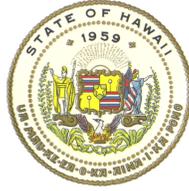


DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

DATE: April 17, 2019  
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 9:00 AM

**II. ATTENDANCE:**

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

Excused: Kalani Ho-Nikaido

SHPD Staff: Kealana Phillips, Burial Sites Specialist  
Ikaika Nakahashi, Cultural Historian

Guests: Noelani Ahia  
Kaniloa Kamaunu  
Amy Halas  
Mike Dega – SCS  
Ian Bassford – SCS  
Tyler Middleton - Hilton  
Patty Shelton, Ryder, Levett and Bucknall.  
Bob Hansen  
Foster Ampong  
Vernon Kalanikau

Trevor Yucha – CSH  
Auli‘i Mitchell  
Lisa Rotunno-Hazuka - ASH  
Nico Fuentes - Atlas

### III. APPROVAL OF MINUTES

#### A. January 16, 2019

- Councilmember Kahele Dukelow move to accept minutes
- Councilmember Scott Fisher second motion
- Councilmember Fisher – “aye”
- Council Vice Chair Maxwell – “aye”
- Council Chair Antonio – “aye”
- Councilmember Dukelow – “aye”
- Councilmember Kamaunu – “aye”
- Councilmember Paci – “aye”
- No “nay”
- Minutes accepted

#### B. March 6, 2019

- Burial Sites Specialist apologized to council that meeting minutes not complete; not ready for council review and acceptance
- MLIBC defer review of March minutes until next meeting

### IV. BUSINESS

#### A. Draft Burial Treatment Plan for Unidentified Human Skeletal Remains at 439 Waive Street, Ko‘oka Ahupua‘a, Lāhainā District, TMK: (2) 4-6-006:017 **Information/Discussion/Recommendation/Determination:** Discussion and determination whether to preserve-in-place or relocate unidentified human skeletal remains at the above location. Council discussion and recommendation to SHPD whether to accept the proposed burial treatment plan.

- Lisa Rotunno-Hazuka address council on agenda item
- Ms. Hazuka here to request determination from council. Residential parcel in Lāhainā. Determination is for preservation in place. As discussed at last meeting. Ke‘eaumoku Kapu is a recognized Cultural Descendant. Ms. Rotunno stated that they worked with him in drafting BTP, long term measures.
- At last meeting, discussed long term measures to protect individual in place. Reference page 14-16 of BTP. Page 16 diagram. 10-foot buffer on all sides, except south side (5-foot buffer b/c of utility easement). 1.6 feet between edge of buffer (south side) and start of utility easement. Don’t have buffer all the way up to the easement (discussed last meeting). 10-foot wide easement, all utilities (electrical and cable) in center. 5-foot, additional buffer, no build zone (easement). Platform, marking individual, measuring 3 x 3 x 2 feet. Ahu, upright boulder. Signage proposed that says Native Hawaiian Burial Site with Site 50-50-03-8501. Kapu. Please Respect Area. Additional protective

measures. Recordation. Meets and Bounds of preservation area. Eventually, recorded at BOC as well as on all future construction plans.

- Council Vice Chair Maxwell confirmed that utility line corridor previously tested. Ms. Hazuka replied yes.

- Concrete jacket. Shallow, maybe about foot and a half deep. Two to three of ground disturbance when conduct testing per Ms. Hazuka.

- Councilmember Fisher asked if landowner planning on selling property soon. Ms. Hazuka replied no. It's supposed to be for family; for their kids. Landowner willing to maintain and protect burial. Yes. The determination of preserve in place was requested by landowner per Ms. Hazuka. Wife part Hawaiian.

- No public testimony.

**- Councilmember Scott Fisher make a motion - The Maui Lāna‘i Islands Burial Council recommends that the iwi kupuna associated with BTP and BSC of Preservation Plan for Site 50-50-03-8501, located at a parcel in Lāhainā Town, Paunau Ahupua‘a, Lahaina District, Island of Maui. TMK: (2) 4-6-006:017 pors. Be preserved in place.**

**- Councilmember Kahele Dukelow second motion.**

**- Councilmember Fisher – “aye”**

**- Council Vice Chair Maxwell – “aye”**

**- Council Chair Antonio – “aye”**

**- Councilmember Dukelow – “aye”**

**- Councilmember Kamaunu – “aye”**

**- Councilmember Paci – “aye”**

**- No “nay”**

**- Motion Carries**

**- Councilmember Scott Fisher make a motion – The Maui Lāna‘i Islands Burial Council accepts the Burial Treatment Plan and Burial Component of a Preservation Plan for Site 50-50-03-8501, located at a parcel in Lāhainā Town, Paunau Ahupua‘a, Lahaina District, Island of Maui. TMK: (2) 4-6-006:017 pors.**

**- Councilmember Kahele Dukelow second motion.**

**- Councilmember Fisher – “aye”**

**- Council Vice Chair Maxwell – “aye”**

**- Council Chair Antonio – “aye”**

**- Councilmember Dukelow – “aye”**

**- Councilmember Kamaunu – “aye”**

**- Councilmember Paci – “aye”**

**- No “nay”**

**- Motion Carries**

**B. Cultural Descendancy Recognition of Foster Ampong to Unidentified Human Skeletal Remains, at Maui Lani Phase VI and Maui Lani Phase IX, Wailuku Ahupua‘a, Moku of Wailuku, Island of Maui, TMK(s): (2) 3-8-099 and (2) 3-8-007:153**

**Discussion/Determination:** Discussion and determination whether to recognize the above individual as a cultural descendant to unidentified human skeletal remains at the above location.

- SHPD Burial Sites Specialist Kealana Phillips read aloud the letter of recommendation drafted by SHPD to the MLIBC re: whether to recognize applicant as a Cultural Descendants to the human skeletal remains in question.

**- Councilmember Leiane Paci recuse herself from item at 9:15AM**

- Foster Among address council.
- Mr. Among stated that he is willing and able to share genealogy with council, if requested by council. However, Mr. Among request that that be done in Executive Session.
- **Councilmember Scott Fisher make a motion – MLIBC recommends proceed to Executive Session**
- **Councilmember Kahele Dukelow second motion.**
- **Councilmember Fisher – “aye”**
- **Council Vice Chair Maxwell – “aye”**
- **Council Chair Antonio – “aye”**
- **Councilmember Dukelow – “aye”**
- **Councilmember Kamaunu – “aye”**
- **Councilmember Paci – “Recused”**
- **No “nay”**
- **Motion Carries**
- **Executive Session begin at 9:17AM**
- **Councilmember Scott Fisher make a motion – MLIBC makes a motion to close Executive Session**
- **Council Vice Chair Maxwell second motion.**
- **Councilmember Fisher – “aye”**
- **Council Vice Chair Maxwell – “aye”**
- **Council Chair Antonio – “aye”**
- **Councilmember Dukelow – “aye”**
- **Councilmember Kamaunu – “aye”**
- **Councilmember Paci – “Recused”**
- **No “nay”**
- **Motion Carries**
- **Executive Session closes at 9:45AM**
- **No Public Testimony**
- **Councilmember Kahele Dukelow makes a motion to accept SHPD recommendation to accept Foster Among descendency recognition to unidentified human skeletal remains at Maui Lani Subdivision, Phase VI, Increment 4 and Maui Lani Phase IX, Ahupua‘a of Wailuku, Moku of Wailuku, Island of Maui, TMK: [2] 3-8-099: 999 pors and TMK: [2] 3-8-007: 153**
- **Council Vice Chair Dane Maxwell second motion.**
- **Councilmember Fisher – “aye”**
- **Council Vice Chair Maxwell – “aye”**
- **Council Chair Antonio – “aye”**
- **Councilmember Dukelow – “aye”**
- **Councilmember Kamaunu – “aye”**
- **Councilmember Paci – “Recused”**
- **No “nay”**
- **Motion Carries**

## V. SHPD INADVERTENT DISCOVERIES/CORRESPONDENCE

### A. Update re: Inadvertent Discovery of Human Skeletal Remains at Maui Community Correction Center, reported to the Maui Office of the State Historic Preservation Division on January 29, 2019, Ahupua‘a of Wailuku, District of Wailuku, TMK: (2) 3-8-046:005

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

- Trevor Yucha, Cultural Surveys Hawaii address council.
- Mr. Yucha provide handouts to council.
- Mr. Yucha stated that this inadvertent was reported at the last MLIBC meeting on March 20, 2019. Did not know all details at meeting. Since then, CSH conducted initial investigation of the A/C system drywell (location of find). 5 ft x 5 ft excavation that was completed by hand in the small walkway between Dorm 3 and the Programs Building.
- Arrived on site, conduct 100% screening of all backfill material. During the screening, found number of bullets, shell casing. Related to use of area as police clubhouse, gun range prior to construction prison. Also, during screening stated Mr. Yucha, found number of nails, which identified as coffin nails based on characteristics.
- Inspected actual excavation; cleaned up loose material. At that point, observed coffin shaped pit that excavated into lithified sand at base of excavation. Carefully inspected pit and identified faint wood coffin outline. Through that investigation, determined historic coffin burial per Mr. Yucha.
- Only portion skull disturbed when originally excavated without archaeological monitors on site. Osteologist was able to identify that portion of skull related to the burial as an adult male of Asian descent, which include Polynesian (Native Hawaiian) based on characteristics of the skull and teeth. Presence of coffin indicates burial is historic, post contact. Did research; maps presented.
- Mr. Yucha presented council with 1882 map of area shows several near by land commission awards (LCA's). Project area (burial) is within an area that's undeveloped and shown as just the sand dune, no houses, LCA's or anything.
- 1951 map shows the original Maui County jail buildings and an adjacent cemetery labeled as a Japanese cemetery. Historic coffin burial located beneath footprint of original jail and about 150 feet from Japanese cemetery. No clear indication burial related to cemetery other than being in clear proximity.
- Mr. Yucha stated that they have consulted with Wailuku district rep Johanna Kamaunu, SHPD about burial treatment and options.
- One option that is being proposed is construction of a protective CMU (cinder block wall) around the burial which will be preserved in place (already been determined). Design still in the works.
- According to Mr. Yucha, one of the concerns with that structure, by installing it, may mean more ground disturbance in area. Area will be recorded by a license surveyor and with the BOC. Location of burial find will be backfilled. Still working on surface treatment. Idea is to restore area to original condition; minimize, restrict access to area. Area not used often per Mr. Yucha.
- Talked about placing sign in general area, noting that this area does contain human burials, without drawing attention to the actual find.
- According to Mr. Yucha, will be preparing a BSC of PP to document everything.
- Moving forward with completion of dry well, design something that will minimize/eliminate any future ground disturbance.
- Original drywell 5x5, 4 ft deep. Proposing to install new dry well, more or less on surface. Requires A/C water percolate into ground. Ground disturbance for this would

be 8 inches max, instead of 4 feet. New dry well would be relocated away from burial, not above. Lines running all above surface

- Mr. Yucha stated this is the only ground disturbance remaining for this project.
- Area has not been tested to answer Council Vice Chair Maxwell question. However, Mr. Yucha explained that one option could be to use GPR. If anomalies show up, avoid area.
- Councilmember Paci wanted clarity re: the determined race of individual.
- Probably best for osteologist to explain. It's a broad range of people being represented with Asian descent, Polynesian being one. Has characteristics of being most likely Native Hawaiian, revise that to the broader Asian descent because of research did (close proximity to the Japanese cemetery).
- Need to be clarified because if not Hawaiian, department jurisdiction and not the MLBIC explained councilmember Paci.
- Councilmember Fisher stated that this is an inadvertent find, so really no jurisdiction for council anyway, other than recommendation.
- Discussion ensued amongst council members re: offering recommendation for burial if non-native. Not sure if native or not. Combination, mixed race?
- Councilmember Fisher asked if any cultural material, burial context found could help provide clarity on race. Mr. Yucha replied that that very well could help. However, once they found burial, did not test, investigate further.
- Councilmember Kamaunu voiced her concern of finding out that it was a coffin burial. It shows that it was intentional, planned. High Likelihood of more there explained Ms. Kamaunu.
- Council Vice Chair Maxwell mentioned Pu'upuiha in Lāhainā, where different cultures, ethnicities of those that are buried are layered on top, near one another. Common practice possibly for Maui?
- Burial ground stated Councilmember Kamaunu.
- Max build out of area asked Councilmember Fisher. Most likely, although there are more projects planned in the facility stated Councilmember Kamaunu.
- CSH recommendation was to use GPR to figure out new location for dry well. Council Vice Chair Maxwell asked if CSH lead firm for GPR testing. Mr. Yucha replied yes.
- Mr. Yucha explained that testing depth depends on the receiver. Receiver that CSH uses can go 10, 15 feet depending on conditions. Works well in sand, dry sand. Encountering water table, hard clay that affects signal.
- How long using GPR on Maui/as a company asked Councilmember Dukelow. Mr. Yucha replied since 2010 for projects all over the State.
- Find anomaly, move somewhere else. Is practice that when anomaly is found, investigate or move elsewhere asked Ms. Dukelow. Those are the two options on the table replied Mr. Yucha. Consult with anyone, propose two options. Can project be designed in a way that avoid anomalies? Or if anomalies need to be tested. Have encountered both per Mr. Yucha. No GPR done thus far for this project stated Mr. Yucha.
- Sand dune matrix. Odds of running into burials if more work is planned is high stated Councilmember Fisher. The close proximity to Japanese cemetery explained Councilmember Paci as well.
- Ground disturbance of current project ends with dry well. But Ms. Kamaunu is correct explained Mr. Yucha. They do talk about future plans i.e. add more buildings, fire alarm upgrades. Things like that that involve trenching in the future.
- Issue of markers. Councilmember Kamaunu suggest no marker there. Signage placed in more visible area identifying burial ground, not single burial.

- What's going to go on top of surface once backfilled asked Council Vice Chair Maxwell. Mr. Yucha replied still up for discussions. Thought was to restore back to original, with concrete walkway. Re-route walk way? Common traffic re-routed. Would like to keep walkway there. More of a safety thing explained Mr. Yucha. Inspect around building, maintenance, etc. Signage at end of walkway was a thought.
  - Two suggestions for area: 1) water rerouted back through plumbing
  - 2) Put in irrigation system for area. Not highly probably because of State building codes and standards for facility.
  - Recommend no concrete walkway above burial stated Mr. Maxwell. Councilmember Fisher asked about capstone. In the future, 20/30 years down the road, if more work done. Hit the capstone, know that something is below. Not re-disturbing burial.
  - Construction company created plan (subterranean tomb) around burial. Created out of cinder blocks; More or less water resistant. Filled with clean sand, capped with concrete. Concern with plan, in order to install, going to have to widen excavation. Possible to naturally backfill, concrete cap?
  - Pose question to department. Coffin burial of Asian descent in the vicinity of Japanese cemetery, department intent to try to reach out to Japanese Organization asked Councilmember Paci. Since it's not clear. Japanese or Native Hawaiian? Mix?
  - Burial Sites Specialist Phillips replied that the Department has not reached out to any Japanese organizations. We've been operating this entire time as if it is of Native Hawaiian ancestry thus consulting with the MLIBC, more specifically the Wailuku district rep, Johanna Kamaunu. Mr. Phillips explained that if the council wishes for the department to consult, reach out to Japanese groups, that's possible. May not be a bad idea per council.
  - Councilmember Dukelow asked why broaden determination. Based on proximity to Japanese cemetery? Time period about the same? Mr. Yucha replied that looking at the skeletal material, determination was most likely Native Hawaiian. The broadening was based on the context of the burial. Traits similar enough; only looking at small amount of skeletal remains to make determination. Broaden to Asian descent based on context. Time period asked council. Modern MCCC constructed in 1940 explained Mr. Yucha. The original jail showed on map is pre 1940. Unsure time period of Japanese cemetery.
  - After 1868, huge influx of Japanese Immigrants stated Councilmember Fisher. Any way to determine age? Not shown on the 1850's map. Will continue historical research. Only way to really find out is to investigate grave goods. Disturbing work.
  - Councilmember Fisher recommendation to department is to reach out. Japanese organizations may have information re: burial, area, etc. Options: Hawaiian, Asian or Mix. Time period 1846-1940.
  - Councilmember Kamaunu reference 13-300-39 (f) (g).
  - Use nails to determine time period asked Ms. Dukelow. Production of nails pretty broad. Poor condition stated Mr. Yucha.
- Council Chair Antonio open item up for public testimony.
- Kaniloa Kamaunu address council.
  - Mr. Kamaunu stated he doesn't like the term Native Hawaiians. U.S. federal statues consider native Hawaiians American citizens. No naturalization of Hawaiians. Considering people Native Hawaiians injustice to identity. Changing their course. 1860 legislation in Kingdom for them to stay in place. Right given to them, even though rights consistently violated by construction, developers, progress etc. Western society, dead, no worth. Hawaiian culture. Still live. May not be in this dimension. Guide us. Cannot forge future without our past per Mr. Kamaunu. Mr. Kamaunu opposed to recognition as Native Hawaiians. Mr. Kamaunu states the two components when identifying a burial.

- 1) medical examiner 2) archaeologist. According to Mr. Kamaunu, law has not been implemented for years. Only taking one side (archaeologist).
- Mr. Kamaunu stated that he worked at MCCC for 28 years. Do have some background info. Unsure about where bullet casings came from. Firing range wasn't there. By dorms 6 and 7 when Mr. Kamaunu was there.
- Amy Halas address council.
- Ms. Halas wanted to state this is one reason need attorney general at MLIBC meetings. All raising excellent questions.
- Ms. Halas referenced HAR 13-300-33, c.
- Noelani Ahia address council.
- Ms. Ahia point out iwi found at site on January 29, 2019. 5 weeks later, riot at MCCC. Not saying exact causation. When burials disturbed, it affects things. Seen countless disturbances in project district.
- Ms. Ahia wanted to ensure continued discussion on development in burial grounds. Sounds like prison may be on top of other burials. Continue to Malama. Look to rectify disturbances that are happening. Keep in mind when working toward preventing further desecration of burials.
- Council Chair Antonio close public testimony.

**B. Maui Bay Villas Project, 575 South Kihei Road, Unit NO 1, Ahupua'a of Ka'ono'ulu, District of Kula, Island of Maui, TMK: (2) 3-9-001:086**  
**Information/Discussion:** Discussion about the above project.

- Mike Dega, Principal Investigator of SCS Archaeology address the council.
- Mr. Degas stated that with him today is Ian Bassford, Maui Island Manager and Field Director of Project, Tyler Middleton from Hilton, and Patty Shelton, Project Manager at Ryder, Levett and Bucknall.
- Mr. Dega stated he does have any burials to report. Understand council has questions, more than happy to answer them. Mr. Dega stated he can give the council a quick recap/update of how got to this point. Yes. Chronology would help stated council.
- Maui Lu, late 60's/early 70's. Redevelopment planning to occur, late 90's. SCS did an AIS, accepted by the State in 1999. Did survey, dug 16 stratigraphic trenches. No cultural materials at all were found. Looking over the records, a lot of fill material stated Mr. Dega.
- Fast forward to 2016, when project sold, met with SHPD, they said no historic properties would be affected by the redevelopment (occurring now). No further work needed at that point.
- Fast forward to December 2018. Hilton and GBI said they'd be more comfortable, wanted to be proactive. Have archaeological monitors on site. SCS has been on site monitoring since December 2018. Now mid-April. Out their full time, everyday explained Mr. Dega. Nothing to report as of burials, significant sites, artifacts, etc. to this point.
- Council Vice Chair Maxwell asked about the headstone.
- Discussions ensued between council and Mr. Dega re: appropriate designation of what was found. Headstone vs. Pohaku.
- Mr. Dega explained that it was a piece of rock with carving on it. It had a date, 1884, and the name Lokaina.
- Mr. Dega stated that it was found on the surface, embedded into a kiawe tree. Wasn't dug up; no excavation in area. Tree grew around pohaku. Tree still there.

- Councilmember Dukelow said it appears as though it is marking a burial. That's the way it was initially looked at per Mr. Dega. Stopped work in area, cornered off area with orange fencing, and begun consultation with SHPD.
- Was it treated as a headstone asked councilmember Dukelow. Was notification procedure followed? Yes. It was treated as an inadvertent discovery. Found during monitoring. Possible headstone; rock with carving on it.
- Inadvertent discovery, something that is not marked (thus inadvertent). If something is marked, not inadvertent explained council. Common sense definition. SHPD law perpendicular to what common sense is stated Mr. Dega. Under this case, inadvertent means found during monitoring. Treated as possible headstone (burial). Mitigation for this: Need to confirm whether burial or not.
- Main concern for council per councilmember Dukelow is we deal with unmarked burials. In this case, there is a marker (headstone), but not acknowledging it as such. Considered a possible headstone marking a possible burial.
- Name, year, cross carved into pohaku. Sufficient evidence marking a burial per council.
- Disagree with the term inadvertent because it was marked explained Ms. Dukelow.
- Councilmember Paci asked Mr. Dega what would you define the find as? Burial good, burial site, or historic property. Historic property answered Mr. Dega. It's an artifact until proven its association with a burial.
- Mr. Dega explained that they do lots of surveys through out state. Not uncommon to discover headstones displaced. No burial beneath/around it.
- Likely hood of growth of tree displace, destroy iwi that would be beneath asked councilmember Fisher. Mr. Dega answered no. There would still be evidence of iwi.
- Anytime come across possible headstone, dig it up asked Ms. Dukelow. Mr. Dega stated no. Stop work immediately and form a mitigation strategy through consultation with SHPD.
- A lot of background, consultation was done prior to putting a bucket in the ground explained Mr. Dega. Digging the last thing you do.
- Assume iwi? Yes. Testing strategy formed assuming iwi there.
- Burial found with headstone, treated as inadvertent discovery or depends what it looks like asked council. It depends.
- In this case, considered historic property based on age (inscription). Cannot be called headstone/burial because did not find any iwi associated. Historic property over 50 years old. Councilmember Dukelow wants clarity on determination of burial; decision to dig to verify. Case by case explained Mr. Dega. If find possible headstone, consult with SHPD, SHPD ask community and community verify burial, operate as a burial. In this case, SHPD unsure, community unsure. Needed to test, ground truth to verify.
- Date states 1884. How much people around now would know for sure asked council
- What is Hilton proposing at this point? Removal? It has been relocated. Still on site.
- Councilmember Fisher asked why it could not be preserved in place, treated as burial. BTP? Mr. Dega replied cannot draft BTP if no burial. Radius to test for burial?
- Test tree roots?
- Ian Bassford address council.
- Mr. Bassford states that upon initial find, spoke to SHPD re: proper testing methodology.
- Four trenches, all the way up to stone. Still imbedded in roots. Trench down two and half meters to bedrock, water table. No human remains, cultural deposits, pit intrusions found. At that point in time, tree removal in process. Removed stone by hand, took into base yard, been there ever since. With GPS, shoot direct overhead location in a polygon around it. That way, any future work in area on their plan set. If anything found in immediate vicinity, easily go straight to plan, link it up, identify individual. At this point

in time, consider artifact, treated at such. Still on site. Been talking to Kula Kai community re: appropriate mitigation measure. Permanent disposition.

- Could it be a headstone that got displaced asked councilmember Fisher.
- Don't know answered Mr. Bassford. Context is everything. Not sure if original location. Don't sure if real. By not finding individual related to that, very difficult to determine true context. Rather air on the side of caution then be negligent stated Mr. Bassford.
- Possible headstone displaced. Mounds of sand on property. What type of screening asked Council Vice Chair Maxwell.
- Hard part, according to Mr. Bassford, this is not a job required by SHPD to be on. Recognize importance of area. Pertinent have somebody there. But, have other jobs where monitors required. Doing best they can.
- Still in discussions with community re: final disposition. At this point. Artifact. Artifact owned by landowner. If someone would step up and wanted to take possession of it and come up with a plan, sure Hilton would be willing to do whatever it takes.
- No screening of sand from mass excavation stated Mr. Bassford to answer Mr. Maxwell question.
- Iwi along road. Known burials exist per Mr. Maxwell as told to him by his grandfather.
- Work occurring across street (sand replenishment). Council hope is that SHPD require monitoring.
- 1999 AIS, missed pohaku. Inadequate survey?
- Councilmember Fisher proposed pohaku be returned at or near location where it was discovered. Mr. Bassford stated he is not an engineer, but he believes the location it was found is the proposed entry to clubhouse, receiving hall.
- Councilmember Kamaunu asked why was SHPD notified first. Following the inadvertent notification process stated Mr. Bassford. Concerning that pohaku was removed before greater public can have a conversation about it explained Ms. Kamaunu. Contact/work with council member representing area going forward request council. Ms. Dukelow request to be involved in the determination process.
- Possibility of iwi dissolved; no evidence left behind asked council.
- Mr. Bassford referenced Takatani parcel. Found individuals interacting with water table. Did not degrade iwi any more than normal.
- Pohaku looked out of place. Unsure of original location. Consult with Kimo Alo asked council. Mr. Bassford stated he did not have a chance to speak with Mr. Alo.

Mr. Dega stated that if pohaku was on property in 1999 (AIS), it would have been found. Would not have been missed. Mr. Dega stated need to produce monitoring report, despite SHPD not requiring monitoring (legally).

- Council Chair Antonio open item up for public testimony.
- Vernon Kalanikau address council.
- What Mike Dega and Ian Bassford sharing been right. Just want to add stuff per Mr. Kalanikau. As far as the headstone, Ian reached out. Mr. Kalanikau is the Aha Moku Kula Kai rep. Consulted with to figure out best way to move forward with headstone. Mr. Kalanikau and Cody Nemet met Mr. Bassford on site for a

site visit. Permission was given from Goodfellow's to go on property and view headstone. First saw head stone, name and date somewhat unreadable. Try to piece together info on headstone in relationship to fishpond nearby, David Malo church at Kulanihakoi. Headstone appears to be made with sandstone. Sandstone found a lot in area. David Malo church, Kenolio Rd, mauka of project areas with plenty of sandstone. Sandstone used for many purposes per Mr. Kalanikau.

- Mr. Kalanikau felt that he needed to reach out to the lineal descendants of that ahupua'a for their thoughts or guidance. Mr. Kalanikau felt this was proper protocol to check.
- Mr. Kalanikau said that they did hook up with Ian again a few weeks later. Walked beach property. It was that time that Mr. Kalanikau asked those who were present for mana'o, what should we do with the headstone... Any thoughts? Don't know context, connection of the headstone to the lineal descendants of area.
- Mr. Kalanikau explained after discussing this with ohana and friends, it was decided to leave the headstone there with the project.
- Initial intent prior to meeting with Ian and others, Mr. Kalanikau wanted to take headstone home. Mr. Kalanikau lives right down road. Hold it until further discussions can happen between lineal descendants of area or anyone that could provide more info re: headstone.
- As far as fulltime monitoring (3 of them), Mr. Kalanikau stated that he is not comfortable with that.
- Anyone familiar with area or understand its significance has been contacting Mr. Kalanikau with their concerns. Mr. Kalanikau stated he is in the process of putting together a packet of all of the community's concerns.
- Mr. Kalanikau referenced the 2016 letter written by SHPD. SHPD determination was that no historic properties affected. Can proceed with project with no monitoring.
- Mr. Kalanikau question why SHPD initially drafted two letters (August and October 2015) that asked more info / another AIS to be conducted. Three months later, SHPD change their mind???
- 20 years went by from original AIS. AIS should have been updated per Mr. Kalanikau. Mr. Kalanikau stated he had written letter to SHPD Administrator Dr. Alan Downer and Archaeology Branch Chief Dr. Susan Lebo. No response.
- Should be monitoring on property per Mr. Kalanikau. Mr. Kalanikau stated that when Mr. Bassford found out that there was no monitoring, he reached out to Goodfellow to request they hire someone to oversee work (voluntary). Unsure of status of Voluntary Monitoring???. Short term???. Project will last a while per Mr. Kalanikau.
- Mr. Kalanikau stated that this is his back yard. Been there since 1965. Last house on Kenolio Road. After that all Keawe and Maui Lu. South Point Village, house right next per Mr. Kalanikau. Never had laws back then to protect iwi. All back there get iwi. Takatani property as mentioned earlier by Mr. Bassford; All of Kenolio get iwi. How would this property not have any stated Mr. Kalanikau?
- Mr. Kalanikau stated that Mr. Gibson (Maui Lu), built on grade. Worked with Hawaiians back then. Did not want to dig and desecrate burials.
- No iwi found to date. More monitoring should be done per Mr. Kalanikau.

