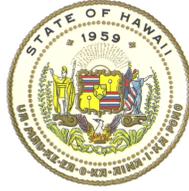


DAVID Y. IGE
GOVERNOR OF HAWAII



**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: December 11, 2019
TIME: 9:00 AM
PLACE: Department of Land and Natural Resources
Maui District Office Complex
Conference Room
130 Mahalani Street
Wailuku, Maui, HI 96793

I. CALL TO ORDER/PULE

The Burial Council Vice Chair Dane Maxwell called the meeting to order at 9:06 AM

II. ATTENDANCE:

Members: Dane Maxwell – Vice Chairperson
Kaheleonalani Dukelow
Scott Fisher
Johanna Kamaunu
Kyle Nakanelua
Iris Pe'elua

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

Guests: Andrew Chianese – HBT of Maui Lani
Trevor Yucha - CSH
Auli'i Mitchell – Vice-Chair OIBC
Kai Rozet - Public
Hal Hammatt - CSH
Ian Bassford - SCS
Alfredo Villas-Boas – Ho'okipa Nakalele
Tanya Lee-Greig – Aina Archaeology
Kurt Watanabe – County of Maui – Public Works
Joyclynn Costa – Aha Moku
Larry Pacheco – DLNR, State Parks
Noelani Hessler - CSH

Annette L. Heu – Kakanilua + those who have come it
Leona Nomura - Hamakuapoko
Justin Kekiwi – DLNR/Lineal Descendant
Reynaldo Fuentes – Atlas Arch
Noelani Ahia
Clare Apana
Amy Halas
Dean Frampton – Frampton & Ward
Kainoa Ka‘auamo – Honomanū
Susan Vickery – Malama Kakanilua

III ELECTION OF NEW CHAIR

- **Item tabled until all members arrive.**
- **Item revisited at the conclusion of discussion re: V. A**
- Councilmember Dukelow nominate current Vice Chair Dane Maxwell as new Chair.
- Councilmember Kamaunu nominate current councilmember Kahele Dukelow as new Chair.
- **Council Vice Chair Maxwell called for a recess at 10:50 AM**
- **Council Vice Chair Maxwell resumed meeting at 11:00 AM**
- Councilmember Dukelow does not accept nomination.
- Only 1 one nominated; Dane Maxwell appointed.
- Cannot vote on new Vice Chair now. Burial Specialist Phillips stated he did not want assuming Vice Chair Maxwell was going to be voted as the new chair. Will agendize election of new vice chair at next MLIBC meeting.

IV. APPROVAL OF MINUTES

A. October 16, 2019

B. October 16, 2019 – Executive Session

- SHPD Burial Sites Specialist Kealana Phillips apologized to council. Draft meeting minutes for October is not ready for council approval at this time per Mr. Phillips. Mr. Phillips stated he is more than half-way finished. Once completed, he will post draft minutes to SHPD website immediately. Mr. Phillips explained that draft meeting minutes for the Oct MLIBC meeting will be ready for approval by the MLIBC at the next meeting.

V. BUSINESS

A. Update on Maui Lani Subdivision Phase VI, Ahupua‘a of Wailuku, District of Wailuku, Island of Maui, TMK: (2) 3-8-099: pors.

Information/Discussion/Recommendation: Update on the above project.

- Councilmember Iris Pe‘elua Recuse herself.

- Andrew Chianese, attorney for HBT of Maui Lani address council on agenda item.
- Mr. Chianese provide council with an update on status of lawsuit.
- Trevor Yucha in attendance to give update on logistics of GPR and analysis.
- Mr. Chianese stated that on Oct 8, HBT submitted GPR analysis of areas of ground disturbance within increment 4 to court and all parties. On Oct 24, submitted location of anomalies that will be investigated. Anomalies to be assessed will be unknown anomalies

within utility corridor/utility trench and underneath or within 5 feet of housing foundation. Nov 4, court allowed to proceed with lots 146A, 147A and 148A, abut increment 3. Work began on Nov 12, remains ongoing. Nov 29, court entered order allowing HBT to commence ground disturbing activity for the purpose of accessing anomalies discovered thru GPR.

- Council Vice-Chair Maxwell wanted to clarify different in Utility Corridor vs. Sewer Corridor. Separate, but overlapping stated Mr. Chianese.

- Trevor Yucha present power point presentation. Brief overview; helpful.

- GPR results, Maui Lani Phase 6. Overview: Intro to GPR, how it's used, how has been used in state (other firms, as well as CSH), burial id, methods and results, interpretations.

- Mr. Yucha explained that GPR is a geophysical method that uses radar pulses to image the subsurface. This nondestructive method uses electromagnetic radiation in the microwave band of the radio spectrum and detects the reflected signals from subsurface structures.

- GPR uses high-frequency (usually polarized) radio waves, usually in the range 10 MHz to 2.6 GHz. A GPR transmitter and antenna emits electromagnetic energy into the ground. When the energy encounters a buried object or a boundary between materials having different permittivity's, it may be reflected or refracted or scattered back to the surface.

- Radar potential to record changes, irregularities in radar reflections (anomalies). CSH uses 400 MHz antenna (manufacturer recommendation). Depth range 0-12 feet (0-4 meters). Depth radar penetrates ground is dependent on characteristics of soil. Data (via antenna) collected by onboard computer. Radar energy is safe (similar signal to cellphone/tv remote).

- Best way to record GPR info is in grid format per Mr. Yucha. Parallel individual transects 25-30 cm apart.

- Number of different ways to view, analyze, interpret info collected by GPR (each better than the last). 1) on board computer (out in field/can make assessments on the fly); Limited view. 2) Take info recorded by computer to office, download and analyze each profile. 3) 3D model. 3D model can help identify/interpret results/anomaly.

- How big (diameter) utility line asked Vice Chair Maxwell. Just trying to get scale; see how big; definition. Mr. Yucha replied, Larger line (1-2 feet)

- GPR use in Hawai'i. Mr. Yucha showed map by Natural Resource Conservation Service showing GPR suitability on the island of Maui. Scale from high suitability to unsuited. High suitability areas newer (more recent lava flows). Central isthmus (high suitability).

