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GOVERNOR OF HAWAII



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

STATE HISTORIC PRESERVATION DIVISION  
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CHAIRPERSON  
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FIRST DEPUTY

JEFFREY T. PEARSON  
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AQUATIC RESOURCES  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

DATE: April 19, 2017  
TIME: 9:00 AM  
PLACE: County of Maui, Planning Commission  
Conference Room  
Kalana Paku'i Building, 1<sup>st</sup> Floor  
250 S. High Street  
Wailuku, Maui, HI 96793

**I. CALL TO ORDER**

The Burial Council Chair Kapulani Antonio called the meeting to order at 9:10 AM

**II. ATTENDANCE:**

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

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

Excused: Sol Church  
Kalani Ho-Nikaido  
Nani Watanabe

Guests: Walter Kanamu  
Cody Nemet  
Tanya Lee-Greig – 'Āina Archaeology  
Lisa Rotunno-Hazuka – Archaeological Surveys Hawai'i  
Trinette Furtado

Amy Halas  
Rob Parsons – County of Maui – OED  
Ke‘eumoku Kapu – Aha Moku of Maui Inc  
Kaniloa Kamaunu – Aha Moku  
Kaleikoa Kaeo – N.O.A.  
Clare Apana  
Kai Nishiki

### III. APPROVAL OF MINUTES

#### A. February 15, 2017

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

### IV. BUSINESS

#### A. **Previously Identified Human Skeletal Remains discovered during AIS at TMK 2-4-6-006:017, Ahupua‘a of Paunau, Moku of Lāhainā, Island of Maui. Reported to the Maui Office of the State Historic Preservation Division on March 11, 2017.**

##### **Information on the above find.**

- Lisa Rotunno-Hazuko, Archaeologist from ASH present on the subject
- Currently conducting Inventory Survey on property. Development plan consists of 3 Homes and 3 cottages (Rental property). ASH has completed 8 trenches. Mostly everything disturbed; a lot of surface disturbance. 2 episodes of disturbance 2 ½ - 3 ft. below surface. Burial partially in-place. Lower extremities intact, tightly flexed position. Appears that a portion of the arm and cranium previously disturbed. Landowner will preserve in place; create preservation area. ASH still in beginning of Inventory Survey; will be back to talk about burial treatment once Inventory Survey submitted/accepted.
- Council member Kamaunu asked if there was any effort to contact family members in the area. Ms. Hazuka responded not now. However, Ms. Hazuka did acknowledge that there are 3, possible 4 LCA’s that go through property. Will contact descendants of area; notice in paper. It is believed that the burial is pre-contact.
- Council member Dukelow asked if the for the depth of where the burial was found. Ms. Hazuka responded that it was found 3 ft. below the surface. It appears that the disturbance occurred just above burial (majority in-tact). Burial was not exposed to the previous disturbance. Plan is to bring in couple feet of fill for footings for homes. No future excavations should go below 3 ft. level, except for utility easement (trench) which will be 4.6 ft. deep and it rises as it goes to property to a depth of 2.6 ft.
- Council member Maxwell asked what was the depth of the test trench. Ms. Hazuka replied that the depth of test trench where burial was found was 4.5 ft.
- Council member Dukelow wanted clarity about location of test trenches near utility trench. Ms. Hazuka responded that the test trenches are hugging south side of easement; 3 locations, 1 in middle, one mauka towards Waine‘e street and one Makai.
- Council member Maxwell asked if easement trench will require compaction below 4.6 ft. depth or stay at that depth. Ms. Hazuka replied that they typically stay at depth. Mr. Maxwell inquired about Preservation Area. Ms. Hazuka replied that

initial plan is 10 ft. x 10 ft. buffer zone. Stay away from cottage, easement. After fill brought in, burial should be located roughly 5 ft. deep. Most of future excavations should be in fill.

- Council Chair Kapulani Antonio opens item for public testimony
- Ke'eaumoku Kapu from Lahaina, Aha Moku o Maui Inc. conduct public testimony
- Mr. Kapu listed 'ohana (LCA) that adjoin property include Nama'u, Kahaka, Pu'ali. Mr. Kapu informed council that he is filing for a cultural Descendancy. Mr. Kapu also request that all correspondence for project be shared with him as well as any future site visit, Mr. Kapu asked that he is privy to that. Properties on the south and north side of property are 'ohana to Mr. Kapu. 'Ohana on the south side is Snake Ah Hee and the north side, property belongs to Bear Keahi. Mr. Kapu wished to be involved in burial treatment plan.
- Public Testimony Closed

## V. COMMUNICATION

### A. **Letter Dated March 23, 2017 from Marshall H. Ando, Engineering Program Manager, Design Branch, Highways Division re: National Historic Preservation Act, Section 106 Consultation Honoapiilani Highway Safety Improvements Mile Marker 11.67 to Mile Marker 15.20, Ukumehame to Olowalu, Lahaina District, Island of Maui, Olowalu and Ukumehame Ahupuaa, Federal-Aid Project No. HSIP-030-1(055), Tax Map Plat 4-8-002 and 003 and a Portion of Tax Map Key 4-8-003:034(por.)**

**Information/Discussion/Recommendation:** Discussion about the above letter.

- There is no one present from the project to present on the item
- Council member Kamaunu asked if council will get more information about project. Cultural Historian Nakahashi replied that if council requests to have representatives from project at the next meeting, that can be arranged. Burial Sites Specialist Phillips confirmed that he did email Mr. Ando.
- Council member Dukelow wants some clarity re: project if project area is entirely in/on existing road.
- Council member Paci wants to know if council has specific questions being that per the letter, there doesn't appear to be any ground disturbing activity.
- Council members request that the representatives for the project clarify whether there will be ground disturbance during project. And if there is, to have a representative from project present at the next MLIBC meeting.
- Burial Sites Specialist Phillips will follow up.
- Council Chair Antonio opens item for public testimony
- Ke'eaumoku Kapu from Lahaina, representing Aha Moku o Maui Inc. conduct public testimony. Mr. Kapu requests to be included in the 106-consultation process re: this project.
- Public Testimony Closed

### B. **Letter Date March 24, 2017 from 'Aina Archaeology re: Supplemental Cultural Impact Assessment for the Proposed Pulelehua Community, Māhinahina and Kahana Ahupua'a, Kā'anapali Moku (Lāhainā District), Maui island**

**Information/Discussion/Recommendation:** Discussion about the above letter.

- Item B deferred to be discussed until after Item C
- Meeting resumed at 11:06 AM
- Tanya Lee-Greig, Archaeologist from 'Aina Archaeology present on the subject

- Located mauka of Honoapi‘ilani Hwy and Kahana Hui and Kahana Ridge Subdivisions and directly adjacent to and Makai of the Kapalu-West Airport, the overall project footprint covers approx. 150 acres. Topographically, proposed project area extends from 40 ft. to approx. 260 ft. in elevation between Kahanaiki Gulch on the north to just past Māhinahina Gulch to the south. Shift in proposed community layout to use the existing contours of the property and preserve more open space on the property rather than incorporating street grid patterns and new urbanism approach. Initial phase of development includes 240 multi-family rental units, split between affordable and market priced rental units, with some retail. Pulelehua community, at full build, will include 1200 units, affordable and market priced workforce rentals, retail space and a new school. To accommodate location of the school, Maui Oceanview LP proposing some changes to Honoapi‘ilani Hwy in terms of stacking lanes and turns.
- With regards to historic preservation, this is a 10-year old project. Previous work occurred in 2008. Archaeology covered entire foot print of project. Approximately 20 backhoe trenches excavated for subsurface survey. No findings in subsurface context. 2 sites identified within footprint. Both historic in nature. First was remnants of a plume former pineapple lands/plantation. Second surface concentration of historic artifacts, mainly glass. Archaeologist who did the work interpreted as being related to whicker housing (plantation).
- ‘Āina Archaeology tasked with updating the Cultural Impact Assessment. Mainly to see if there are any changes from 10 years ago to now. Seeking information re: any traditional cultural practices that have been done in the area from mauka to makai. Any sensitive cultural issues need to be made aware of. Seeking any advice/recommendations as to groups, individuals to consult with.
- Council member asked if Aha Moku was consulted with. Ms. Lee-Greig replied that Aha Moku has been contacted, as well as OHA Maui (Aunty Thelma), OHA on O‘ahu, MLIBC, and the CRC.

**C. Discussion on Sand Dunes (Past, Present, Future)**

**Information/Discussion/Recommendation:** Discussion about the above subject

- Item C requested to be discussed before Item B. Chair approved
- Council member Dukelow address council, public in attendance. Ms. Dukelow would like to begin process to figure out how to take collective look get an overall account of entire sand dune area. Ms. Dukelow acknowledge that most, if not all current burial council members were not on the IBC when the most of these Maui Lani projects occurred, so most of the board members are operating in the dark. Ms. Dukelow would like to be privy to the past information re: burials, how much was found, where it discovered. Ms. Dukelow feels like a tally (compilation) of past discoveries can help to be better for future projects in the pu‘uone area. Ms. Dukelow also requests to be informed about when iwi is discovered, how is it being cared for and about the reinternment process.
- Mr. Maxwell questioned archaeologist Hazuka about problems in AIS?? Ms. Hazuka replied that it happens quite a bit. Per Ms. Hazuka, to get a grading/grubbing permit, need to complete an Inventory Survey. If no surface indications on sites, backhoe trenches are done during survey. Try to get a representative sample of area (trenches). Sand dunes are difficult because of depth. 15/20 years ago, unheard of burials to be below 10 ft. Sand dunes terrain always changing. Impossible to determine a specific depth that you would stop at in dunes. During Inventory Survey, cannot open-up enough area of land. Need a grading permit to test a larger portion of land.

- Mr. Maxwell wanted clarification about the term “indication on-site.” Ms. Hazuka replied that for example with regards to Native Hawaiian burials, water worn stones that mark surface, platforms etc. are examples of indication on site. Mr. Maxwell asked if a sand dune would be considered an indication on-site. Ms. Hazuka replied that it wouldn’t because when looking at sand dunes in general, not limited to Maui Lani (Kihei, Central to Waihe’e), there are areas (sand dunes) that do not have burials. Burials can consist of concentrations, several concentrations or solitary burial. The idea that high sand dunes, even if lithified sand at the top, is almost guaranteed to have burials, is not be the case. Ms. Hazuka explained that in general, burials in sand dunes, but in terms of patterns, we can come up with patterns once we know general patterns in area. We cannot determine a pattern based on topography today. If we know of known burials in a particular area and where there are located, then we maybe can judge the outer parcels.
- Mr. Maxwell asked, excluding Waihe’e and Waiehu for now, just looking at Maui Lani project, is there a pattern currently that may help us in the future.
- Ms. Hazuka replied that there is one linear sand dune that is a pattern. It is linear from the golf course through the subdivision.
- Ms. Dukelow asked how many burials have been found in the areas that Ms. Hazuka worked in.
- Ms. Hazuka replied that it is hard to give an exact number. Just by looking at the SIHP numbers, it can be a bit misleading. The reason for that is that every time an iwi is found, a site number is given. Sometimes, multiple site numbers are given to iwi that are scattered, which the scatter may ultimately end up being MNI 1. At the Maui Lani development, 85% of the finds were preserved in place and the development plan was adjusted, readjusted.
- Ms. Kamaunu asked if the number of burials is closer to 1,000 or 500. Ms. Hazuka replied 500, but reiterated that she is not sure until she looks through her reports to verify.
- Ms. Kamaunu wanted clarification about one of the recent projects where there was a grading permit, remains were known to be there, but by the time grading was finished, pu‘u was lowered by 30 ft. Ms. Hazuka replied that it just depends what the grading permit calls for. How they submitted it, what the proposed development is in that area. If there was existing development done in that area that brought it down to the new elevation. Other examples are circumstances where sand remains on site and areas are cut and filled.
- Ms. Kamaunu questioned during monitoring, when grading through sand, how is the monitor position to assess what’s going on. Ms. Hazuka replied that when there is vegetation it’s very difficult; can’t see with all the dust. Monitors typically stand 5 ft. behind. Machine does one pass, then monitors walk behind and check. Vegetation gets removed first, then go in to grading. Ms. Kamaunu asks what typically happens to the sand once it is graded. Ms. Hazuka explains that it depends what the development is. Sometimes there are excess, extra material that may get transported but if you have a balanced site, where the cuts and fills match, then material is not transported off site. It is kept there and re-used.
- Mr. Maxwell wanted to jump back and talk about the linear pattern (pu‘u), and questioned Ms. Hazuka whether the pu‘u they are currently working on has that linear pattern. Ms. Hazuka answered yes and as you go more towards the golf course, elevation lowers. Not necessarily a pu‘u the entire time, but burials seem to be in the linear patter. Mr. Maxwell asked when an indicator is found, how does the plan for the project get affected. Ms. Hazuka replied that for example if water worn stones are found, then archaeologist would stop and conduct hand

excavations to figure out if it is a burial marker or if it just got transported; Like how burials are treated.

- Council member Antonio asked if an official accounting of sand dune area and a compilation of burials is feasible. Who has that information? Would it be archaeological firms or would the department have that information?
- Cultural Historian Nakahashi replied that department should have that. Accessibility of information might be an issue. Challenge with Maui Lani is that it was a large (1,00 acre) parcel, but over the years, landscape has change, parcels sold. So, what we are looking at it multiple land owners and multiple archaeological firms. However, we will try and compile what we have to-date for the Maui Lani area.
- Ms. Hazuka recommended to the council that they further define the areas that they are looking at. There are sand dunes, central, which extends to Waiko road. Sand dune has been found as far inland as Wakea. Evidence has shown it goes across Kuihelani hwy. Sand dune does not extend to Honoapiilani Hwy. However, along Waiale, lower main corridor, it is very extensive there.
- Mr. Nakahashi states that archaeologically, most of the areas that have an AIS, in that report, if it was accepted by SHPD, cultural materials and archaeological materials should be identified. Mr. Nakahashi mentioned that we are currently located at our new office at 101 Mā‘alaea Rd. We do have a public library and everyone is more than welcomed to come by and verify for themselves.
- Ms. Kamaunu wanted confirmation that reports in library is listed by TMK. Ms. Kamaunu also stated because we are looking at 20+ years’ worth of work, there will be quite a bit of reports which compiling the burials will be a lengthy process. Should be a better way of filling system; perhaps laws may not be working in our advantage as well. Ms. Kamaunu mentioned that if Maui Lani had one owner, it would be easier to compile info. Ms. Hazuka replied that date is collected sequentially. So regardless of 1 owner or 5, data will still be there.
- Ms. Kamaunu stated that in 2008/2009, the Maui Lāna‘i Islands Burials council submitted a letter to Maui Lani ?? in terms of how burials be treated. Scott Fisher wrote letter?? Ms. Kamaunu recommends that current council look at the letter.
- Ms. Kamaunu mentions that the reason for her concern about the transporting of sand from the project site into the trucks to the harbor is the probable lack of oversight of the sand if trucks can move sand one after the other.
- Ms. Hazuka replied that if she thinks she knows what Ms. Kamaunu is talking about, the sand is stock piled before being trucked away. The sand is monitored, screened, stock piled and then transported.
- Mr. Maxwell asked if archaeology Lisa oversees the current monitoring taking place of the of the sand that is being transported. Ms. Hazuka replied yes. Mr. Maxwell stated that perhaps a site visit would be best to see how the process works. You just see the trucks; not sure about the process leading up to loading the stock pile in trucks. Ms. Hazuka said the current project where sand is being transported is a future subdivision, so not all sand is/will be transported.
- Chair Kapulani Antonio open the agenda item for Public Testimony
- Kai Nishiki address the council re: this item
- Ms. Nishiki stated that there seems to be quite a bit of questions raised by the council as well the community, it may be a wise decision to consider a moratorium on sand mining until all questions can be answer; A temporary one. Ms. Nishiki also mentioned that there seems to be some questions re: monitoring. Seems like a good time to conduct monitoring is when the screening is being done. Monitoring will be difficult when the sand is being scooped by the backhoe into the trucks. That seems to be the logical place to be monitoring for iwi.

- Council member Dukelow asked what development that Ms. Nishiki is referring to. Ms. Nishiki mentioned project located in Maui Lani across from the Mormon church. A lot of questions in Maui Lani about where the sand is going. Ms. Nishiki recommends to council to please request more information about Maui Lani properties whether they have all permitting through the planning department. May need additional permits, not just a grading permit. Grading permit for Maui Lani (2014), estimated amount of sand to be excavated was 200,000 cubic yards. County do not keep track by cubic yards, they use a grading plan. Look at contours of it and see if it falls within permit of where the grading will occur. Ms. Nishi obtained this information from Cathy ??? at Development Services Administration (DSA), within planning. Ms. Nishiki states that there seems to be a lot of questions and a lack of oversight.
- Trinette Furtado address the council re: this item
- Ms. Furtado states that in regards to the request about a compilation of burials, there is a plethora of information at the SHPD library (maps, archaeological monitoring plans, AA). TMK must be known. Ms. Furtado recommends that the State needs to get more serious about iwi kupuna and the transference of material (cultural). It is widely (BIA magazine), O'ahu is experiencing a boom. Sand is taken from Maui, not O'ahu. State and County levels, more accountability. Ms. Furtado request, in support of Kai, to have a temporary moratorium placed on the sand mining; Look at the permit again. Department of Planning and DSA in charge of paperwork. Last grading and grubbing permit indicates no start and end date; Project area loosely defined as well. Better record keeping. Better accounting will help. Attack the issue from different ways, IBC, county council members, community, impress a more immediate urgency to get on board with issue. From a practical life standpoint, if we export all our sand for other Moku to utilize to build there hale, then we have nothing for ourselves when we need. It is not our way to give to let somebody take and we take ourselves. Ms. Furtado absolutely believe that this is not something where we want to deny development, especially for affordable housing, but we should be prudent in the way we move forward with this issue. If any additional information is needed form the county council side, Ms. Furtado mentioned that she would be more than happy to forward that information.
- Amy Hallis address the council on this issue. Ms. Hallis is a resident of Maui Lani. Frequently walk up Onehe'e street where gated communities of the Islands and Bluffs are located. Once upon a time majestic pu'uone, sand dunes, stood and towered. Look at mo'olelo, ruling chiefs, nūpepa, references to the valley of Kakanilōa and the historic events that transpired there. Sad that this wahipana, storied landscape, topography of Maui is being bulldozed, excavated and transported at a very accelerated pace. It is well known that the sand barge leaves on Sunday from Kahului harbor to Honolulu harbor. Variety of projects currently occurring in O'ahu including Whale project, developments at Kakaako. Ms. Hallis mentioned that there is only one burial preserve in Maui Lani that is protected, located in Bluffs and Islands. Three burial preserves on Ku'ukama street. Ms. Hallis feel that there is not adequate protection for the preserves. This concern originated from a transient individual that was observed by Ms. Hallis last October who was sleeping on one of the rock walls near the preserve. Ms. Hallis recommends that perhaps that Ms. Lianne Paci can bring that concern to Maui Lani Partners, to offer a little protection for the burial preserves.
- Ms. Hallis referenced letter from Feb 14, 2008 from acting chief archaeologist Nancy McMann ??? about TMK 2-3-8-007 (current project site in question). Letter states that the area is culturally sensitive. However, a grading and grubbing

permit application issued on December 8, 2014 states that is no known burial cemeteries or historical sites on property. This is Incongruous!

- Rob Parsons address the council on this issue. Currently in his 11<sup>th</sup> year serving as the Maui County Environmental Coordinator. Mr. Parsons is at meeting on his own behalf. Mr. Parsons did notify Mayors Chief of Staff and Director of the office of the Economic Development that that he would be attending meeting to discuss this matter.
- Mr. Parsons stated that this issue was one of top three issue in his first four years in position. Ever growing number of discoveries of iwi kupuna. In 2003, discussion was about 58 acre Hawaiian cement site on A& B property (498 acres). Started out at about 30 discovers; 2006 number doubled to 60. Mr. Parsons mentions that he is a little surprised that there is not a comprehensive map generated over the years that shows the overall number, overall pattern and overall location. GPS point probably taken with every discovery. Unclear how much iwi kupuna remain in situ, removed and is being curated somewhere. To get a better cultural understanding about how this pu'uone, dune, system has meant over centuries and generations, that would be a useful endeavor to request. GIS layers in so many things in the county; this is one (cultural GIS layer) seems to be lacking. 2003, council vice chair inquired whether grading permit sufficient to oversee this. Not very much oversight. Unsure what's been extracted, what's still to be extracted, how much burials have been discovered on current parcel (9 acres), part of a larger 58 acre parcels. Mr. Parsons states that an EIS was done in 2005, did not have a level of specificity. Parcels sold, re sold. Things change over the years. Need to prepare a County Special Use Permit (SUP). Project district requirements chapter 19 (zoning chapter) of the Maui code, resource extraction is not listed as a permitted use. If want to get a grasp and understand of what's there, Mr. Parsons suggests that the council request from the Maui county planning department, why there was not a requirement to do a conditional use permit. This issue began because of beach replenishment. Mr. Parson mentioned that they've contracted an England sand quantification study, finalized in 2006. Study mapped exciting resources, how much sand mined historical (3 million cubic yards). Went to county council committee, mayor Arakawa, to request a temporary moratorium. Council asked a lot of questions, did not pursue it. End of term; not forwarded to next administration. Been in front of planning commission as well in 2007 to review conditional use permit for approval. Did not have opportunity for current parcel. Mr. Parsons provided a copy of the minutes from the council committee meeting from 2006.
- Ke'eumoku Kapu address the council on this issue. Per Mr. Kapu, the biggest problem is the lack of communication between the state and the county. Mr. Kapu recommends that there should be a moratorium on this issue until we figure things out. Mr. Kapu mentioned that his other concern is the burials. What's the count? What are they doing with it? Who is putting together the burial treatment plans? Who takes care of those things? Who is mandated to make sure iwi kūpuna is mālama at this point. Process is horrendous. Number one priority is iwi kūpuna. Mr. Kapu states that there should be resolution that can be submitted to legislation to change and tighten up some of the laws regarding mālama iwi kūpuna.
- Cody Nemet address the council on this issue. Very important for our generation to be aware of things that are going on. Mr. Nemet understands that this issues have been going on for some time. Mismanagement appears to be a big factor; a lot of questions that need to be answered. Burials are not being protected. Lack of signs, rocks in the preserves falling apart. Iwi Kūpuna cemented into the stone right on the side of the road. Mr. Nemet mentioned that it feels as if the iwi



