I. CALL TO ORDER
The Burial Council Chair Kapulani Antonio called the meeting to order at 9:09 AM

II. ATTENDANCE:

Members: Kapulani Antonio - Chairperson
          Dane Maxwell – Vice Chairperson
          Kaheleonalani Dukelow
          Johanna Kamaunu
          Leiane Paci
          Sol Church

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

Excused: Kalani Ho-Nikaido
        Nani Watanabe

Guests: Clare Apana
        Keʻeaumoku Kapu – Aha Moku o Maui Inc.
        Allyson Barrows – Ohana Kealoha Kaawa
        Lala Johnson – Ohana Pehuino Kealoha
        Dana Naone Hall
        Kaniloa Kamaunu – Aha Moku/Hui Pono
        Glenn Keʻaliʻilawianui – Mailama Keliikoa
III. APPROVAL OF MINUTES

A. SEPTEMBER 21, 2016

- Council member Kahele Dukelow motion to approve minutes as written
- Council member Dane Maxwell second
- Motion is carried to accept minutes as written

IV. BUSINESS

A. Cultural Descendancy Recognition of Clare Helen Apana to Unidentified Human Skeletal Remains, SIHP 50-50-04-7333, 7334, 7335 Found at Maui Lani Safeway, 58 Maui Lani Pkwy Ste 5000, Wailuku Ahupuaʻa, Wailuku District, Island of Maui, TMK: 2-3-8-007:121

- Unidentified Iwi kūpuna in question is pre-contact (buried prior to 1778). Because of that, the council request, in order for applicant to be considered for cultural descendancy, she prove that she has genealogical evidence that connects her to an ancestor who once resided in, or is buried in, or both, in the ahupuaʻa of Wailuku pre-1778.
- An Ancestor is defined as “one from whom a person is descended and who is usually more remote in the line of descent than a grandparent.”

- Public Testimony:
  - Keʻeaumoku Kapu – Kalanikauleleiaiwi, Chiefess on Hawaiʻi Island, late 17th century/early 18th century. She had four husbands: Keawe, Kaulahea, Lonoikahaupu and Kauaua-a-mahi. If Clare can tie her genealogy to any of the four husbands, applicant should have a cultural descendancy claim. All those kūpuna kāne were a part of the battle (Kepaniwai). Mr. Kapu request again to do a presentation alongside Kyle Nakanelua re: how the Aha Moku system works and how it can assist burial council with its kuleana. Mr. Kapu asked council to seek help from Aha Moku system and its island committees.
  - Kaniloa Kamaunu – Applicant has gone to court, wins her case. Mr. Kamaunu question council as to what the problem is re: recognizing applicant as Cultural Descendant. Mr. Kamaunu stated that the council should question applicant as to what her plans are should she be recognize. Create binding agreement? Mr. Kamaunu referenced Law of 1860. Despite applicant needing to connect herself (ʻohana) to the area pre-1778, Mr. Kamaunu states that the Law of 1860 creates an obligation for the people, applicant included to speak up for the vested rights of these people, if she can prove that ancestors naturalized to the Kingdom. If that’s the case, she’s upholding law/right. Descendancy come there?
  - Sign in sheet = Speaker sheet ???
  - Dana Hall – Council has two kuleana 1) Relocation / preservation of previously identified iwi kūpuna 2) Determination of lineal/cultural descendancy to a specific set of iwi kūpuna. Ms. Hall stated that she does not agree with Clare in this respect. That the battle did not occur at the
Dunes. No archaeological evidence. Predominately Women and children burials found. Ms. Hall stated that we should keep history, do not manufacture it for gain. Anybody can bestow kuleana on themselves. Council kuleana is to implement law, chapter 6E, HAR 13-300. Commend council for doing a good job. Ms. Hall appreciates it.

- Johanna Kamaunu reference Cultural Descendancy 6E 43.6. Law does not clarify cultural/lineal descendancy. It’s up to the rules to make a determination. Ms. Kamaunu read (3) under Letter (c) of 6E-43.6 aloud.
- Kahele Dukelow read aloud the definition of “cultural descendant” taken from HAR 13-300-2.
- Kapulani reiterated what Ms. Hall stated, that the HARs were created in order to implement the law. The law is read in Conjunction with the rules to figure out how to implement them.
- Ms. Dukelow recommends Clare submit a narrative to the council that council can consider. Based on what is submitted, it is not sufficient. If council were to grant descendancy to Clare based on what is submitted, it would set a precedent, opening the door for anybody who had a grandparent that resided in an area; Culture Descendancy should mean more than just simply that. The applicant submitted information that tie her ‘ohana to the ahupua’a of Wailuku to right around 20th century; burials in question go way before that.
- Leiane Paci read 133-300-21, establishment of IBC stating that the IBC required “to carry out all applicable duties established by sections 6E-43, 6E-43.5, and 6E-43.6, HRS, and any other applicable law.”

- Council member Paci move to defer application to later time pending submittal of additional info.
- Council member Kamaunu second motion
  Aye – 6
  Nay – 0

- The council votes unanimously to defer cultural descendancy recognition of Clare Helen Apana to Unidentified Human Skeletal Remains at Safeway Maui Lani pending further information.

Chair Antonio called a 10-minute recess at 10:47 AM

Meeting called to order at 11:01 AM

V. COMMUNICATIONS

A. Letter Dated September 8, 2016 from Marshall H. Ando, Engineering Program Manager Design Branch, Highways Division re: The National Historic Preservation Act, Section 106 Consultation North Shore Greenway Phase IV, Hāmākuapoko Ahupua’a, Makawao District, Island of Maui, Federal-Aid Project No. STPD-0900(089) TMK: (2)2-5-005:046 (POR.), (2)3-8-001:071 (POR.) AND 999

- Burial Specialist Kealana Phillips stated that the engineers requested if the IBC did not convene in December, that a letter be sent out to the individual members of the council (which was sent on in December) seeking any comments from the members (individually). Mr. Phillips also stated that the council is more than welcome to discuss this letter today, as long as council keeps in mind that whatever comments that come out of the discussion today, is a representation of the council.
- Kurt Watanabe, engineer with the County of Maui DPW Engineering Division to present. APE is the pedestrian/bike path. Planning on constructing on Makai shoulder of highway between Baldwin park and Ulupoa pl. This is phase 4. Path goes along airport by stable rd. connecting to Kanahā park is phase 1, 2. Phase 3 is portion from Paia that goes in to Baldwin park. Phase 4 will complete remaining portion of it. Original capital improvement project; no 106. Since received federal grants. Now must do 106. EA done in 2014/2015. Prior to federal money. EA done by Munekiyo & Hiraga. Submitted consultation letter to NHO’s. At current time, no comments received.

- Ms. Paci – wanted confirmation about letter, bike lane, retaining walls and bridge. Mr. Watanabe replied that they will need to cross Kailua gulch with a bridge. Wanting to circumvent pump station. In order to do so, need to go onto the golf course property. Golf course want to keep impact minimal. Forced back onto Hana Hwy right-away. Retaining wall there. Over gulch and around pump station two areas of project concern.

- Ms. Kamaunu asked about excavation. Mr. Watanabe replied that excavation 8 ½ inches on bike path to make grade. Retaining wall a bit more ground disturbance to make footing. Bridge ground disturbance will be done outside of channel. Ms. Kamaunu asked if there was any public meeting held or any comment from public. Mr. Watanabe replied nothing negative has come their way from community.

- Lucienne DeNaie provide testimony states community is happy that route is moved off sand dune and closer to highway to complete this last section. Understand importance of Kailua gulch as important cultural resource, heiau mauka of highway. Visited by archaeologist in the past. Heiau located hundreds of feet mauka of APE.

B. Letter Dated September 9, 2016 from Lydia Morikawa; Special Projects & Development Specialist re: Request for Comments for the Set-Aside to DOFAW for Kanaio Area, Honuaʻula, Makawao, Maui, TMK Nos. (2) 2-1-002:001, 009, 010, & 012 and (2) 2-1-004:004:075 & 110

- State archaeologist Jenny Pickett stated that she has been working on this project alongside DOFAW and UH Mānoa, environmental studies for some time now and if the council had any questions she can be of assistance. Ms. Pickett stated that there was a great deal of archaeological work done in 80’s/90’s, plethora of information out there. Contract archaeologist to weave together all data. Ms. Pickett work on preserving Hoapili trail, mauka section, in pretty good shape, somewhat overgrown after Kanaio beach. Ms. Pickett recommend putting a fence up, keeping ungulates out to preserve sites/features. Huge, long term project.

- Ms. Kamaunu asked how burials will be preserved. Ms. Pickett replied that mitigation plans will be in place (BTP, etc.). Not too sure what firms contracted.

- Mr. Church asked if they started work on project. Ms. Pickett replied its’s still in the comments/permits phase. Mr. Church stated he grew up in area. Survey done back in the day. A lot of historical sites documented in area. Mr. Church mention that he has talked to people in the area that DLNR has visited and wanted to move them off their Kuleana lands to have that as a game management area. This is a touchy subject. Ms. Pickett request that if anybody has any information on the area and would like to share, please come forward.

Kahele Dukelow exited meeting at 11:50 AM

C. Letter Received by SHPD on September 22, 2016 from The County of Maui Department of Environmental Management, Wastewater Reclamation Division
Mr. Phillips addressed the council. Similar to Letter A, a request was made by Mike Dega, SCS, who is assisting the County in the 106 Consultation process that if the council did not convene, that an email be sent out to the individual council members seeking comment. Mr. Phillips did send out said email on November 29, 2016.

Dan Shupack, from the County addressed the Council. Mr. Shupack explained that Albert Hahn, who left the meeting (presented on letter H.) this was his project. From what Mr. Shupack understand is that the 106 Consultation request was rescinded. Because initial request happened in September 2016, they went ahead with design.

Ms. Paci asked why it was rescinded. Mr. Shupack answered he does not know. Drilling involved? Mr. Shupack answered that, from what he understands, there will be areas where they be utilizing directional drilling.


Dan Shupack addressed the council in place of colleague Joanie Gushiken. Item was previous presented. Comment period expired in October. This is a notification of the Final EA.

Ms. Kamaunu asked if a CA/CIA be done? Mr. Shupack unsure. Going thru EA Ch. 343 currently. Ms. Kamaunu asked if there will be a Cultural Assessment?

Cultural Historian Ikaika Nakahashi replied that from his understanding if there is an EA, there will be a CIA done to accompany EA.

E. Letter Dated October 4, 2016 from Marshall H. Ando, Engineering Program Manager Design Branch, Highways Division re: National Historic Preservation Act, Section 106 Consultation Kahawaiokapia Bridge Replacement, Hana District, Maui island, Mokae and Kakio Ahupua‘a, Federal Aid Project No: BR-0360(011) Tax Map Key(s): (2) 1-4-010:013 (Por.) 1-4-011:055 (por.) and Hana Highway Right-of-way.

Wendy Kobashigawa, County DPW Engineering Division, address council on this project.

Mr. Church asked if temporary bridge will be mauka side? Hana Ranch? Ms. Kobashigawa replied that it will be on private property on both sides. Mr. Church asked if property owners notified. Ms. Kobashigawa replied that they have permission for use of property. Heavy rains cause flooding of the stream; Biggest obstacle. Mr. Church asked what will be done with waste material from digging into the sides of the bridge. Ms. Kobashigawa replied that she will follow up. From what she understands, footings will remain. Just doing repairs.

Ms. Kobashigawa stated that project start time, construction begin late 2019, early 2020.

Ms. Kamaunu asked if a community meeting took place. Ms. Kobashigawa replied not yet. That they intend to.
- Ms. Kobashigawa, to answer Mr. Church question about waste material, the footings will be replaced with a rock facia. At this time, not sure what will be done with material. Any concerns from Mr. Church. Mr. Church stated the runoff.

- No contractor yet; still in design phase.

- Ms. Kamaunu asked if Aha Moku Hana rep, Shane Sinenci, was consulted. Ms. Kobashigawa replied yes. Letter was sent out. Mr. Sinenci directed her to contact Lineal Descendant of area. Sunny Leipua Letter was sent out to her; No reply yet.

- Ms. Kobashigawa referenced Page 7 of the 106 Consultation letter asking council if they would like to take a look at the list of people that the County sent Consultation letters to. Council asked for a copy of the list. Burial Specialist provided upon request.


- Notification letter advising Burial Council that EA is finalized
- Ms. Kamaunu commented that because old material was used/copied in the EA, comments from Mike Lee and Wilmont Kahaialii about burials is not included in EA. Ms. Kamaunu stated it should be.


- Mr. Phillips address the Council regarding this letter. According to Mr. Phillips, during the September meeting, the council discussed the Draft EA for PLANETS. Mr. Phillips typed up a letter that included the comments that came from the council and sent it to the University of Hawaiʻi at Mānoa. Letter G. is a response from the University of Hawaiʻi at Mānoa.

**H.** Letter Dated November 18, 2016 from The County of Maui Department of Environmental Management, Wastewater Reclamation Division (WWRD) re: Initiation of Consultation under Section 106 of the National Historic Preservation Act (NHPA), 36 CFR Part 800, for the Proposed Replacement and Realignment of the Kihei Wastewater Pump Station No. 16 Force Main (SFM), Paeahu and Palaua Ahupua’a, Makawao District (Honua‘ula Moku), Maui Island, TMK: (2) 2-1-023:999 and 2-1-007:999.