- Mr. Yucha provided examples of previous GPR studies done in Hawai'i. Study conducted at Bellows on O'ahu by Dr. Lawrence B. Conyers, Dept of Anthropology at University of Denver. Study prepared for the Society for Hawaiian Archaeology in 2007. Test at Bellows shows the excellent results that GPR can provide in carbonate sand, in this case with good resolution to at least 2 m depth. GPR mapping at this site proved to be an excellent method to quickly evaluate the archaeological potential of an area and allowed targeting of excavations in specific areas of interest. Referring to ground truthing process. ID burials/cemetery. 2 points. Vast variety of burial types produces a similar multitude in how burials are displayed during GPR images. Only manual interpretation of individual profiles can identify the older graves.

- Council Vice Chair Maxwell question power point slide. Aboriginal style burial. Flexed? Mr. Yucha stated imagine of burial from Australia. In cemetery. Traditional. No coffins. Flexed. Example of signature.

- Mr. Yucha stated did a test in yard at office. Mock Burial Test with GPR. Shows anomaly/pit.

- Prior to mock test. Did go to Maui Lani to survey portions of Road A and Road B. Surveyed two likely location of burials. One on loose sand and one in lithified. Was able to obtain what it (burial) looks like from GPR. Imagine different in loose compared to lithified. Real subtle imagine in lithified.
- Mr. Yucha provide map of all areas surveyed. Non-contiguous format, 128 grids. Focused on areas of deep ground disturbance. Location to survey selected by landowner. 4.08 acres of coverage.
- Sewer Corridor asked Vice Chair Maxwell. One of the deepest areas of proposed ground disturbance. Constraints. Couldn't GPR over areas of open excavations, dirt piles, vertical slopes or existing structures (few houses already built).
- Maui Lani Phase VI GPR Methods. Map of subdivision. 57 house lot frontages, 4 road corridors, 4 driveways and 1 waterline corridor. 128 grids. 4,470 transects, 25 cm transect spacing. 805 hours (big job).
- Results: Scale of project. Difficult to present on one map. Identified 307 total anomalies. Thru analysis, further identify, break down into specific categories. Of 307, 176 unknown. No additional info; just know location. 18 unknown anomalies identified in fill (pretty confident not iwi). 88 metal objects (easy to identify). 14 utility lines. 8 known human burials that are known to be previously documented. 2 metal site tags and an open trench.
- Metal objects unique signature "ringing". GPR picks it up pretty clearly. Small/discrete located at or near surface. Found near existing construction area (phase 3). Utility line show up clearest. Unique signature "ringing". Linear with surface indications/known. Map of confirmed burial locations and anomalies associated with each. Signature. Some subtle; some more robust. Unique signature "X" formation in screen, radar bouncing off the burial.
- Future studies. Exciting. Signature show there is something there. Images on map, 1 scan. Do have 3D model, plan view. Have different ways to look at it. Burial pit signature would be identified in 2 possibly 3 passes.
- Clarify 8 known burials asked Councilmember Dukelow. Didn't identify; not known during survey. Found out through mapping done previously of property. TS numbers assigned to the 8 finds. Didn't identify additional burials just based on GPR stated Mr. Yucha. Not at that point, enough comparative examples to identify just with the image. Any known that GPR didn't pick up asked councilmember Dukelow. Possible. Differ to archaeologist out there stated Mr. Yucha. Understand comparative examples limited. How much data/info would allow to confidently identify an anomaly as burial just by looking at image asked Vice Chair Maxwell.
- That's a really good question stated Mr. Yucha. Sensitivity to ground truthing. That would probably be the only way to see imagine and confirm via ground truthing.
- 176 unknown, any of those have the unique "x" pattern in imagine asked Vice Chair Maxwell. I'm sure stated Mr. Yucha. 8 found, already knew there. More that didn't find councilmember Dukelow asked Mr. Nico Fuentes of Atlas Archaeology.
- Councilmember Nakanelua asked if GPR is used, image shows the distinctive "x" pattern, indicating a burial. Should the burial be considered a known burial vs. an inadvertent burial. "X" pattern shows the void (pit), clarified Mr. Yucha. Not necessarily the iwi itself. Signature of burial pit. If in area of known burials. Interpreted as pit containing iwi. Possible burial until iwi discovered. Don't know how classified (History and Culture).
- To answer Mr. Nakanelua question, Burial Specialist Phillips replied that would make sense. Don't have experience dealing with burial designation via discovery from GPR. Burial site means a specific location. Which is confirmed via GPR. However, when you

look at previously identified. Definition says burial site identified during AIS or known through oral or written testimony. Doesn't say anything about GPR.

- Up to landowner. Known burial (burial ground). Possible burial. Should avoid explained councilmember Dukelow. Most compelling story. 8 burials already discovered/known, unbeknownst to CSH (GPR crew). Signature showed up in imagine.

- With this information (signature from 8 burials), common practice moving forward should be to avoid areas where these signatures show up. Consider it burial. Not needing to ground truth.

- Mr. Fuentes explained that the problem is the 8 burials had been previously dug/identified, similar to the mock test which show the unique "x" imagine. The challenge will be when trying to find a unique image/signature for a burial that has not been dug recently (in situ/primary intact burial). What is the signature for that? How would we know that's the signature without investigating to confirm?

- Council and Mr. Fuentes discussed false pits. Two pits on either side, anomaly in between. No need to dig. Left alone. Council Vice Chair Maxwell asks if did scan? Potential to get signature from that.

- Councilmember Kamaunu stated she has a problem with that. Council Vice Chair Maxwell replied that ability exists to scan anomaly and get signature. If can get signature, hopefully can avoid digging (ground truthing). Council in agreement against ground truthing.

- Councilmember Dukelow wanted clarity on the designation of 176 unknown anomalies. No confidence to determine/designate as other objects exclaimed Mr. Yucha.

- Long term role GPR playing. No matter what results are, still have to test. Is there a threshold need to hit to determine something is something (burial) without testing asked Vice Chair Maxwell? If unable to ultimately conclude an anomaly is a burial after so many GPR results, no point in continuing if will always have to ground truth (dig).

- Non-Invasive tool. Preferred use during AIS stated Mr. Yucha. Using GPR to avoid anomalies, could be used that way. Not sure if ever will get to the point to confidently say this is a burial; lets avoid.

- 176 unknown anomalies. What is next step asked councilmember Dukelow?

- CSH Prepare report. Report given to court. Court decide what to do, how to proceed. Mr. Yucha stated his process ended once report submitted. Never surveyed area with so many known burials. Usually done GPR in area without that context explained Mr. Yucha.

- Mr. Chianese stated court ordered to proceed and assess anomalies. Ones that will be assessed is where will have ground disturbing activities. How many will be test? 93 stated Mr. Chianese. Took the construction plans, as they are now, and overlaid them with map of anomalies. Been approved by court.

- Vice Chair Maxwell wanted to pinpoint where the sewage corridor is located. Largest/deepest disturbance. Understanding is that if cannot put sewage utility, cannot develop rest of increment 4. No sense in ground truthing (digging) anomalies if first cannot ascertain whether or not sewage line cannot be installed.

- Testing methodology asked councilmember Dukelow. Varies by situation/anomalies. Will come down to manual excavation explained Mr. Fuentes. 93 sites. Sewage corridor area nearest to golf course. Problem (shoring back). No burial observed in lithified sand. Directional drilling proposed/talked bout. 16 feet deepest iwi discovered; 18 feet depth of sewage corridor.

- Open Item Up for Public Testimony.

- Annette Heu address council.

- Ms. Heu stated she is here for care and protection of iwi kupuna. Working in a burial preserve. That's what we're talking about. Spend a lot of time questioning how can be

made right. Invasion of iwi kupuna. 800 hours of study exclaimed Ms. Heu. Ms. Heu mention history of Maxwell 'ohana involvement with iwi kupuna, particularly in sand dune. Ms. Heu prepared written testimony and read aloud. Ms. Heu highlights the timeline of events that leads up to current predicament. Failure from State and County (public works). Inadequate, incomplete archaeology.

- Noelani Ahia address council.

- Ms. Ahia stated as position of plaintiff in this case. Requesting no ground disturbance in area until brand new non-invasive AIS completed. Asking for; stand by that. Start from scratch. Non-invasive. Use GPR that's already been done. Statistical analysis (Dr. Barker Fariss). Would make all considered previously known burials.

- New AIS would have to be court ordered. Still in preliminary conjunction phase of court order. Possible errors by judge. Long and arduous process. Stand firm, no digging in area. If considered previously known, kuleana falls upon council. Not department.

- Council Vice Chair Maxwell seek opinion by plaintiff Ahia re: decision to test 93. Ms. Ahia stated a lot of problems. First of all, 93 in area where proposed ground disturbance. Plan not complete. Impossible to determine where ground disturbance occur. Flawed. Secondly, more than 93 in area, told not do test. Incorrect. Fact that driving over now is disgusting/insane exclaimed Ms. Ahia.

- AIS, overlayer of what's there. Statistical analysis. Whatever non-invasive testing need to do to determine Pā ilina. Should be avoided at all cost.

- Court allowing HBT to start testing asked councilmember Dukelow. Is this according to the process. Conditions include that it supposed to be done by hand, unless in fill, small backhoe within two feet of anomaly stated Ms. Ahia. Object to that stated Ms. Ahia. That is what court ordered right now. Lawyers looking into it. Continue to object. Supposed to be putting fill in behind houses. Plaintiff objected.

- Vice Chair Maxwell asked if rest of the cultural descendant's privy to info. Not part of court case. Most aware, continue to be involved.

- Burials in GPR study. Concerning. That's where they were supposed to excavate. Why would propose to excavate in area where it's been previously determined to have burials?

- Two pathways to determine previously identified. 1) found in AIS 2) per 13-300-31. Decision by council to classify area as known burial ground. Still awaiting decision from SHPD. No actual response to motion.

- Judge making determinations pre-trial. Yes. Judge aware of motions made by council. Unsure. Judge Cardoza retired. Working pro-bono last few months on case. Most recent order; last order. Judge Rhonda Loo taking over case per Ms. Ahia. Adjustment to new judge moving forward. No work taking place right now. Received order to start soon.

- Councilmember Dukelow reiterate council motion to designate remainder of ML VI, Inc. 4 as a burial preserve. Exact area determined by Wailuku rep of MLIBC in consultation with cultural descendants of Wailuku Ahupua'a. (March 2019)

-Awaiting motion to be accepted from who.... SHPD???? Will follow up stated burial specialist Phillips. What entity would accept motion? Assumption would be Deputy AG explained Mr. Phillips.

- Motion made as a statement not question. Councilmember Kamaunu believes not necessary for state to accept. Council decision. Council recommendation. Power to do so. Awaiting if Department accept recommendation.

-13-300-31. Community testifies. Council recommends to department. If department accepted, shall be classified as previously identified. Process that worked on in May MLIBC meeting. Different process of being previously identified stated Ms. Ahia.

- Council discuss previous motion, how to determine burial preserve, burial ground, previously identified.
- Definition of Burial Site per 13-300-2 read aloud.
- Auli'i Mitchell address council.
- Mr. Mitchell sought clarity on a few items. How much project area in lithified sand vs. normal sand? How much iwi kupuna disturbed? Will all sands eventually become lithified?
- Councilmember Fisher stated Lithification generally happens under vegetation, combined with weathering process. Not always the case. Variety of factors.
- Mr. Maxwell asked why asked question? Councilmember Fisher stated more strongly lithified, less likely to have burials. If burials in lithified sand, signature much clear, different. Needing to punch through earth.
- Mr. Fuentes stated lithification happen at all types of elevation. Partially lithified. (inaudible)
- Clare Apana address council.
- Ms. Apana referenced request to access a government record form. Many question for SHPD; not answered. Culture practice on specific sites. Recommend council fill out form (to get answer).
- Ms. Apana stated that re: ML Phase 9, public works department never got motion.
- Renewing sand mining permit. Would be good if someone write letter to public works to let them know of council motion.
- Burial council powerful; not DLNR. One of powers is how can affect AMP per Ms. Apana. Supposed to come to council. Especially when burials found in AIS. In AMP, philosophy, if burials, put a monitor, everything is good. If burials, should avoid. No work. Conflicting philosophies. Protect burials.
- Judge Cardoza stated Ms. Apana has material interest in burials. In the court. Phase 6 case, developer does not have material interest in burials. Looking for substantiation for why burial council have right to make statements, separate from any other body. Material interest in iwi kupuna, as should.
- Seen burial pits in lithified sand; why people allowed to go before council and provide false info per Ms. Apana. Council misinformed.
- Joyclynn Costa address council.
- Ms. Costa reiterated Ms. Apana statement about being misinformed. Informed, but from someone else's lens. Ms. Costa question the GPR results; process and procedure. Picture of aboriginal burial from Australia. No pic from Hawai'i. Doing this a while. 90% room for error
- Only manual interpretation of individual profiles can id old graves. Who does the interpretation? Shifting sands. Anyone did timeline of shifting sands? How deep? Surface, old surface, etc.?
- Council have power. 90% error. Preserve power from lens of our people. Don't give power to those who are paid to guess.
- Council discuss motion.
- Councilmember Dukelow recommend testing be done in utility corridor first, before test elsewhere. Understanding. If can't put sewer line in, cannot develop remainder of increment 4. Make sense to test their first.
- Councilmember Kamaunu express concerns. Not comfortable allowing ground truthing. Court order to test anomalies stated councilmember Dukelow. Potential penalties asked councilmember Kamaunu.
- Councilmember Fisher. 2 ways to approach situation: 1) direct them 2) or hard line stance. No excavation done. Precedent for GPR re: testing asked Council Vice Chair Maxwell.

- Councilmember Dukelow received confirmation from HBT lawyer Chianese that the court has given HBT permission to test anomalies.
 - What are the plans? Do intent to begin assessing anomalies. Have not decided on order. Looking for suggestions.
 - Court have right. Burial council have right. Where does court right extinguish council right? What to do? Re-assert previous motions. Inform courts. Re-inform landowner of previous motions.
 - Need to test because of large percentage of error. Need to ascertain if burial. If confirm burials, figure out how to avoid stated Mr. Chianese. Cannot design around anomalies.
 - What/how council define anomalies? Possible burial? Previously Identified?
 - Total anomalies 307. 4 acres (increment 4). Map of anomalies. Unable to avoid anomalies. Court allowing HBT to desecrate. How council interpret the word “anomaly.” Potential burial sites? 176 potential burials?
 - No Chair and Vice Chair take responsibility of writing letter to courts per councilmember Kamaunu.
- How often reopen AIS? There is precedent. Noninvasive (no digging)
- **Councilmember Scott Fisher make motion: 1) The Maui / Lāna‘i Islands Burial Council reasserts its position as stated in its December 2017 and March 2019 Motions that the Maui Lani Phase VI, increment 4 area should be treated in its entirety as a Known Burial Area.**
 - 2) In light of the 176 Potential Burials, the Maui / Lāna‘i Islands Burial Council also recommends re-examining the property through a new non-invasive Archaeological Inventory Survey.**
 - **Councilmember Kyle Nakanelua second motion.**
 - **Councilmember Fisher – “aye”**
 - **Council Vice Chair Maxwell – “aye”**
 - **Councilmember Dukelow – “aye”**
 - **Councilmember Kamaunu – “aye”**
 - **Councilmember Nakanelua – “aye”**
 - **Councilmember Pe‘elua – “Recused”**
 - **No “nay”**
 - **Motion Carries**
 - **Council revisit election of new Chair.**

VI. CORRESPONDENCE

- A. **E-mail from Princess Lehuanani dated August 30, 2019 re: 1) Return of Artifacts from Moku‘ula, Currently on Loan at Bishop Museum, 2) Reviewing Status of Recognized Cultural Descendant, 3) Stopping Halloween in Lahaina Front Street, 4) Lahaina Seawall**
Information/Discussion: Discussion about the above item.
 - SHPD Burial Sites Specialist Phillips stated that the informant is not present at the meeting at this time. Recommended to council to table item (till end of meeting). If informant shows, can discuss then, if not defer to next meeting if council so chooses.
 - Item tabled till end of meeting/deferred to Jan MLIBC meeting.
- B. **E-mail from Council Vice Chair Dane Maxwell dated November 6, 2019 Requesting an Update on 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.

- Ian Bassford, SCS address council on agenda item.
- Mr. Bassford stated continuing to monitor site full time at the recommendation and request of Goodfellow Brothers and ownership (Hilton Resorts).
- Not on site past week. Haven't been doing any additional excavations. Will be back on-site next week, full time. Wrapped up excavations around initial discovery (iwi). In the process of writing report; assessing site found in addition to iwi that was recovered. No additional iwi found; no additional sites or artifacts found at this time.
- Quick refresher of initial findings requested Council Chair Maxwell.
- Mr. Bassford stated initial findings consisted of tibia, medial rib and digit. Began recovery excavations. Very little human remains. Discovered alignment. Excavated around alignment. Turned out to be a substantially large buried wall feature. 3 ½ feet below current surface. Very diverse cultural layer and hearth associated with that feature. Test excavations (very minimal). Did not want to disturb site. In process of writing report; awaiting ownership decision on how to proceed with preservation of site.
- Feedback from ownership re: preservation asked Council Chair Maxwell. In process of consulting with lineal descendants of the area. Decision based off those consultations stated Mr. Bassford. Curated on site in Goodfellow main office in cabinet only assessable by Ian and staff.
- Mr. Bassford explained the process that unfolded following discovery of human skeletal remains. Reassured council that all process/procedures followed for inadvertent discovery.
- How much sand recovered with iwi asked councilmember Kamaunu? Idea is that what was there (human remains), possibly disintegrated added Chair Maxwell. Mr. Bassford said iwi surrounded the location of the find is still there, in place.
- Combination of backfill. Associated sewer line to makai end of where iwi originated from. Iwi located, discovered when Goodfellow went in to install sewer lateral to building 1. Those plans completely scrapped at this point in time, per Mr. Bassford.
- Council question why archaeologist (monitor) that found iwi not present. Mr. Bassford stated he has other jobs that need coverage.
- Council Chair Maxwell open item up for public testimony.
- Noelani Ahia address council.
- Ms. Ahia wanted to remind council that this is another project with an incomplete/outdated AIS. Letter sent by previous SHPD archaeologist Jenny Pickett requesting landowner update/amend AIS. Second letter sent by Dr. Alan Downer, allowing project to move forward. No monitoring required. Good to make it known, on record that Maui Lani isn't the only project occurring with insufficient AIS. Problem with SHPD. Accepting incomplete AIS. Outdated AIS needing to Amend/update based on new info, new burial/archaeology rules/laws.
- Entertain creating a motion asked Chair Maxwell.
- Councilmember Fisher seeking clarity re: AIS. Incomplete because it's outdated. Recommend to Department of Public Works, Planning Commission and SHPD requiring project to have updated AIS (non-invasive). Line of communication thru SHPD. Concern by community, line of communication has been historically incomplete. Info sent to SHPD not always dispersed to appropriate parties. Should make sure/request SHPD to forward info all the time.
- Status of permit for project asked councilmember Fisher. All approved. Would have to stop, put a hold, on permit.
- Discussion amongst council re: possible motion.

Councilmember Scott Fisher make motion: The Maui / Lānaʻi Islands Burial Council requests the suspension of the permit at 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, in order to complete and update a new non-invasive Archaeological Inventory Survey.

- **Councilmember Kahele Dukelow second motion.**
- **Councilmember Fisher – “aye”**
- **Council Chair Maxwell – “aye”**
- **Councilmember Dukelow – “aye”**
- **Councilmember Kamaunu – “aye”**
- **Councilmember Nakanelua – “aye”**
- **Councilmember Pe‘elua – “aye”**
- **No “nay”**
- **Motion Carries**
- Discussion ensues between council and department re: relaying council motion to appropriate parties. Timeline, etc.
- Council in agreement that they would like language in motion/letter to appropriate parties with a timeline attached, response sought in a certain amount of time. Perhaps auto agenda items that council pass motion for in order to get update, stay on top of things
- Department obliges.

C. E-mail from The County of Maui Public Works – Engineering Division dated November 7, 2019 re: The proposed construction of a roundabout at the intersection of Maui Lani Parkway and Kamehameha Avenue in Kahului, Ahupua‘a of Wailuku, Moku of Wailuku, Island of Maui.

Information/Discussion: Discussion about the above item.

- Kurt Watanabe, County of Maui Public Works – Engineering Division address council on agenda item.
- Mr. Watanabe stated that Deputy Director of Public Works, Jordan Molina, as well as project archaeologist Tanya Lee-Greig is in attendance.
- 6E consultation. Solicit council input.
- Background. The County of Maui’s Department of Public Works is proposing to construct a roundabout at the intersection of Maui Lani Parkway and Kamehameha Avenue in Kahului, Maui, to improve traffic flow and safety through the intersection and reduce traffic congestion on the approaching roadways. The roundabout will be constructed within the existing road right-of-way and no additional land acquisition is required. The proposed work includes realigning the road approaches and sidewalks, some utility relocations and trenching, extension of an existing drainage culvert in the east corner, and repaving of the intersection.
- Councilmember Kamaunu asked about sidewalks/cross walks. Mr. Watanabe explained.
- Ground disturbing activities. Yes. Monitoring will be the firm of Aina Archaeology, Tanya.
- What previously disturbed and to what depth. Existing utilities put in within road. Little bit of a shift (couple feet). Inaudible.
- Mr. Watanabe referenced map (given to council) that shows location of proposed Maui Lani Roundabout. Map 100-meter research focus. Shows the approximate limits of construction, approximate burial locations (no disposition data, and primary) and demarcates large burial preserve areas. Within 100-meter focus, 1 primary burial within (Na Hoku) subdivision closer to Pomaika‘i School.

- Illustration of roundabout. Chair Maxwell asked to point out where realignment of culvert and utilities will take place. Mr. Watanabe responded across Phase 6, below park.
- Councilmember Kamaunu asked about the new development occurring near the school. How close is that to the intersection? Two properties between Maui Lani Parkway and the school. Parcel next to school is area being developed (housing). Layers below storm drain disturbed, how much, if any. Open; will be filling.
- Councilmember Dukelow asked contracted arch Tanya Lee-Greig about the plan for monitoring moving forward.
- Ms. Lee-Greig replied archaeological monitoring. Nothing found in area. AIS for Maui Lani Parkway. Completed in addition to Bluffs. Bluffs had burials. Corridor for ML Parkways, none. Monitoring during construction of road. Nothing found. SHPD requested more subsurface testing. ASH completed supplemental, additional testing at intersection, Kamehameha Avenue, Maui Lani Parkway. 32 trenches. No finds. Regardless of that, recommendation is archaeological monitoring.
- Council Chair Maxwell open item up for public testimony.
- Annette Heu address council.
- Ms. Heu stated she has info that is different than what was just presented. Many finds. Burials on Kamehameha Avenue, pretty close to golf course. No large burial preserve depicted in map. Reports show of burials. Back when Frederickson. Argument between Hazuka and Frederickson about finds along the Parkway. Council sought clarity re: exact locations Ms. Heu speaking about. Closer to school. Near park (Central Maui Regional)
- When Maui Lani Parkway Opening, blessing. Ms. Heu requested Ms. Costa join her in prayer. Prayer for 70 something burials found on one side; 28 Maui Lani Parkway. Crossed barrier, went to location on corner by electrical box. Orange fencing, blue tarp. Typical marking of a burial site. Pueo came; stood above during whole prayer.
- Councilmember Dukelow asked about report by Frederickson / Hazuka. Ms. Lee-Greig replied as library research, found burials in relation to intersection. Found a general trend. Wanted to focus on project specific (area). Did prepare additional map of general trend. Info presented in map was taken from accepted archaeological reports on file at SHPD. Compilation of many different reports. Tables presented in reports. Ms. Lee-Greig describe map to council.
- Council been asking for map like this for so long, exclaimed council.
- Conversation inaudible between council, Tanya, community.
- Council request map. Ms. Lee-Greig stated she would defer to her client for permission (Public Works).
- Noelani Ahia address council.
- Ms. Ahia caution that the info was extrapolated from reports turned in (accepted) by SHPD. Missing reports; ongoing projects that have not submitted reports yet. Info there not documented. 180 known in phase 6.
- Ms. Ahia stated a few community members met with County re: project. Recommend to County to do a comprehensive study of area. Look at larger map of area prior to planning/starting work. Have been working with County re: county archaeology position. Write into job description doing a cultural overlay of whole island. Historic mapping, cultural site, mo'olelo, family stories. Archaeological protection ordinance to create a site avoidance area. Looking at things in terms of zones. Hot zone; no development.
- Understand area already been disturbed. Would like to see no more ground disturbance until study completed per Ms. Ahia. Good start.
- Non-invasive AIS. Statistical Analysis. Predictive modeling. Statistical analysis paired with what already documented. Apply it. GIS. Get a context. When look at preserve, not individual burial; complex. Area of interest. Sand dune. We know that's

- the area/complex. Know that. Need to find legal mechanism to protect. Something in there for site avoidance. Clause that gives Director of Public Works to override. Community plan for site avoidance. Need to implement for Maui.
- Look at archaeology thru a Kanaka lens. Not looking at area (TMK). Looking at cultural significance, mo'olelo, historical significance. Mapping it. See area in context. What is what. Not just TMK.
 - Current County administration open to discussion/consultation with community.
 - Alleviate traffic. More traffic because more development. Shouldn't have more development.
 - Clare Apana address council. DPW called community to consult. No site-walk yet. Wants to show all burials that would be affected along Kamehameha/Maui Lani Parkway. Remnant of pu'u near roundabout. Trying to get SHPD to see; never got answer from SHPD. Going there for years (Annette story). Mayor said he'll preserve remnant of the pu'u; preservation. Make things safer. Kids, school, roundabout. Definitely burials there. Sand mining occurred. They didn't take down pu'u.
 - Assert burials in area based on what asked councilmember Dukelow. Cultural practice of going there. Pray. Experience in sand mining. Don't usually leave sand (pu'u). Something beneath. Story of Pueo. Mayor said he'd preserve two- acre parcel. Preserve place to pray for kupuna.
 - Annette Heu input always significant in sand dunes. Ms. Apana confident will get okay for the site walk. If build (continue), need to take care of burials first.
 - Ms. Heu reference info re: burial finds from the July 31, 2008 MLIBC council meeting.
 - No ground disturbance. Somehow build up. Would that alleviate concerns asked councilmember Fisher. Ms. Heu stated need to be combined decision.
 - Satisfy concern. No touching burials. Going around and around in meetings/courts. Still bothering iwi explained Ms. Heu. Wants council to work towards that.
 - Iwi being desecrated. Never be okay.
 - Community asserting burials in area. Tanya mapped burials in reports. Not all reports filled. Probably more mapping to do. Tanya Lee-Greig respond (inaudible). Ms. Lee-Greig stated burials Ms. Heu talking about is further mauka along Maui Lani Parkway. Ms. Lee-Greig pointed area out on map. Ms. Heu stated burials found; relocated. Ms. Lee-Greig explained primary, in situ, relocate (burials) on map.
 - Deputy Director of Public Works, Jordan Molina address Chair Maxwell question about depth, disturbance, grade. Inaudible.
 - Chair Maxwell happy there is an open line of communication between community and county re: this project.
 - Amy Halas address council. Request council conduct site visit. Intact dune. Walk around. Questionable why left sand dune intact (during mining). Encourage council to request traffic lights installed at intersection. Look at old MLIBC burial council meeting minutes. AIS, no findings. Sands shift. Once upon a time intact sand dune system.

VII. INADVERTENTS

A. **Inadvertent Discovery of Human Skeletal Remains at 181 Nakoa Drive, reported to the Maui Office of the State Historic Preservation Division on June 15, 2019, Ahupua'a of Wailuku, District of Wailuku, TMK: (2) 3-4-041:019.** **Information/Discussion:** Discussion about the above find.

- SHPD Burial Sites Specialist Phillips address council on agenda item.
- Mr. Phillips stated that he changed the process a bit for the inadvertent section for this meeting. Typically, SHPD would keep the info pertaining to the inadvertent in

question and would present find to council (or archaeologist if one exists for find). However, for this meeting, Mr. Phillips printed out all docs and gave to each burial council member is packets. Docs include e-mail notification that SHPD sends to the burial council (district rep) and OHA (burials@oha.org), letter of determination, determination request, etc. Council has all info pertaining to find that the department has. Council can look through, review and if any questions, get clarity from department.

- How would council like to proceed? Department read, summarize find. Any questions, council ask.
- Pertaining to this find, SHPD included e-mail to Johanna Kamaunu (district rep) and OHA. Also included in packet was the letter of determination drafted by SHPD to landowners (Preserve in Place).

B. Inadvertent Discovery of Human Skeletal Remains at Maui Lani Subdivision, Phase VI, reported to the Maui Office of the State Historic Preservation Division on June 22, 2019, Ahupua'a of Wailuku, District of Wailuku, TMK: (2) 3-8-099 pors.
Information/Discussion: Discussion about the above find.

- SHPD Burial Sites Specialist Phillips address council on agenda item.
- Mr. Phillips explained that there are two correspondences submitted to SHPD by contracted archaeologist Nico Fuentes. First, dated June 22, 2019 that highlight find. Second, dated July 9, 2019 explaining the site inspection conducted by HBT, contracted arch, MLIBC (Johanna Kamaunu), SHPD (Kealana Phillips).
- Councilmember Kamaunu recommend adding a reference to 13-300-43 in correspondences sent from SHPD.
- Council seek clarity re: circumstances surrounding find. GPR?
- Trevor Yucha address council on agenda item.
- Mr. Yucha stated find was observed while GPR crew was doing its work on site. Not found via GPR.
- Council seek clarity re: map provided to council by Mr. Fuentes
- Nico Fuentes address council on agenda item. Explain differences in colors depicted on map. Green (primary). Inaudible.
- Where was newly inadvertent found? Low traffic. Found on surface. How missed iwi asked Chair Maxwell.,
- TS186, appears to be part of previously discovered find. Eroded out. Result of wind or rain. Could have been covered by sand (shifting sand). Slowly eroded out. Area where GPR crew were putting in transects. Secured in place until site inspection.
- Noelani Ahia address council. Ms. Ahia stated, as a recognized culture descendant to iwi there, not notified, given opportunity for site visit. Unsure if because of ongoing litigation. Wanted to get it on record. Or any other descendants for that matter.
- Find in precarious situation. Impending storm. Decided to collect to ensure protection stated councilmember Kamaunu.
- What happened to iwi asked council? SHPD, in consultation with district rep Ms. Kamaunu decided to collect and move into preservation near-by to ensure its protection.
- Council ask for process/procedure with respect to this find. Mr. Fuentes explained discovered by CSH, reported to Atlas. Atlas contact SHPD. SHPD contact Ms. Kamaunu.

C. Inadvertent Discovery of Human Skeletal Remains at Makena State Park, reported to the Maui Office of the State Historic Preservation Division on July 1, 2019 and July 16, 2019, Ahupua‘a of Mohopilo, District of Honua‘ula, TMK: (2) 2-1-006:026. Information/Discussion: Discussion about the above find.