kūpuna is just pushed to the side. Trucks are continuously going in and out of project area; not a second of peace for the iwi. Locals, who probably have iwi of their kūpuna in the dunes, they are the ones driving the trucks, without a clue about what's going on. Mr. Nemet feels that a moratorium will be good. More management and insight in terms of what's going on with the bones. No cultural monitor insight upon sight visit; no stock pile observed.

- Kaniloa Kamaunu address the council on this issue. Ashes to ashes, dust to dust. Ancient burials did not have coffins. May be wrapped in material. Bones return to original form; back to the earth. How can you determine what part of the sand is iwi? It's impossible. All sand should be considered sacred because iwi disintegrate over time and return to organic form. Per scientific analysis, sand is made up of bone material whether from ocean creature or humans. How does that organic material do not get mixed over the years? Battle of Kakaniloa, per Kamakau. He accounts for 800 kānaka. How many bodies are there? It would be at least that number 798, not including forces that fought against. Mr. Kamaunu states that this is just one account of one instance that happen in that area. 1860 talks about a law that was granted to people after their dead to keep them in place. Goes along with 6E. That law needs to be looked at. Mr. Kamaunu disagree with the term Native Hawaiian burials because that title infers that they were American citizens, which they were not when they died. They were kānaka. They belong to Hawaiian Kingdom. Their rights were solidified through Constitutional government 1860. Mr. Kamaunu states that what is currently occurring now, violates the rights of these people. Lastly, Mr. Kamaunu questions archaeologist Lisa credentials (certified archaeologist??). Qualified to provide testimony???
- Walter Kanamu address council on this issue. Per Mr. Kanamu, the word moratorium sounds like an apologetic term. Instead, just stop. Stop sand mining! Mr. Kanamu questions whether the County, State, Landowners, Maui Lani ever been sued for doing what they're doing. Mr. Kanamu is currently working on a documentary that will be disturbing. Documentary will educate the people of Maui, O'ahu and the Big Island because all the iwi is there and now they are being scattered from all around like dust in the wind. No honor, no respect.
- Kaleikoa Kaeo address the council on this issue. Previously served on the O'ahu Burial council for about 6 years in the 1990's. Mr. Kaeo mentioned that he has a lot of concerns. Mr. Kaeo wants to make sure everyone stays proactive. Understands that council powers may be limited. Call to arms of Kānaka, 'o'iwi of this land, demand recognition of human rights as a people, under the domination of the United States. Humanistic rights as the nation states under the illegal and belligerent occupation of the United States on this land. Sam Kamakau talks greatly about importance of protecting iwi kūpuna. Per Kamakau, unearthing of iwi kūpuna is a sign treachery and rebellion. It is considered the work of enemies in our land. So when you look private development coming in and disturbing iwi kūpuna, you need to keep that in mind. Per Mr. Kaeo, Kamakau also states that there shouldn't be a need to discover artifacts, features, sites, burials etc. to make it sacred. The natural features of land itself (pu'uone) is considered sacred; the entire complex. Mr. Kaeo states that it is important to have a clear inventory of all iwi kūpuna in the pu'uone. When Mr. Kaeo was involved with OIBC, every meeting department would provide a thorough update of the inadvertent finds. Mr. Kaeo is very concerned with the idea that the person discovering (desecrating) the burial is the same person that is doing the ceremonies for reinternment. The laws from the very beginning is problematic. When the laws were creating, it was perhaps a step in the right direction, however they fall very short of what is correct and culturally appropriate.

- Clare Apana address the burial council on this issue. Ms. Apana questions why the cultural monitoring plans are drafted without consulting anybody from the culture; any descendants. Ms. Apana recommends that descendants (cultural/lineal) get involved when drafting the plans so that the onus is not simply on the archaeologist, SHPD. Families need to get involved. Ms. Apana is frustrated with the sand mining issue that Maui Lani could take all that sand. Ms. Apana has been complaining about the lack of appropriate monitoring to no avail. Ms. Apana urges the council to take a stand on the sand mining issue as well as ensure that the descendants are directly involved with creating monitoring plans.
- Meeting called to recess at 11:00 AM
- Council recommendation to re-agendize this item as a follow up at the next scheduled MLIBC meeting. However, it would behoove department to change the language of agenda item to specify burials to ensure discussion it is within council jurisdiction. Sand dunes encompass a large area all the way from North shore Paia/Kuau through central Maui and all the way into Kihei. Need to be more specific re: area of interest.
- Council member Kamaunu asked if the department could provide the council with a historical overview of the area re: burials when there is a new inadvertent find on the agenda. State archaeologist Jenny Pickett responded that typically the better avenue to obtain that information would be through the hired archaeology, however, the department can consider it.
- Council member Dukelow request to place this issue on the next agenda to discuss further. Area in question is the entire sand dunes, with possibly focusing on project areas that Lisa has worked on first then expanding outward to cover the rest of the pu'uone.
- Archaeologist Tanya Lee-Greig address the council that when she was interning at SHPD in the early 90's, there was a burial inventory database for Maui Island that Ms. Lee-Greig worked on. It was specific to burials. SHPD responded that they will try and locate it.

## VI. INADVERTENTS

- A. Inadvertent Discovery of Human Skeletal Remains at Waihe 'e Beach Park, reported to the Maui Office of the State Historic Preservation Division on February 22, 2017 Ahupua'a of Wailuku, Moku of Wailuku, Island of Maui, TMK: [2] 3-2-013:010**  
**Information/Discussion/Recommendation:** Discussion about the above find.
- Kealana Phillips, SHPD Burial Sites Specialist and State Archaeologist Jenny Pickett address council
- B. Inadvertent Discovery of Human Skeletal Remains at the Waiehu FM main project, reported to the Maui Office of the State Historic Preservation Division on March 11, 2017, Ahupua 'a of Wailuku, Moku of Wailuku, Island of Maui, TMK: [2] 3-2-015:999**  
**Information/Discussion/Recommendation:** Discussion about the above find.
- Kealana Phillips, SHPD Burial Sites Specialist address council
- C. Inadvertent Discovery of Human Skeletal Remains at Round Tables Beach Waihe'e/Waiehu, reported to the Maui Office of the State Historic Preservation Division on April 10, 2017, Ahupua'a of Wailuku, Moku of Wailuku, Island of Maui, TMK: [2] 3-2-0110:001**

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

- Kealana Phillips, SHPD Burial Sites Specialist address council
- Cultural Historian Ikaika Nakahashi wanted to clarify the issue of permitting. It is up to the permitting agency if they will forward to the permit to SHPD for review. For example, if the County does forward a permit to SHPD for review, SHPD will review and make comments, then typically county permitting agency will put comments as provisions in permit, once landowner complies with provisions, then County will release permit. Only specific agency, whether it's State, Federal or County can issue as well as revoke permits. SHPD can only provide comments/recommendations. So, if there is a concern about a permit, inquiry needs to be directed at the permitting agency.
- Mr. Maxwell asked what triggers SHPD review of a permit. Mr. Nakahashi replied that typically anything over 50 years old and/or certain areas of known historical sites (burials, artifacts, etc.)

Meeting adjourned at 11:45 AM

Minutes by Kealana Phillips. SHPD Burial Site Specialist