- Piece in Kulanihako'i River, just south of Kaonoulu Road, right across street from Maui Lu. Hillside preserved. Story is it's preserved because there's iwi in the mound. That mound used to continue across street. Never had Kaonoulu. How come that mound preserved? No concern about Maui Lu?
- A lot of people concerned about project. High grade, elevation was high, now there's a big hole in the ground. Difficult to see, drive by area.
- Coordinated sign waving to protest SHPD decision not to recommend monitoring. 20 years went by (AIS) per Mr. Kalanikau.
- Burial Council Chair Antonio call meeting to recess at 11:03AM**
- Kaniloa Kamaunu address council
- Mr. Kamaunu question SHPD determination of no historic properties affected on permit application. No monitoring/further work required. Mr. Kamaunu also question the fact that it was requested that a new AIS be done. Previous AIS 1999; possible different project, footprint. However, SHPD did not make current landowner do that. Something found, considered artifact. Not blaming Maui office staff, they do best they can per Mr. Kamaunu. Administration to blame. Lack of transparency by SHPD. Not enough consulting.
- Qualification. Difference between archaeologist and an archaeologist monitor.
- Rules not being followed. Only getting info from Archaeologist (paid by developer). No info from medical examiner. One sided.
- Noelani Ahia address council.
- Project hewa. Digging big pits. Huge equipment. Highly sensitive area. AIS old, written before laws changed, updating rules for AIS. 2015, SHPD attached letter to permit saying request new AIS. However, in 2016, Mr. Alan Downer sent different letter, saying old AIS sufficient per Ms. Ahia. Wahi Pana with mo'olelo attached to it. Storied place, belonging to our people. Limited by laws living under (currently challenging in court). If developer wanted to do right thing, stop project, consult with community and do a voluntary AIS with GPR. Not a million trenches that could disturb more burials. Find a pathway to protect what is there. Work with community implored Ms. Ahia.
- This type of development is killing us as a people explained Ms. Ahia. Settler, colonial BS. Not pono.
- Bob Hansen address council.
- Mr. Hansen hoping that whatever is decided here today by the council is followed in the future.
- Mr. Hansen wanted to bring to the council attention about the work scheduled to occur at the Grand Wailea, which include the removal of the chapel.
- Amy Halas address council. Any materials removed from property (sand)? Mr. Bassford answered that majority of the material will remain on site. However, some materials will be removed.
- How able to monitor all equipment asked Ms. Kamaunu if big property, lots of work. Mr. Dega explained that critical area is makai in sand. Mauka of property is mostly fill, no monitor. No monitoring done if material previously monitored. Do best can. If more monitors free, will monitor project.
- Prior to monitors being on site, how much excavation occurred. Dust fence along South Kihei, Kaonoulu. Material comingled. Mr. Bassford explained that material that were dug up prior to monitoring has been examined, not screened. Screening not occurring on project. Where fill came from? Mr. Dega reiterated, been on site since December, nothing found.

- Council question the beach replenishment project. How much sand needed. Mr. Dega replied 1950 cubic yards. Where getting sand from? From area. Redistributing sand from eroded areas.
- What's the extent of excavation asked Council Vice Chair Maxwell. Big job, going on for a while stated Mr. Bassford. 6-8 months.
- **Council Vice Chair Maxwell recommends that any sand excavated on site stays on site.**

**C. Training for Maui/Lānaʻi Islands Burial Council on membership, roles, and responsibilities.**

**Information/Discussion:** Discussion on the above item.  
**(BRING BLACK TRAINING BINDER)**

- SHPD cultural historian Ikaika Nakahashi encouraged community to utilize district rep of the burial council as a resource. Everything that the burial sites specialist knows, gets transmitted to the burial council rep. Process will work better if utilize rep to transmit info, ask questions, get things answered
- Councilmember Kamaunu stated that supposed to have discussion today re: expansion of preservation site at Maui Lani Phase 6, increment 4. It was recommendation at last meeting. Ms. Kamaunu request to make a comment about it.
- At this point, per Ms. Kamaunu, recommendation is to take entire site (what's left), make it a preservation area. If continue ridge line across street (Kuikahi). Another 78/80 burials. Haven't gotten to back half of pu'u yet. Rather than continue disturbing parcels (burials), smarter to just make it a larger preservation site.
- Who made determination that that would be preservation site to begin with? Determined before AIS done stated Ms. Kamaunu.

Meeting adjourned at 11:35 AM