- SHPD Cultural Historian Nakahashi address council on agenda item.
- Mr. Nakahashi referenced e-mail notification in the council’s packet.
- Mr. Nakahashi explained process of discovery, site visit info and who involved with discovery. Mr. Nakahashi stated iwi collected, curated in State Parks Facility. Working with descendants of area to figure out reburial. Came from shoreline asked council.
- Tanya Lee-Greig address council on agenda item.
- Came out of the dune. High surf. Changed topography of beach/shoreline. By second lifeguard shack.
- Based on condition, context. (inaudible).
- Reinternment site on property, more inland. State Parks arch Martha Yent working with community to develop BTP per Mr. Nakahashi.
- Council seek clarity re: Justin Kekiwi role. Explained that Mr. Kekiwi works for State Parks. Caretaker of park. ‘ohana from area. Larry Pacheco is the Maui Superintendent of State Parks.
- Council ask Tanya role. Ms. Lee-Greig stated she is acting as a concerned community member from the area, who happens to be an archaeologist.
- Anyone apply for descendancy recognition to these newly discovered iwi is a question that arose stated Mr. Nakahashi. To his knowledge, no one has applied.
- Both Larry Pacheco and Justin Kekiwi stepped out of meeting. Will table and revisit upon their return.
- Justin Kekiwi address council on agenda item.
- Mr. Kekiwi explained the situation surrounding find. Tourist found. Turned into lifeguard. SHPD. Documented iwi. Inventory. Currently curated, secured. Currently working with descendants of area on a BTP to get iwi back into ground, back home. Sooner the better. Meeting with Ka‘onohi (Lee). Supposed to reach out to Uncle Les (Kuloloio). Tanya (Lee-Greig) working on this as well.
- Place in mind asked councilmember Kamaunu to rebury. Somewhere in park. Came out from dune (second lifeguard stand). Would like it to be reburied in park, more mauka. As close to where it originated from.
- More iwi from area. Eroded form dune (another in area). Iwi from pu‘u that need to be returned.
- How ever council can kākō‘o, let know stated Chair Maxwell.
- Restore dune system, conversation had with State Parks arch Martha Yent. Volleyballs on Sunday, dig up court, alter dune. Made a report with DOCARE. Community aware. Can’t do. Mitigation to dune. Education.
- Larry Pacheco address council on agenda item.
- Wanted to come and seek guidance from council to ensure doing right thing. Fortunate that Mr. Kekiwi is there, lives there. Inadvertent, Mr. Kekiwi can attend to. Make sure following proper process/procedure. Now, come before council.
- Reinternment near shoreline. Concern. Don’t want to re-expose iwi. Somewhere appropriate. Not near shoreline per Mr. Pacheco.
- Council move on to next item. Perhaps have testifiers speak on each item. No need to wait till end of section/meeting.

D. Inadvertent Discovery of Human Skeletal Remains at Kaulahao, Tavares Bay, reported to the Maui Office of the State Historic Preservation Division on July 1, 2019, Ahupua‘a of Hāmākuapoko, District of Hāmākuapoko, TMK: (2) 2-6-009:019, and 023.

Information/Discussion: Discussion about the above find.

- SHPD Burial Sites Specialist Phillips address council on agenda item.
- Mr. Phillips read aloud the e-mail correspondence included in the packets. Email correspondence notifying of the inadvertent discovery was sent to OHA and Vice Chair Maxwell, in light of no district rep on council at the time.
- Councilmember Fisher asked about who notified SHPD. Who did SHPD work with on reburial? Mr. Phillips stated Maui resident. Unable to connect with. SHPD staff simply dug a relatively small, shallow puka and placed iwi within and covered with sand/pohaku on site.
- Chair Maxwell question why three inadvertent discovery (Item G) on the e-mail correspondence. Can present Item G now.
- Alfredo Villas-Boas address council on agenda item.
- Former lifeguard, Ho‘okipa. Encountered iwi at beach park when working. Cared for iwi. Mr. Villas-Boas shared story of discovery. Recover. Notify DOCARE. Stored in truck, took home. Returned iwi. Saw female ‘uhane when went to return iwi onsite. Said prayers.
- Next day DOCARE officer on seen. Gave iwi to officer. Explained situation. Officer confirmed female, pre-contact.
- Protect ancestors.
- Raise ahu on site of recent find, at the request of Ms. Costa and Ms. Nomura. Nakalele Point. Restore, protect, restore vegetation.
- SHPD will work with AHA Moku/community. Inter iwi?

E. Inadvertent Discovery of Human Skeletal Remains at 5500 Lower Honoapiilani Road, reported to the Maui Office of the State Historic Preservation Division on July 3, 2019, Ahupua‘a of Nāpili, District of Kā‘anapali, Island of Maui, TMK: (2) 4-3-002:040.

Information/Discussion: Discussion about the above find.

- SHPD Burial Sites Specialist Phillips address council on agenda item.
- Mr. Phillips read aloud email communication from Mr. Ian Bassford of SCS. Arch firm monitoring project that discovered iwi. Mr. Phillips provided that email as well as the inadvertent discovery notification email (OHA and Chair Maxwell) to council in their packets.
- Chair Maxwell asked for update. Decided on preservation site. Nothing yet. Unsure if project still occurring. Iwi curated at SHPD. Chair Maxwell stated can follow up with archaeologist.
- Councilmember Kamaunu asked if families from area consulted with? Aha Moku rep? Don't believe so. Only notification sent to OHA and district rep of MLIBC (Chair Maxwell).
- Chair Maxwell return to item VII. C

F. Inadvertent Discovery of Human Skeletal Remains at Honomanū Bay, reported to the Maui Office of the State Historic Preservation Division on August 15, 2019, Ahupua‘a of Honomanū, District of Ko‘olau, Island of Maui, TMK: (2) 1-1-001:002.

Information/Discussion: Discussion about the above find.

- SHPD Cultural Historian address council on agenda item.
- Mr. Nakahashi referenced letter of correspondence provided to council.
- Mr. Nakahashi stated iwi previously found by MPD. Aquatic Biologist Skippy Hau present for original find. Mr. Nakahashi asked Mr. Hau to show him location of original find. Upon conducting site visit with Mr. Hau, Mr. Nakahashi encountered more iwi in same location. Followed proper process/procedure for inadvertent find. Called PD (Justin Mauliola). Contacted Ka'auamo 'Ohana (Ke'anae). Determined iwi human, pre-contact (context). Disposition pending consultation from 'ohana.
- Hāna side of Honomanū. Limited traffic in area.
- Mr. Nakanelua updated. Still in discussions with 'ohana.

