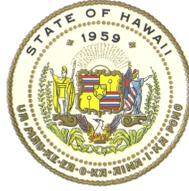


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CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

May 20, 2020

**I. CALL TO ORDER**

**II. ROLL CALL**

Kahele  
Scott  
Kyle  
Johanna  
Dane

**III. APPROVAL OF MINUTES**

No minutes to approve this month so the following minutes will be deferred to June:

A. January 15, 2020

B. March 4, 2020

Dane - I recommend we push inadvertents to the beginning of the agenda because we have a backlog of inadvertents we have not been able to attend to because of how busy our agendas have been the past few months. Everyone maikai with that?

Council agrees; Inadvertent discoveries moved to the beginning of the agenda

Dane - First, housekeeping. This is the first Zoom meeting for the MLIBC so apologies for any hiccups. Testimony will be taken prior to all of our agenda items. We might still be on a free account so at the 30-40 minute mark we might get booted out of this meeting room and if so please just rejoin with the existing link submitted with the agenda. Signups were taken prior to the agenda item and we will be taking voice callers - say your name, what agenda item you are speaking to, and Kealana and Ikaika will go ahead and sign you up after that. After 1-2 minutes of voice sign up we will move to virtual signup and you will raise your hands in the participant panel of Zoom. Kealana or Ikaika will report it there as well. Testimony limited to 3 minutes and you will get visual or audio 30 second warning and final buzzer and visual warning. Please keep testimony on topic and to the current agenda item. Presenters today will share screens, please limit presentation to 5 minutes. Access to the shared screen is limited. Please keep this in mind to avoid Zoom bombing. Any vulgar language will be cause for removal.

## VII. INADVERTENT

**A. Inadvertent Discovery of Human Skeletal Remains at Stable Road, reported to the Maui Office of the State Historic Preservation Division on January 13, 2020, Ahupua'a of Wailuku, District of Wailuku, Island of Maui, TMK: (2)-3-8-002:017.** Information/Discussion/Recommendation:  
Discussion about the above find.

Keeaumoku Kapu - Aloha kakou Burial Council from Lahaina. Mahalo for the opportunity. He isn't maa to the virtual thing but he tries his best. It is apparent that there are a lot of inadvertent discoveries going on throughout Maui county. He doesn't know where to start when it comes to applications through the county on whether or not the state SHPD is doing their due diligence to make sure the permitting process allows these things to happen. Is this actually going through? Whatever recommendations that need to happen - this is the most inadvertent agenda item he has seen thus far. He is still kinda leary as to what will happen with other inadvertent discoveries that have occurred in the past particularly in Lahaina's Pua Mana, trying to find some agreement with the county as well as some correspondence from the state as to when we can start doing reinterment processes for these areas. When it comes to inadvertent discoveries, if by any chance the burial council can recommend a motion or something to make sure that a lot of the covenants, CCNR's, are met in the planning area because that's where everything starts, in the Planning Department. He just wants to add that and his discouragement at what is happening right now. He hopes that all of this mess will be over so we can get back to our pathetic lives again. Whatever we need to do at the forefront instead of the virtual mess we have to deal with because of restrictions. He mahalos the burial council for doing their due diligence but he wants to make sure that his voice really resonates out there with the deep concern of all these inadvertents. It all starts with the Planning Department with the County. If there is any way that the burial council can come up with some sort of recommendation to tighten that up, it would be good. Mahalo.

Johanna - Keeaumoku asked about covenants being made in the CNCR's that are cleared in the Planning Department - that something should be done. We don't have any part in that process but that seems like a logical place to do something. Is there another place that can include us in the process? Other than having to be at the Planning Commission every time it comes up, it would have to be to request the Planning Department include the council. That could be our motion.

Dane: Does anyone else from the council have comments or suggestions?

Kyle - I am in full support of that, if that's what we want to do

Dane: Where do we inject [ourselves]? Is there a consultation portion? The biggest issue we have is what triggers, or when it triggers, the review by SHPD, and that is what we always look for, but if we can have some sort of consultation with the burial council...is that what you are looking for Johanna?

Johanna: Yes. Actually the Planning Commission has no way of knowing whether or not the applicant has come to the Burial Council. Since the county is going to have an archaeologist on their employment, might as well be time for us to request from the County that we be added to the process.

Dane - yeah I have been wondering about the County archaeologist position and how that will impact [us], or allow our voices to be heard more within the Planning Commission. What would that motion look like?

Kahele: Might I make a suggestion? There's a lot of - I suggest that we somehow map out what we want to see, which we would have to do outside of this meeting, but given the new county position and the input of the community, we come up with some kind of map that we would like to see an present at the next burial council since we need a lot of information - what the regulations are, all that kind of stuff,

which we will not get done here. I suggest that we take that under advisement and commit to presenting something in the next meeting where we have mapped out what we want to see as far as where we can intersect earlier in the whole process.

Scott - Question. If we are going to draft a motion, maybe we do need to postpone until we get more clarity, but what is the trigger for the consultation? We are saying that we want to meet with the county archaeologist, but at what point?

Dane - I think Kahele is right that we re-agendize this as its own agenda item in the future and then we can discuss and make motions more related to the topic at hand. Johanna, is that ok? That we agendize this and actually flesh this out and have dedicated time to this as a potential motion?

Johanna - We could, at the time we get bumped out the site, work out something and send it in once we come back on. The only reason she kinda wants to push this is because it will be coming before the county council to make a decision on that position in the next month so now is the time to get our input into that place. But you are right, we need to talk about this. We can't just wing it here today.

Dane - yes, definitely don't want to do that, want to give it as much mana as we can. If we do have time maybe we can fit that discussion into the training portion of the meeting. Although I do think we have a few other things for training today.

Johanna - I suggest we leave this till a later part of the agenda if we have time.

Dane: I believe that the County Archaeologist is already in the hiring process. We will go ahead and ask Keala or Ikaika if there are updates on this agenda item.

Liane - good morning. I just wanted to thank you, you are doing a really good job. Stable road - we touched on this real quick. Could I ask where the iwi were located on Stable Road?

Dane: Not in the public forum but we could discuss outside. We can discuss at a later time

Liane - that's all I wanted to ask

Noelani - the County Archaeologist is in the hiring process right now and part of what was written into the position was to start to do the Cultural Overlay. I think there is a lot of opportunity but it will take some time to flesh out. They will start to look at a cultural overlay and start creating different areas of protection where Shane Sinenci's office is starting to write archaeological protection ordinances and that is where it could maybe even get written into an ordinance particularly where the burial council has to be consulted with before certain projects and permits move forward. Thank you

Kealana - do you guys have the email I sent to you all yesterday? It was a correspondence - to OHA the council and Andrew McAllister. It is a brief description about the discovery, how it happened, when it happened, what was observed there, and he wanted to add that he has been conducting site visits at least monthly if not multiple times a month depending on if he is in the area or not. Since January he has not seen the iwi. At the time that the iwi was reported to SHPD, this decision was made to cover the iwi. He covered it with sand, and pohaku, and each time he went out there, it appears as if the sand covered the iwi. So it has been covered. But he thinks eventually we have to address this issue, it won't be covered forever. It's along the coastline. The land that it is on, the parcel belongs to the State Department of Transportation (HDOT). The state DOT has an archaeologist on staff so perhaps we can have more discussion as to what should be done, he believes there is a burial preserve at the airport near the runway

from what he has been told, so we can possibly discuss more about what should be done. Whether we need to relocate and put it somewhere else.

Scott - we went there with Uncle Charlie years ago. It's a little overgrown, he was there looking at it not too long ago from off the airport site. It is a little overgrown but the airport has maintained the area.

Dane - we did want to try and agendize shoreline erosion and how we deal with it. He would prefer to do that kind of discussion in person because it would involve a lot of community involvement. If this meeting goes well, maybe potentially try to agendize that for the next meeting because like Kealana said, it's happening all over Maui and at an increasing rate for sure. So Kealana everything was left on site for now?

Kealana: Yes that's correct

Dane: Any discussion amongst the council or questions for SHPD? [silence] Ok close the agenda item a and move to item b.

Johanna: With all these iwi coming, as Kahele was saying, there needs to be a discussion on what to do about the whole process. Is there a process for who can come to before work is done in an area and [unclear] how we would like you to move - [unclear] and include the people from that area? We do this in burial council and it's a lot more efficient possibly but this is a larger picture.

Dane - right. He would like to support something and he would love...SHPD and ourselves, there is a lot of kuleana presenting itself all over the aina and having the community weigh in whether it is the Aha Moku or the individual ohana who have kuleana to a specific kahakai or beach area - he is hoping we can open the discussion over two or three agenda items - something we can put together that we as an MLIBC can support. We have been doing a case by case every time and not that it will be a standardized one size fits all but the way our shorelines are eroding it is only increasing so it is going to have to involve a lot of community support and be community driven. But at least he would like for the burial council to identify something we can support but we need to have the discussion first

Johanna - all I am looking for is discussion

Dane - if today goes well, he wants to do it in person, but if the zoom goes well we can go ahead and agendize for the next meeting because it's serious and we are moving into summer so our south shores are gonna start transitioning and hopefully no one is gonna start presenting themselves but yeah. So, ok we maikai on A? Gonna move on to B.

**B. Inadvertent Discovery of Human Skeletal Remains at Haneo Road, reported to the Maui Office of the State Historic Preservation Division on January 28, 2020, Ahupua'a of Moka'e, District of Hāna, Island of Maui, TMK: (2) 1-4-010:004** Information/Discussion/Recommendation: Discussion about the above find.

Council Member Iris Peeula logs on and is present.

Testimony for Inadvertent Item B.

Iris: Chair, where are we on the agenda?

Dane: We prioritized inadvertents do to the backlog and we are on Item B.

Iris: Ok

Dane: Ikaika or Kealan, any testimony for Item B?

Kealana: This burial right here, there is the coastline on the Kipahulu side of Hamoa Bay. It's another hot spot per se, it is an area where the aina has been eroding and its exposing iwi similar to the Hamakua Poko coastline or Lahaina. We were requested by the ohana to go out there to conduct a site visit and wala a little bit about the coastline but more specifically about iwi that SHPD has in its possession in curation in our facility from that area. We went out there to discuss possible reinterment areas with the ohana out there. Talks are ongoing, we haven't finalized anything, I think SHPD stash have been communicating with Uncle Irish and the ohana out there is wanting to submit their descendancy application similar to what they did with the iwi discovered at Hamoa Bay. They [unclear] yet and I don't believe they are going to call into this meeting. Their plans are to submit that and possibly be on the agenda for the next meeting.

Dane: And this is many of the same ohana that came forward for Hamoa?

Kealana: That is correct

Dane: How is SHPD's response to returning the iwi to the ohana that are interested in this Haneo road - your curated iwi? What is your position on this, returning the iwi to that area?

Kealana: We are gonna defer to whatever the family out there wants. Last we spoke, I think they were working with Hana ranch on either purchasing a parcel there or working with them to find an appropriate location to [unclear]

Dane: Do we have any questions or discussion by the council? [silence] When is your next site visit or next meeting or consultation with the ohana up there, Kealana?

Kealana: We haven't discussed any future meeting at this point

Dane: Ok. If you do want to testify, before we start an agenda item, just raise your hand in the participant panel or just type in the chat whether or not you want to testify prior to the agenda item and kala mai if we missed you. Ok we are gonna move onto C.

**C. Inadvertent Discovery of Human Skeletal Remains at Kaulahao, reported to the Maui Office of the State Historic Preservation Division on February 13, 2020, March 11, 2020, April 13, 2020 and May 2, 2020, Ahupua'a of Hāmākuapoko, District of Hāmākuapoko, Island of Maui, TMK: (2) 2-6-009:023.** Information/Discussion/Recommendation: Discussion about the above find.

Dane - Do we have any testimony either by phone or in the participants panel in zoom? If you would like to testify for Agenda Item C.

Kahele - Aunty Jocylyn, Leilani, Miranda

Aunty Jocylyn - