say over kanaka maoli. We don't have any jurisdiction over - from my understanding - you know Filipino, Marshallese, whatever any other ethnicity, we only have kuleana with kanaka maoli.

Foster: The reason is why I am seeking clarification on this issue is Vernon and I had worked on a few reinternments and one of the concerns I've always had is whenever there are just little pieces found, little remnants, we don't know if it's kanaka maoli or pake or (inaudible) if some of it is missing. And so, for Vernon, he was tasked with reinterning iwi kupuna that was years ago determined to be Chinese, pake. And so, for me, I'm very cognitive and respectful of that. Even though I'm Native Hawaiian and grew up kanaka and all that, when it comes to iwi kupuna and it comes to the family, I'm not gonna impose my beliefs or my wants and desires on anybody.

Scott: And that's obviously a consistent concern that we had at Waihee because as you know on the dunes there were burials of different ethnic groups. There's Chinese and there's a Japanese cemetery and because on the dunes sometimes those things collapse and at one point, we found a po 'o iwi and it was what they call "grass isle" by archaeologists and ethnologists. But it had you know a different shape; it had liked an Asian shape and we didn't know what to do so.

Foster: and then we're not going to do any sort of invasive analogy to determine.

Scott: Yeah

Foster: So my point is, is that when it comes to those sorts of situations and Vernon and Michele can attest to this because we've done this you know at Maui Lani reinternments

Scott: Yeah

Foster: and as (inaudible) as Maui Waena a week ago

Scott: yeah

Foster: When we reintern, the process is very simple

Scott: um hmm.

Foster: Unless I am absolutely sure that this is kanaka, yeah? I'm not going to impose any of my beliefs or rituals on that process. My thing is just to prep (inaudible...) and so with the cultural and getting back to what Hinano was saying was and I was questioning because then there is no confusion, now that it is really crystal clear, but the question I have and what's concerning me is that does that mean anyone from that ahupua'a today can come in and submit a cultural descendancy application to iwi kupuna that's found? You cannot identify that it's kanaka over there.

Scott: Yeah, this is why it's so important to have the archaeologist. We need to get back onto the Lahaina issues here because we've kinda (inaudible...) My understanding is that's where the archaeologist comes in and needs to be the one to determine. Well A. that it, yeah, by some context that it is kanaka maoli and sometimes it's impossible and then this becomes the issue of the SHPD and its and know issue of the burial council, so we, for us the assumption is (inaudible) kanaka maoli. By the time it comes into our threshold, not implying all are. When it's presented in front of us, it is assumed that it has been determined to be native Hawaiian.

Hinano: K, if I can add, there is a provision within the rules which relates back to cultural descendancy for non-Hawaiians. And I think the language that is in the rules might be ethnic affiliation. SO, there is, but it would not come before the burial council, that application would come straight to SHPD.

Scott: Yeah

Hinano: And we would process it. Examples would be Hongwanji and places like that. It exists.

Scott: Yeah, there's a lot of places like that. I'm getting side eyes over here, we're so far afield. I want to make sure others have a

Vernon: Yeah, ok moving forward so um before we get away from what Hinano is sharing, you know Everett and I might want to add something to that before we get sidetracked. It's a good topic, which I probably gonna include myself in this one.

Everett: So, to clarify what I think I'm hearing, lineal descendancy needs to be tied to a direct line to an individual. Is there anything in the law that lineal descendancy can be tied to a parcel, not an individual?

Hinano: Thank you for the way you said that I'm going to oversimplify by saying you must be able to connect the dots and the first dot is that person in the ground and the second dot is you and connect the dot.

Everett: So, you cannot, it's impossible to connect, which I'm just using as an example, my family lived on such property, and there's no iwi, let's just say there is no discovered iwi, no individual, can you claim lineal descendancy to a parcel?

Hinano: Unless you're conceived in that parcel and you had your nine month gestation in that parcel, you are not at all related to that parcel.

Everett: So, you can't claim that it's then appropriate to claim (inaudible) that it's conceived of that property?

Hinano: No, the person who attempts to do that really means to say I am a lineal descendent of an ancestor who once lived on that parcel. Then that statement would be more accurate. Yeah, so they are a lineal descendent to someone who once lived on that parcel.

Everett: And if that were brought to the burial council, we would, they would have had to tie it to an individual on that property.

Hinano: Yes

Scott: I'm gonna turn it over to Janet Six, she has a question.

Janet: Hinano, my question is, thinking about what Hinano is saying and thinking how much the TMK's change, right, so we just did a consultation for the Halau Iwi Arts, so we have a larger land commission awards that have (inaudible) and we did encounter five inadvertently while building the parcels (inaudible) so clearly there were family plots on there. But now we have more modern TMK's so you know, I'm just wondering when you look at a parcel, those parcel numbers can change, they can be subdivided, so if originally your land commission award was quite large and you now have a family plot there and you have lineal descendancy and then subsequently someone subdivides, this is where I'm just trying to problematize it, is it just related to that TMK where the burial is or do you see it as a claim? I think that was maybe what Everette was trying to get at? I don't know. Because things change so much. That's what I'm thinking that over time the TMK and you may have been lineal descendants to a larger parcel that is now subdivided into 300 home lots.

Everett: And I was referring to what I believe is more of an abuse of the term, where people who are really cultural descendants to an area, a geographical area, aimed to be lineal descendants of a piece of property. Property that was either subdivided or consolidated. I think it's just an abuse of lineal descendancy.