- Council Chair request item H be discussed first.
- Trevor Yucha, Cultural Survey’s Hawaii, assisting with 106 consultation for project
- Albert Hahn, county of Maui WWRD

- Albert Hahn - General overview. Replacing Kihei 16 Force main. Pump station in Makena, pump distance runs to around 4 Seasons. Existing force main 30 years old, determined useful life of metallic pipes. Systematically go thru system and proactively replace pipes before it burst. Replace with plastic pipe. 1 ½ miles approx. length of force main. Horizontal directional drilling used b/c depth of pies, lower than other utilities. Drilling will be anywhere from 500 ft. apart, to a couple thousand feet apart. Method is to send a drill in, least invasive way possible pull pipes thru ground approx. 6,566 linear feet (little over a mile). 1,700
ft. approx. traditional open cut. Mr. Hahn states that the open cut portion of project would excavate to depth of 5 feet; 6 in. pipe; 4 ft. of cover. Directional drilling go to depths of 20 ft. cover anywhere from 4 ft. to 20 ft.

- Ms. Paci asked for the diameter of drill. Mr. Hahn replied about 12 inches.

- Ms. Kamaunu asked where material goes that gets excavated out. Ms. Paci asked as you drill, material comes out of the boring to be able to monitor. 5 ft. trench would normally be dug 6 ft. wide.

- Mr. Maxwell as what type of rock. Mr. Hahn replied Basalt. Existing pipe will be abandoned and remain in place.

- Ms. Paci, had a question about the map that listed previously identified historic property. Mr. Yucha replied that a large number of those listed adjacent to the project no longer exist. They were destroyed upon development of the area. i.e. Linear features that go through project area, cattle walls, that no longer exist, at least thru project area.

- Mr. Maxwell asked about previous disturbance in corridor. Mr. Hahn replied that there is an existing force main, traditional construction, put it at 5-7 ft. of excavation. Waterline going down to about 4 ft. To name a few. Mr. Maxwell asked for the reasoning behind directional drilling. Mr. Hahn replied that b/c of Basalt layer; need to drill down. Idea is that there will not have burial below that. 750 ft. between core samples. Reasoning for depth, type of drilling. Other reason for directional drilling, minimal impact on road, traffic and on other utilities. Mr. Maxwell stated biggest problems variables b/c of blind. Mr. Hahn replied it is mitigated due to the fact that should not have burials below Basalt. Makena more basalt/Wailea more sand.

- Ms. Paci asked about staging of equipment. Mr. Hahn replied that any staging will be done in the right of way, on the road. Above ground storage/base yard.

- Ms. Kamaunu asked if there was an AIS done. Mr. Hahn replied that it is still in consultation phase. Awaiting comments from SHPD.

- Ms. Hall suggested that AIS should take place in the areas of entry and exit of the directional drilling. Areas that there is no basalt. Mr. Maxwell asked about number of entry and exists. Mr. Hahn replied 14 locations, dig pits.


- Wendy Kobashigawa address council regarding this project. Project will involve pavement work on Kulanihakoi Street, East Waipuilani Rd., East Lipoa St., East Welakahao Rd. All between S. Kihei Rd. and Pi’ilani Hwy. Work will involve remove pavement in some area. Mostly Re-surface roads. Take off first two inches or so and replace with asphalt. Other repairs will occur including drain line repair, depending on what portion of line need repair. Drain line work
involve process called cured in place pipe (CIPP). Line existing pipe with fiberglass and go thru manhole; trenchless. All work with remain in right-of-way.

- Lucienne deNaie public provide public testimony. Department doing a good job of documenting sites. Welakahao Street the terrain changed quite a bit from what it was in the 1950’s. The Akina ‘ohana, descendants of the area, identified that in the 50’s/60’s, there was large sand dunes that meandered. When road paved, sand dunes brought down. Ms. DeNaie doesn’t feel that this project will affect any burials/sites, but wanted it noted with sand dunes, there is a possibility of ‘iwi being there. Historically significant area. Through discussions with Aha Moku, finding more ponds mauka of highway. Area has a lot of history than what is credited to it, a lot of which is sub-surface.


- Dan Shupack, County Wastewater Division, address the council about the project. Project replacement of existing sewer force main. Existing force main 10 in. diameter metal pipe. Replacing older metal pipe, that has reach end of useful life. Replacing it with PVC pipe. Minor upside, Old pipe 10 in to new pipe 12 in. Hawaiian Homes pump station Paukukalo, near Kuhio place, Waiehu Beach Road intersection. Pipe runs from station approx. 3,500 Feet from down Waiehu Beach Road and terminates at existing sewer manhole, near the entrance of Jack in the Box. Construction, open cut for most of project, with the exception of the crossing of the Wailuku Bridge. Pipe will be hung along the underside. Not replacing existing force main. It will remain in place as an emergency backup. 5 borings done. Soils along construction route varies. Most Silty, fine sand 1 ½ to 2 ft. deep. Then clay silt for several feet. Towards the end of the project, mostly sand. Archaeological monitoring plan submitted to SHPD in 2015, SHPD reviewed and accepted. Additional work associated with this project will involve replacing pumps at the station, above ground piping and back-up emergency generator. None of the additional work will need excavation. Project slated to begin around early March.

- Mr. Maxwell asked about the trench depth. Mr. Shupack replied that the minimum cover 4ft. by the plans, but with the varying terrain, some portions will go as deep anywhere from 5 ft. to 8 ft. closer to the discharge. Typically, 4 ft. cover, shoring boxes will be used.

- Ms. Kamaunu asked if a notification of the community was made. Mr. Shupack replied that they have been in contact with Sparky Matsunaga, DHHL re: project. Did have a meeting with Paukukalo Homestead Community meeting August 2015. Plan on meeting at their next Monthly meeting. Consultation request was sent to Aha Moku as of this date. Ms. Kamaunu pointed out that there is a representative for the Wailuku Moku in the room. Mr. Shupack said he’ll talk to him at the end of the meeting.

- Lala Johnson provide public comment representing Wai side, Waiehu and Wailuku. Got a chance to speak to Dan. Important to acknowledge ‘ohana that are part of that area; Collaboration. Include the descendants of that area. Grew up in area, was told of burials in area, which run alongside the road. Not sure if archaeology was done in that area; got information from Kūpuna. If there is anything that needs to be done, please include ‘ohana in consultation process. If there is
anybody that know of things in this ancient land, it is the ‘ohana that has lived there. ‘Ohana has had land in ahupua’a for 4 generations. Ms. Johnson request a meeting on their land, to make it more understanding, more in touch and connected to what trying to preserve, the ‘iwi which are there.

- Ms. Paci asked due to Ms. Johnson intimate and exact knowledge of specific locations of ‘iwi kūpuna, is that something that she can discuss with department to register prior to work starting? Ms. Pickett replied yes, absolutely.

- Kanilao Kamaunu public comment representing Aha Moku Wailuku rep. To his knowledge, no notices has been sent to Aha Moku re: this project. Easy to look at how landscape looks now, but people fail to realize that this is the remnants of what used to be sand dunes. It is wildly known that all the sand dunes have burials. Studies should show and take into account the depths of the previous/ancient land, not simply what is/has been excavated recently.

VI. INADVERTENTS

A. Inadvertent Discovery of Human Skeletal Remains at Maui Lani Phase VI, reported to the Maui Office of the State Historic Preservation Division on October 15, 2016, October 19, 2016 and October 21, 2016, Ahupua’a of Wailuku, Moku of Wailuku, Island of Maui, TMK: [2] 3-8-099:999 and 118

- Item deferred to next Maui Lāna‘i Island Burial Council meeting.

- Ms. Apana asked to be notified by SHPD when new burials are discovered in the Moku of Wailuku. Burial Specialist Kealana Phillips replied that by law, he is required to notify the Burial Council District Representative. Mr. Phillips said he’ll take Ms. Apana request under consideration.

B. Inadvertent Discovery of Human Skeletal Remains at University of Hawai‘i Maui College, reported to the Maui Office of the State Historic Preservation Division on December 16, 2016 Ahupua’a of Wailuku, Moku of Wailuku, Island of Maui, TMK: [2] 3-8-007:040

- Jenny Pickett, State Archaeologist / Chuck Tsang, Security Chief of University of Maui College address council.

C. Inadvertent Discovery of Human Skeletal Remains at Whaler’s Village Renovation Project, reported to the Maui Office of the State Historic Preservation Division on January 5, 2017, Ahupua’a of Hanaka‘ō‘ō, Moku of Lāhainā, Island of Maui, TMK [2] 4-4-008:001

- Trevor Yucha with Cultural Survey’s Hawai‘i address council.

Meeting adjourned at 1:04 PM

Minutes by Kealana Phillips. SHPD Burial Site Specialist