G. Inadvertent Discovery of Human Skeletal Remains at Hāmākuapoko Beach, reported to the Maui Office of the State Historic Preservation Division on September 4, 2019 and November 19, 2019, Ahupua'a of Hāmākuapoko, District of Hāmākuapoko, Island of Maui, TMK: (2) 2-5-004:024.

Information/Discussion: Discussion about the above find.

- SHPD Burial Sites Specialist Phillips address council on agenda item.
- Mr. Phillips read aloud email correspondence from SHPD to OHA and Chair Maxwell.
- Two discoveries reported to SHPD from same location on two separate occasions.
- Preservation Site for Hāmākuapoko Beach. No. Kaulahao yes.
- Any public testimony asked Chair Maxwell. Suggestion by councilmember Dukelow to go through all items, open for public testimony after.
- Alfredo Villas-Boas address council on agenda item.
- Former lifeguard, Ho'okipa. Encountered iwi at beach park when working. Cared for iwi. Mr. Villas-Boas shared story of discovery. Recover. Notify DOCARE. Stored in truck, took home. Returned iwi. Saw female 'uhane when went to return iwi onsite. Said prayers.
- Next day DOCARE officer on seen. Gave iwi to officer. Explained situation. Officer confirmed female, pre-contact.
- Protect ancestors.
- Raise ahu on site of recent find, at the request of Ms. Costa and Ms. Nomura. Nakalele Point. Restore, protect, restore vegetation.
- SHPD will work with AHA Moku/community. Inter iwi?

H. Inadvertent Discovery of Human Skeletal Remains at 378 Neki Place, reported to the Maui Office of the State Historic Preservation Division on September 9, 2019, Ahupua'a of Wailuku, District of Wailuku, TMK: (2) 2-3-4-032:050.

Information/Discussion: Discussion about the above find.

- SHPD Burial Sites Specialist Phillips address council on agenda item.
- Mr. Phillips read aloud correspondence letter sent from SHPD to OHA and Ms. Kamaunu.
- Landowner found iwi. Called PD. PD site visit. Iwi no forensic value. Referred case to DOCARE/SHPD.
- SHPD site visit. Met with landowner, recovered skull. Curated SHPD facility.
- Ascertain info re: skull. Archaeologist Nic Fuentes examined iwi and determined skull belonged to that of a female, about 50 y/o at time of death.

- Who makes decision where to reinter asked councilmember Kamaunu? Possibly you. Recovered in Wailuku.
- Sensitive subject stated Chair Maxwell. Iwi desecrated with sharpie pens (permanent). How to ho‘oponopono that? Tag. Graffiti. Recently done. Where’s Neki Place? Happy Valley. Reason for bringing that up (desecrated) is for the reinterment process. Asking for forgiveness; protocols.
- Idea. Should put to rest no matter what. Sooner the better.
- Suggestions for that asked Cultural Historian Nakahashi. Recovered from Wailuku. Not sure originated there. Bleached. Came from sand complex? Rebury somewhere in vicinity. Lots of descendants from area. Contact, consult, discuss. Any more iwi from area need to be returned? Yes. Need to go thru inventory.

I. Inadvertent Discovery of Human Skeletal Remains at Kulamalu Town Center – Kupaoa Street, reported to the Maui Office of the State Historic Preservation Division on November 15, 2019, Ahupua‘a of A‘apueo, District of Kula, Island of Maui, TMK: (2) 2-3-066:046.

Information/Discussion: Discussion about the above find.

- Ian Bassford address council on agenda item.
- Mr. Bassford explained the circumstances surrounding the discovery and reporting of the of human skeletal remains. Mr. Bassford provided timeline of when he was notified. (11/15/2019). Described events that transpired after notification (site visit, meet with informant, recover iwi from informant). Mr. Bassford stated there was inconsistencies with the informants account of discovery. Change of story multiple times. Discrepancies with where the informant said he found iwi compared what iwi looked like. MNI 2. Possibility iwi came from two separate sites. In professional opinion, remains don’t seem to have originated on site per Mr. Bassford. Actions of informant questionable during site visit and subsequent meeting. Because of that, Mr. Bassford requested a meeting with SHPD to discuss find; expressed his concerns. SHPD requested DOCARE to investigate find. Investigation is on-going. Results pending.
- Agree additional testing in area (location of find as stated by informant). Following Wednesday, went on site. Open 2 x 4-meter grid. Excavated; sifted. No remains. Possible some iwi originated onsite. One iwi, what it looks like (weathered, bleached), does not fit location. Conclusion. Remains not native to site upon completion of testing per Mr. Bassford. Informant. No contact with informant; unable to get in touch.
- Motive for bringing off-site iwi kupuna on site. Motivation? asked councilmember Fisher. Per Mr. Bassford, understanding is that issue did not arise until renewal of contract discussions began. Odd. Two sets of remains, originated two different environments. Informant protests when Mr. Bassford said he’d be taking remains. Strange.
- Laws broken. Investigation triggered. DOCARE officer investigating. Must interview all parties involved. Compile a report. Submit report to DOCARE supervisor. Once report approved, SHDP copy. SHPD (department) decide if any penalties warranted.
- Contractor for landowner. Landowner responsibility for actions of contractor. Department reference 13-300-43 - Penalty. Mr. Bassford understanding is that contractor no longer working.
- Dean Frampton address council on agenda item.

- Mr. Frampton representing landowner. Cooperating with investigation as much as possibly can. DOCARE, officer Resentz. Taking statements from all; will contact Mr. Park last. Council wanted to clarify Mr. Hiroshi Park is the contractor in question. Yes. Appreciate SHPD. Client very concerned about situation. Reside in Utah. Part time Maui resident.
- Concern. Iwi not from there. Only person that knows is Mr. Park. Look forward to hearing update stated Chair Maxwell.
- How soon after iwi found was landowner rep (Mr. Frampton) notified asked councilmember Kamaunu.
- Timeline. Notified end of Oct. Mr. Park stated discovered iwi end of April or August. Site visit Nov 15. If discovered in August, as stated by Mr. Park. That's 3 months stated councilmember Fisher. Up until Nov working onsite asked councilmember Dukelow. Slow and methodical unwinding of legally binding contract by landowner.

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

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

- **Defer Item**

The Maui/Lāna‘i Islands Burial Council may go into Executive Session pursuant to Section 92-5(a) (4), Hawai‘i Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities.

Meeting adjourned at 1:10 PM