Foster: And to Mr. Everett's points, that's one of my concerns with Lahaina. That the abuse of that term is gonna be used - it has been used on many occasions.

Scott: Yeah

Michele: I also think that lineal and cultural, more specifically lineal is used in substitution of conveyance. Now if you are talking about conveyance, that is totally something different, but

Scott: right

Michele: They are substituting and using lineal as conveyance.

Scott: Really and that's it's difficult for us when we hear people talking about descendants and we can say oh no, you're not talking about a lineal descendancy to land but a lineal descendancy to people. But it's very difficult to (inaudible) put into practice. At the very least, the cultural monitors and the cultural observers, they are being trained and ought to be aware of this and so that.

Foster: And that brings me to the point, and then I'll stop, is that these cultural monitors or observers out of Na Aikane have abused this term in the past. K I gonna stop

Scott: Ok yep, thank you.

Vernon: So, some of you guys that was there at burial council in the past and the SHPD guys, and you guys can help me if you want to. There was one applicant a couple years ago that was recognized, and I think she was recognized as a cultural descendent in Honua'ula. She was not recognized as a cultural descendent by SHPD, but she was recognized by the burial council. So, this individual is, course I don't know, but she is saying that she is recognized as a cultural descendent to the entire ahupua'a of Honua'ula, which is not the right way to title that, but that's a good example in you know, was she recognized as a cultural descendent to the iwi? If so, then that's just that iwi, but I'm gonna follow up later, cause I like to know if she is a recognized descendant to the entire moku of Honua'ula and how that works. If you remember.

Scott: Yeah, that's. Yeah, Thank you. I would just wanna point out that when we talk about past rights, and this is pointed out by Ikaika, that Native Hawaiian cultural and customary rights do include lineal descendancy to land. It could be, I guess maybe it raises the possibility that they are using it in that context.

Foster: That's what I want us to be really clear on. Not only here in the burial council, but with Lahaina and the cleanup is that whenever somebody uses that term, especially the archaeologist, especially the cultural observers, everybody's been using the term in relation to the Lahaina clean up and the private properties and the families (**inaudible 1:11:38**) we know exactly what they mean by lineal descendent.

Michele: I can also too, there is a different process too, yeah?

Scott: Oh yeah, totally

Michele: So, there's different processes that come into play, when something happens.

Scott: You're absolutely right. If a reference comes up to iwi kupuna and they are using those terms loosely, then that falls on the archaeologist or anybody within earshot to say "no, no, no, we're talking about..." yeah. It does get confusing, of course, when you talk about traditional and customary, right.

Vernon: So, the other version, the short version, you no can make the connection, you gonna use conveyance, you gonna use TMK's, you gonna use (**inaudible 1:12:20**), you gonna use proxy, and whatever you gotta do to be included. That's how, I think, that generation operates now. You know, Hawaiians or kanaka, so what Everette was sharing and how Janet reflected is totally different, two things. Though we understood where you were coming from. We don't need the TMK, we don't need the conveyances, stuff like that. But others gonna need that for place themselves in the discussion of the consultation. Because they lack connectivity. SO now we gotta move on.

Scott: Yeah, I want to make sure everyone has an opportunity to speak.

Forster: Yeah, one last, one of the most important things. I did reach out to Miss Klein, and I created an overlay map of the lands that my ancestors were awarded in the Mahele. There was a significant amount of land within the burn zone. And so, as most of you in the burial council know, that my mother's parent's sisters and relatives were dug up from their graves at Sheraton Maui at Keaka. (**Inaudible 1:13:40**) to build the Sheraton Maui hotel. So, my family has experienced desecration in its legal term. And so, this is why burials are important to me. And when it comes to Lahaina and what has taken place in the cleanup if there's any iwi that's discovered on any of these properties that were awarded to any of my family, which means that my family lived there, like many generations of my family lived there or were born there or died there. And so, if there's any inadvertent discovery on these properties that I flagged I'm gonna step in, my family is gonna step in because that is our burial ground.

Scott: I think that's a really good point and I think that needs to be brought up to the archaeologists that will be doing the monitoring. Because if they're aware that they were working on former...

Foster: The EPA reached out to me. I've been working with them. I've expressed to them that I represent my family. Some of them are here and they want to be recognized on their own. But we want to work with the agencies, with the government in the cleanup. But we want to do it in the right way. Without any of the drama. That's why I'm very picky about the verbiage.

Scott: And then another thing you might want to consider if you want to be a cultural monitor, or someone wants to be a cultural monitor or cultural observer.

Foster: Well, I have taken the OSHA and the HazMat class.

Scott: Oh awesome

Foster: And that is so I can qualify to go in.

Scott: Yeah

Forster: Ok but I'm not looking for a job. I just want to monitor for my family kuleana.

Scott: Understandable

Foster: And I'm also concerned about the lands that my family has lived on. For hundreds of years, literally.

Scott: Presumably would you want to be a cultural monitor and cultural observer just on those lands, lands that were awarded to your ohana?

Foster: You know I'm open to being a cultural resource person. I have a lot of experience, history, genealogy. I'm the guy that everybody in the family comes to for information. You guys know I do my own practice. So, I would be (inaudible 1:15:52) not just with Hawaiians but the other ethnicities because my dad is Filipino and Puerto Rican. I'm a Hawaiian. You know I grew up in the plantation era, so Lahaina is my home.

Scott: Ok we're gonna make sure everybody else gets an opportunity. Thank you Foster....

Iris: There is some questions about Na Aikane. So, we've seen it in burial council where those people come in and discredit the culture to say "wait he not one" so what if their working on that property that belongs to the cultural descendants and it's brought to their attention but those cultural groups say "Nah, they not" so who's gonna... then it becomes like a... do you understand what I'm saying?

Scott: That's where official recognition comes in by the burial council, because if they're not... we're kind of the arbiter in that.

Iris: Ok so what I'm saying is, one example is Foster. He's recognized. And they're gonna say, and it was said here in burial council, that he is not.

Michele: I know and to add to that if a Hawaiian cultural observer or monitor can say that to another Hawaiian, what's to say that they aren't gonna say that to another ethnicity who owned property.

Iris: Ok yeah, that's what I was to get to

Michele: Because that is a valid concern.

Scott: Yeah absolutely

Michele: So, it just doesn't pertain to who is sitting here, to who is Hawaiian. That's why I keep saying it over. There are other ethnicities in Lahaina that need to be addressed. That need to have their voices heard and consulted with.

Scott: Yeah

Vernon: So, we had one crisis before the crisis, you know what I mean?

Michele: Right, yeah

Vernon: So, we want (inaudible 1:18:00) there was crisis before and that's the concern.

Foster: I think what Iris is saying...

Michele: I was just using that as an example because...

Foster: No, but that's a good example because it happened right here at the burial council and there's documentation where members of Na Aikane came out and committed slander and libel against me that I work for West Maui Land Company, and they did that to stop my application

process. So, what you are pointing out and what everybody else is pointing out is not just ill feelings or hypothetical, it actually happened here.

Iris: And I guess to add to what Michele is saying to the other ethnicities...

Scott: Yeah, and thank you Foster, as always appreciate your persistence and diligence.

Hinano: Before we invite the next person up, I have a couple comments and we can discuss this in the future because it's not a subject matter of today's or an item on the agenda. With respect to PASH The keyword might be tenants. Number one. And then with respect to LCA's, this is what I have seen so far with respect to LCA's. We should not assume that the iwi found on an LCA is related to the recipient of that LCA. The reason why I say that is if you're go into the testimony when they are in the process of receiving and LCA they will testify as to when they got that land and go something like "at the time when (inaudible) was governor" so the family's relationship to that land is rather limited for the prior 20 years before 1852. So, the iwi that we find can long precede 1842 or 1832. So, the iwi might be 200-250 years old, totally unrelated to that LCA. So, I think it's a bad assumption for us to make. It might be the best assumption we can make at this time...

Scott: Yeah, at this point, yep

Hinano: But we gotta be careful because the iwi is way older than the family's tenure on that...

Scott: Especially in the 19th century.

Vernon: Yeah, that's the play. That is how things are being played today.

Foster: Yeah, that's gaslighting.

Vernon: So, I got one good example, my family born, raised, buried in Kalepolepo, but then you get 5,000 acres from bottom of Kalepolepo up the mountain and then you have one huge piece get LCA. This happens now that none of them live there. It was given to them, but none of them live there. So that's gonna be our [my] family. Born, raised, buried. But because the name stays on top of that LCA you never, there might be nothing of them in that area. It happens all over the place. That kinda stuff pau. We (inaudible 1:21:26) today.

Chelsea Klein: Can I clarify something?

Vernon: Yeah

Chelsea Klein: The cultural monitors or the cultural observers, they're not decision makers - at all. They are just identifying items, in this case, that are significant culturally and that is it. And they just say, "Hey there is something there". That is the extent of what they are doing. If there are human remains found, and like I said (audible 1:21:50) like myself (inaudible) will follow that process. The cultural observers and cultural monitors have no role in that at all. Does that help answer some of those questions?

Scott: Yeah, thank you for that clarification. They are simply observers.

Chelsea Klein: Yes, they are simply observers.

Scott: All right, thank you. I want to make sure - I think I've said this before - but there are other people who might want to testify and need to have the opportunity. SO, any other? Yeah, thank you and if you don't mind signing up so we have a record of who. And anybody else who might want to testify if you wanna come up or you can sign up as well when pau. You can slide over.

1:22:50

Brenda: Good morning, my name is Brenda Arcangel and there are just two things my concern is. The Native Hawaiian consultation, I want to be a part of that process, along with my cousin, Foster, but that would be under the (inaudible name 1:23:14 Argento-Kimokeo) ohana.

Scott: OK

Brenda: As far as my concern is people... I think by now you probably have heard my son mention our land we call grandma's house. (Inaudible)... several years. Foster just calls me, I'm the jedi and yes, some of my siblings because we are the last along with our children and grandchildren.

My concern is I know where our boundaries are. I know where our iwis are. I don't want anybody touching them unless I am there. I want to be part of it 100%, and that's my concern. We're gonna rebuild my mom's house, my grandma's house. My dad is Filipino. My grandma, after her uncle who was his youngest son to take over. And he didn't want it. My dad is a Filipino, a migrant from the Philippines, came here in 1931. He built Lahaina. Like everybody else, Filipino, Japanese, Chinese. I'm Hawaiian and to tell you the truth, we are a minority over there. The other nationalities are bigger than we are, but they are not included and that's the sad part. They say we are a community, but we are not. As far as our so called community leaders and cultural monitors - who chose them? I didn't. I am part of that community, and I wasn't approached. I wasn't asked if they could represent me. Because you know what I have a voice. All I'm saying is we all want Lahaina to come back, but we want to be a part of it. And part of me is being part of this [referring to burial council testimony], and I want to know what is going on. I don't want just anybody, I could say names, but I'm sure you don't want to get into that. And that's on a personal basis. So, that finishes what I wanted to say.

Scott: Thank you.

Vernon: I have a question.

Scott: Oh, ok yeah

Vernon: So, you gonna help her, yeah? You know be included? [Speaking to Foster]

Foster: Oh yes

Brenda: Always included, yep.

Scott: Awesome, thank you. K others who might want to testify. If you wanna testify, just to expedite things, if you wanna come and sign up before and then will get you on after.

1:26:50

Aimoku Chee: Hi my name is Aimoku Chee. So, I came on behalf of Foster Ampong and also my cousin. I a representative of (inaudible) in Kahoma and I just kinda was wondering what was going on here and listening in terms (**inaudible 1:27:06**) It's kinda disturbing to me to hear that at least 3 members of your board have questions in regard to Na Aikane and yet there still, they have been vetted to be cultural observers. I'm not sure what was the process of that, FEMA had made that choice or if that was a part of your folks' decision? That was not discussed here, how that process was appointed.

Scott: No

Aimoku: But I don't think that it is appropriate that FEMA has come in and chosen a specific group without also the burial council vetting this. It also sounds like the burial council themselves are not sure how the cultural assessors should be vetted according to the chair's position.

Scott: Like I say, it's informal. Archaeologists....

Aimoku: I understand. But there should be some kind of vetting process. Even if you're coming in; and I've heard through the coconut wireless, that kupuna were protesting this. That some of them were very young that didn't know anything about the culture and that they didn't know anything about culture, and they were still appointed and that there was nepotism involved. That was all through the grapevine. I'm not sure if that's true or not but I kinda wanted to get it in front of the council.

Chelsea Klein: I just wanted to say that we are not directly coordinating that, so the EPA has the direct contracts, and the Corp of Engineers have the direct contracts. Like I've said, the list of cultural observers that we reviewed were from the SHPO office. That is where we got those names.

Aimoku: Ok so it sounds like the EPA and also the Corp of Engineering made that decision.

Chelsea: Well, they make a request for proposal, and they ask for cultural observers and these are the people whose bids were taken based and the submitted proposals and the contracts to do the work.

Scott: Yeah

Chelsea: And we're limited to the people who propose or make the request in reference to the contracts to the work.

Scott: So, the State Historic Preservation is the ones who advanced those names?

Aimoku: So, the people know? Because it sounds like the people in the community did not know this bidding was placed out to the open community and normally that's an open bid, right?

Chelsea: Again, it's probably on our federal website so it's probably a little bit different than the way the community would normally be notified for information. But that's the process, so...

Chelsea and Aimoku - Inaudible

Aimoku: Right, I'm just saying - proper notice was given to the community - based on what you are saying?

Chelsea: You'd have to define proper notice in the case of the exigent circumstance with health wise and safety. You know there was, they were, they are moving expeditiously. There were these contracts, and they were existing on these websites but all of the time.

Aimoku: OK thanks, I'm not sure of the process, I am just wondering if there was a notice that goes out and if it is done in that specific way. That was one of my questions.

Chelsea: We wouldn't normally send that out. That is not normally (inaudible) not part of the federal process.

Hinano: I think I might be able to help.

Chelsea: OK

Hinano: So, I don't think it was SHPO's list, I believe it was OHA's list. Didn't those names actually come from OHA? They didn't come from SHPO. Because SHPO does not recognize cultural monitoring. We do not.

Scott: Ah, ok. OHA does.

Chelsea: Correct, sorry, yes, the list did come from OHA, not this [SHPO] office. OHA maintains the list of Native Hawaiian organizations.

Aimoku: Thank you, I'm just trying to figure out the process in this.

Chelsea: Inaudible

Aimoku: Like I said it's disturbing to me that Na Aikane, that there's several people here that agree, I personally am not in agreement because of the conflicts that have taken place, the cultural conflicts that take place in Lahaina where this is the issue, and I don't think it's proper that people were (voted in from that organization. But

Scott: Yeah, and again, that's not SHPD or with the burial council. That is with the Office of Hawaiian Affairs.

Aimoku: I am concerned that there is going to be a cultural war as was referenced to and as was stated here on the record earlier. Because, because of certain people having... I just wanted to air that; I don't want to take any more time.

Scott: Thank you so much, we really appreciate it.

Everett: Have you ever applied to be on the burial council?

Aimoku: No i have not

Everette: There's a vacancy in Lāhainā.

Scott: That's exactly what I was going to point out is that one of the things that is challenging for us, a little bit of a hamstring, is that we don't have a Lahaina representative and I've heard people are applying, but that's just. Anybody can apply. We don't have any say whatsoever as to who sits on the burial council. That's governor appointed. But yeah, there is an opening as Everette pointed out.

Everett: Another reason, given what has transpired, it would be nice to have that filled.

Scott: Yes. At this point it is a gaping hole that needs (inaudible)

Vernon: So, this is what I think happened. Crisis happened. People go sell themselves. Knock on the door (inaudible) whatever, gaslight whatever and that's probably how that started. They wanna be in the forefront with contracts and be "We da guys". That's, you know it all happened. It is what it is. You gotta kinda keep up with the times, I guess. That's what happens, crisis happens and whoever wanted to be in the know and "we da guys" and the contracts that's the way it starts.

Aimoku: I understand.

Vernon: Everybody else gonna come later. Like they're gonna learn and just like us having this discussion, we trying to find out too. The discussion today is better than the 3 minute kinda discussions. Where we all can be in.

Aimoku: I appreciate it.

Scott: Thank you. I appreciate you. Ok others who might want to testify?

1:33:23

Scott: Any other testifiers? Ok. Any other questions on the part of the burial council members or Diane, any questions?

Diane: No. I couldn't, I couldn't remove from it but I just want to add to all the concerns going on and what Vernon was saying, you know I really don't. I learned a lot this morning, but it seems like there is so much hurt in Lahaina with what's happening and for something like this to happen with things moving along so quickly it's very unfortunate I think and you know if you try to resolve it, try to make it clean and so we all feel good moving forward. People shouldn't have to feel sad. I mean they so sad already. They shouldn't have to feel when moving forward that something is not right. And to me, I don't know, that's not ok. But I'm not sure what the recourse is or if there is any recourse. Maybe it's already decided. Personally, I just feel like better to move along where everybody feels or there can be compromise or something so everybody feels that the right thing is being done in Lahaina. That's just all I have to say. I'm so sorry, you know.

Scott: Yeah, thank you, yeah appreciate that. Any other? Yeah Foster, come on up.

1:35:04

Foster: In the (inaudible) where you have the list about the consultation, you have Na Aikane, but there is no representative name. So, who from Na Aikane is?

Chelsea: Um **(inaudible 1:35:28)** dealing with Faith.

Foster: And is she an officer with them?

Chelsea: That I'd have to look up.

Foster: OK. Faith who?

Hinano: I'm looking for you, probably McFarland.

Chelsea: Thank you Hinano.

Scott: I just wanna say that there are members from Na Aikane who are recognized as cultural descendants of certain ahupua'a. Keeaumoku Kapu has been recognized in a number of. Your misgivings aside, there is some, they have some legitimate...

Foster: Well, my concern in that list is that there is a person and the organization they represent.

Scott: Yes

Foster: So, I see Keeaumoku Kapu for the Maui County Cultural Resource Commission.

Scott: Yep

Foster: And then I see into the last line Na Aikane O Maui, but there is nobody listed there. But in other words, I'm not reading into acronyms I'm struggling to identify. I want to know who the human is.

Chelsea: Yes, it is Faith McFarland. She doesn't have a title (inaudible)

Foster: Is there a reason why she wasn't listed?

Chelsea: Inaudible

Foster: Ok Thank you

Scott: Thank you. K. What's that? Yeah, we can take a recess.

1:37:30

Break

Call to Order 10:58 am (1:41:30)

Scott: I just wanna do kind of a final kahea for anybody that might want to talk or present on Lahaina fire update. Any issue specific to Lahaina who might want to testify or has questions wants to make observations, please do so. Anybody wanting to go? Or are there any outstanding questions for the burial council members? Yes, Chelsea

Chelsea: Can I just, I just wanted to bring one more thing also before we go. Um.

Scott: Can you come up to the front? Yeah, it picks up better.

Chelsea: So again, I just wanted to let everybody know that as far as the cultural observers go that is truly what they are doing. Just observing and identifying items of cultural significance there. That being said, for Phase I, what the EPA is doing for the household hazardous material removal, there is no ground disturbing activities with that. So, the EPA is going out there and is going like” Oh there’s a paint can, oh there’s a propane tank or fire extinguishers” and they are physically picking that up and placing the item curbside to be hauled away. So, there’s no archaeology associated with that Phase I. For Phase II that is going to begin starting upcountry there is more consistent ground disturbing activities with that. Right, so we are removing soil 3-6 inches up to a foot. I don’t know if you guys have seen the soil test results, but there are high levels of lead and arsenic, cobalt and other heavy metals and materials in that soil. This is a health, life and safety risk and we have to get that out of there and we have to have a very quick turnaround on this process because the rebuilding cannot occur until the debris removal is complete. That being said, in the event that there are human remains discovered we have to have a 24 hour turnaround period on this because the work cannot stop. So, I just want to make sure everybody is aware and understands that process and how this is working.

Scott: And that’s the soil horizon down to 3 inches you said?

Chelsea: Right, so they will scrape to 3 and they will test. If it comes back negative, done. If it comes back positive, they will scrape again. They will scrape up to 12 inches until it comes back clean. We don’t know how much these chemicals leached into the soil. We don’t want this to turn into a super (**inaudible 1:43:57**) site. So, we have to remove it so that rebuilding can occur.

Everett: Is that 12 inches - are you taking slabs out?

Chelsea: Slabs are coming out.

Everett: So, it’s up to 12 inches below the slab?

Chelsea: Yes.

Everett: How about driveways? Do driveways come out or?

Chelsea: Yes.

Scott: Really? Oh wow.

Everett: Good.

Chelsea: Sidewalks will be staying in place, but the driveways and the slabs come out.

Everett: We’ve got two that we are really anxious for you to clean up so we can rebuild.

Scott: So, 3 inches fairly unlikely to hit iwi kupuna, you get down to 12 inches that.

Chelsea: Yes, Alan Downer already prepared me for all of the challenges. That’s why the archaeological treatment plan. We knew coming into this that the significance of the area we were coming into, the significance of the cultural concerns here. Typically, we do not go this deep. On the continent it only goes to 6 inches. So, when I saw that they approved to go to 12 inches, I fell out of my chair. That’s a lot. So, if we were in California or Oregon or New Mexico it only says 6 inches.

Everett: Are you based on the west coast?

Chelsea: Yes sir.

Everett: Thanks for being here.

Scott: Yes, thank you.

Vernon: I have a question, Chelsea. For Kula, side because I live below in South Maui. What is, I just trying to picture the scope of impact, the level, or some kind number of concern during cleanup, after cleanup and even today. Only because that's where we get our water from, from the aquifers below, so it ends up in our wetlands and our shorelines below and it doesn't have to rain in South Maui, it will rain up there, So I just trying to get a picture of the scope of concern on 1-10 because it has come up in some of our community meetings that I participate. Not our (inaudible) meeting, but other meetings that I participate in, there's concern that some of that chemicals are going to end up down in our aquifers, downside.

Chelsea: So, there are B&Ps deployed in front of all the wells and storm drains and the runoff to help collect that soil and sediment and ash to keep all that out of the system. The US Forest Service did what they call a BAER report, which is a Burned Area Emergency Response report, and they told us what the soil severity was and how that water moving through those watersheds was going to impact the water flow all the way through the system. So we have a separate watershed task force on that in which we are looking at how we leverage all of the Federal family from the Corp. of Engineers to the EPA to NRCS to like 15 other agencies that were on the all yesterday afternoon on how we're going to prevent all that soil and sediment and how that's going to affect the water quality of the aquifers and at the wells and how we stop those soil and sediments from getting into the ocean as well. So that's something that we are also tracking.

Scott: Great

Vernon: Thank you.

IV. INADVERTENT DISCOVERY OF HUMAN SKELETAL REMAINS

A. Inadvertent Discovery of Human Skeletal Remains at Waihe'e Beach Park, Reported to the Maui Office of the Historic Preservation Division on October 3, 2023, Ahupua'a of Waiehu, District of Wailuku, Island of Maui, TMK: (2) 3-2-013:006.

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

11:05 am Inadvertent Discovery of Human Skeletal Remains 1:47:27

Scott: Alright since there does not seem to be any other questions or anybody wanting to testify. We'll move on to item IV. Which is Inadvertent Discovery of Human Skeletal Remains at Waihee Beach - Oh, not Waihee Beach Park. Waihee Beach Park is different, it is at our property, Waihee Refuge. Reported to the Maui Office of Historic Preservation on Oct. 3, 2023, Ahupuaa of Waiehu. It is in Waihee. It just is not at the Beach Park. Just to make sure we understand that. District of Wailuku, Island of Maui, TMK: (2) 3-2-013:006. This is something that I reported and burial council members I will just refer you to the actual letter that I sent. It is in an area where burials have washed out in the last 20 years. At least six individuals have. It's just prone to a lot of erosion, high energy waves washing out the shoreline. So, in these cases, I don't call the police, there's just no point. They'd get annoyed at us and so I reached out to, kinda simultaneously reached out to Kealana and reached out to you (unsure who Scott referring 1:48:50). Where they are currently being curated, my co-worker, Keahi Collier, curated them, curates them in our - it's a locked structure that they are being kept in. We will, I think our plan right now, again well, SHPD is kind of what it comes down to, but I think we will get a Burial Component of a Burial Treatment Plan. We have a Burial Treatment Plan, we will just do the burial component of it, consultation with,

obviously with lineal and cultural descendants and, of course, you, Michele, as well. Foster, my understanding is that you are intending to apply for cultural descendancy?

Foster: Yes, it's already submitted.

Scott: Ok perfect. Alright, so we will put out a kahea for others who might be eligible, others who have been in the past. I have reached out to a few people and just wanted to make sure the net is thrown wide for those who are eligible to be recognized as a cultural descendent of this particular individual. Other than that, it's sadly a fairly routine discovery at Wahe'e Beach.

Michele: What exactly was discovered?

Scott: Ok so I, the individual as I understand it, because I didn't see it, but from Keahi's description it was on the bluff. It was an individual in what we would describe as the flexed position upon burial. Facing upward and flexed, so from what I understand, what could be seen were portions of the ribs, and the cranium and it's possible that some other iwi has already fallen out and moved into the ocean because it did not seem like it was a complete skeleton. Keahi only took what he could see as more of an emergency and I think we are, yeah, that is the iwi that is being held right now. Pretty unfortunately routine nowadays. I think that the debate, not the debate, the question is: do we do burials at sea, is that appropriate? Or do we- we have a designated area for reburial - and we just basically listen to what the recognized descendants have to say and want to do and just go with that.

Iris: So, there is a preserve already?

Scott: There is. We've had over the last 20 years, including from what we inherited from the previous landowner, I think 23 individuals. I believe 11 of them originally came from the archaeological inventory survey that was done by the landowner.

Everett: SoCon?

Scott: Yeah SoCon, Waihee Oceanfront Hawaii was a subsidiary, but SoCon they have 11 iwi kupuna that were in SHPD or ultimately, they were in SHPD, but not to give you too many details, but they were left open in a house that anybody could have walked into. We found them, this was in 2004, so it was quite a few years ago, but literally it was an open box. We walked in there and we said "wow, what's in this box" and there were iwi kupuna and we called Dana Hall and she... anyway, that worked out. So that was our first reburial of 13 individuals and since then we've on occasion we've wrapped them and made the (inaudible 1:52:30). That was our big shock when we purchased the property. Anyway, any questions or does anyone want to testify on this? I'm kinda wearing two hats right now because...Alright, with that we can move on to V. Announcements.

V. ANNOUNCEMENTS

11:10 am Announcements 1:52:51

Scott: November 15, 2023, is the next scheduled Burial Council meeting. In that Burial Council meeting Keomailani Hirata wants to make a presentation to the burial council based on some quorum issues related to the Molokai Burial Council.

Iris: Who is that?

Scott: She is - Molokai - I'm not even sure if it's he or she.

Ikaika: She. Wahine

Kealana: She's the Chair of the Molokai Burial Council. Like I said, they haven't been able to meet for years due to quorum issues.

Hinano: No, no, not years.

Kealana: It's been about a year now.

Hinano: They lost quorum July 1 this year.

Scott: Oh? Molokai did? So, it hasn't been that long?

Hinano: No.

Scott: Oh, ok my understanding was that they had not been able to meet for years. So, they're just waiting for someone else to...

Hinano: Waiting for the Governor's office to nominate.

Scott: OK so they might be easily resolvable, hopefully easily resolvable. SHE has some issues that she felt needed to be addressed and it had to do with quorum, but I am not sure exactly what she is going to address.

Ikaika: Molokai issues?

Scott: Molokai Island Burial Council issues like quorum. I can actually pull up the message that she sent.

Iris: So, what is our...

Scott: Let me pull up her email and I will just read that. OK here is what she says:

“As the chair in East Molokai and a representative of the Molokai Island Burial Council, I would like to I would like to request to be placed on the next MLIBC agenda to give an informational presentation regarding problems that the Molokai Island BC is experiencing with buriers due to policies and procedures with SHPD....

So MICB cannot hold any meeting due to lack of quorum, however, we need to make sure that the buriers who have turned into problems that MICB is experiencing are documented during an official IBC meeting.

Scott: So, she needs to piggyback on us is what I understood.

“Molokai is part of Maui Nui; we share the same SHPD staff from archaeology and history branches. Please let me know when the next Maui BC meeting is. I want to be clear, at this time the only kokua from MLIBC I'm asking is to allow me on behalf of Molokai to give an informational presentation so our concerns on Molokai can be legally documented.”

Scott: So, they just need to be on... and on that record at a meeting facilitated by SHPD. So that's the issue. So...

Michele: Is that our issue, something we should be concerned with?

Scott: I think.

Michele: Our position is for the protection of iwi, right?

Scott: Yeah...

Michele: I feel like I'm not sure what we are being included in something that's legal. I mean that should be taken straight to legal. Whatever legal process that they're supposed to follow.

Scott: Um hmm. I take it as the way I understood it is that if our fellow Burial Council on an adjacent island, part of Maui Nui, needs our support in order to raise an issue. That's kinda the way that I... I don't know the legal intricacies of it and whether or not she has to do it or if she can just go to Cindy Young and say...

Michele: But she states that in the email, yeah? For legal purposes? So that means we're being included into a legal function that she's trying to come across. I don't feel comfortable with that.

Everett: I agree with Michele.

Iris: Yeah, how come she doesn't just go to Cindy?

Michele: I don't want to be pulled into somebody else's legal issues.

Scott: K. Ok. I mean so what I'm hearing at least three of you say is that you don't want to? Again, it's just supporting. It's not like we are being pulled in. She just needs a venue to...

Everett: But we don't know what we are supporting. I think it's... I mean I would feel more comfortable considering doing it if she sent us the presentation first. And then let us determine after reading that. After looking to see if that is something we wanted to do.

Scott: OK. Again, I can, the way I am seeing it is that a Burial Council that is part of our broader county is needing some assistance from us and that she needs traction in order to bring it up. In order to raise the issue in a public venue.

Michele: I support supporting another Burial Council.

Scott: Yeah

Michele: If her intent to be here was for that. But she specifically states in the email "for legal purposes". That's what I'm not comfortable with.

Scott: Right, right, ok. Let's see.

Breena: Sorry, who was the 3rd that was not comfortable? Vernon or Everette?

Scott: Everett, Michele, Iris

Vernon: Oh yeah, I not comfortable with that either. Tell her go change that part to 4.

Scott: Ok so, let me just kinda [rereading email] legally documented. So, it doesn't exactly say that she... Again, I just want to be clear, and I can forward this to you. Can I forward this to everybody right now?

Michele: Unless you want to let her know that there are council members that are concerned about being pulled into a legal - whatever it might be.

Scott: Yeah, certainly I can raise that with her.

Vernon: I think we all like help.

Michele: Yeah, it's not that I don't want to support her in whatever it is she's doing. It's just what avenue is it coming from? Is it coming from a legal, like she wants...

Scott: Yeah, yeah good. That's a really good question. What I'll do is I'll forward, just so you can have it. You know you are hearing me read it. Let's see, I'll send it to everyone.

Vernon: You no can help, Hinano?

Hinano: So Burial Councils are completely autonomous of SHPD.

Michele: Correct

Hinano: We have nothing to do with the Burial Council's except that we provide administrative support.

Michele: Correct

Hinano: So, I, if you have a question as to whether or not you have jurisdiction in that authority over the subject matter, you might want to ask your legal counsel.

Michele: Cindy

Hinano: But we are staying out of it because we have nothing to do with this.

Scott: And I am guilty in the thread. I took her thing and I said "Yeah, I'd be happy to schedule it on the agenda." But I can also let her know that I misspoke or spoke too soon and say... If there is discomfort, definitely we don't have to, we can defer and not. I took it as solely that she needs a place to have an opportunity to voice her concerns and those concerns... I didn't take it as she was in preparation for legal action. And you can read her statement and make your own decision. I see it as we can help to unblock a challenge that they are facing. That is my thinking behind it. Now whether or not that's the case, I don't know.

Everett: Just to make sure we're being, we're following all the rules, if you email that to us, then we should also, we should post it on the agenda. I think maybe you sent it to us just for Sunshine, I think it needs to be shared there also.

Scott: I can share emails, right? IS that true? I'm not sure right now. Ok so right now because we are in a meeting and I am sharing it with you, I think we're good, right?

Hinano: So, you're sharing an email for the purpose of determining whether or not you should agendaize that item?

Scott: Yes

Michele: Right, under the announcements, right. Under the announcements, not part of the agenda?

Scott: Yes, we're under announcements. This is an announcement.

Everett: I just want to make sure no one can discredit us as a body. That we didn't...

Scott: Yeah, that we didn't properly agendaize it.

Hinano: And again, because I'm about to stick my foot in my mouth, I would recommend that you speak with the Attorney General as to whether or not this is a subject that should be on your agenda. Rather than let everyone decide.

Scott: Everyone's the threshold. Obviously, I'm not going to put an agenda item that the rest of the council feels is not appropriate to be on there. So that's one threshold.

Everett: Unless the AG tells us, we should hear it.

Scott: Yeah, so that's the other threshold. So, I'll reach out to Cindy and say, "Hey look, is this something that is appropriate for the burial council?". And then if she says yes, I will reach back out to all of you.

Hinano: Everett's point is well taken. Everett says we really don't know what she wants.

Scott: And I'll still, I will reach out to Keomailani and ask... How would I share that and still remain under Sunshine Law?

Hinano: Well, you could agendaize your item as not her being here but agendaize the item at the next meeting and at the next meeting decide what you guys want to do.

Iris: Discuss

Hinano: Yeah, because we are kinda moving under announcements into deciding and we don't want to do that.

Scott: Right. SO let me make it clear. I'm announcing that someone has asked to be on our agenda right now and

Iris: You gonna check with Cindy

Scott: I'll check with Cindy and then I will let Kealana know that - what Cindy's decision is. Once we know Cindy's decision. Then we can put it on the agenda as a

Michele: Discussion

Scott: No, yeah or

Everette: Or request the information so that we know what the issue is so we can determine if we want it on the agenda.

Scott: I can basically, I can send the responses from both Cindy and her presentation to Kealana and then Kealana can distribute it, right?

Ikaika: So typically, council members can discuss logistical questions like should we agendaize this or not. That's not a problem, but agendaize (**inaudible 2:04:49**) decisions on things. Whether they are part of the agenda or not, that all becomes part of the record and goes into the meeting minutes.

Scott: Yeah

Ikaika: So, you can send things about what are your thoughts to add this item to the agenda or not. But the moment of is there merit or good or no good, that should be an actual agendaize item that you vote on in a public quorum meeting. But logistics, you can discuss that.

Scott: Yeah. Ok so it sounds like maybe we want to agendaize this for November.

Ikaika: I would talk to Cindy first.

Scott: Yes, I will talk to Cindy first and if Cindy says no this is not appropriate. OK again and I, and you know this stuff happens from time to time that I'm like... I apologize. I agree that she sounded like it was appropriate, but a closed mouth gathers no feet.

Hinano: And again, just to reiterate, membership on the Island Burial Councils throughout the state is at the prerogative of the Governor. And that is the Boards and Commissions Office and not SHPD.

Iris: SO, call the governor?

Hinano: No, don't call the governor. Call the Boards and Commission Office.

Scott: So, my question to Cindy will be. I will actually forward her the email and I will say. Do you believe that this is an appropriate item for the agenda? And then if she says yes, then I will reach back out to Keomailani and say can you give us a summary of this, and I will distribute that at the November 15 meeting, and we can discuss that as an agenda item.

Everett: Or maybe you can skip that step if you ask Cindy to do that in order to make her decision. It should be on her. That way we never have to see it if Cindy says no.

Scott: Ok so regarding an agenda item, If Cindy says yes after getting the appropriate amount of information, are we comfortable then with putting it on the agenda?

Iris: Yes

Michele: Yep

Everette: Yes

Vernon: Yes

Scott: OK, good. Thank you. So that's super clear. I just want to make sure that I don't do anything, and this is our only opportunity to talk about these kind of things. I want to make sure that I am not violating the Sunshine Law while simultaneously making sure everybody's voice is heard also.

So awesome, right on. **Ok, any other questions? Any other announcements? All right with that in mind I will adjourn. 2:07:35**

Adjourned 11:24 am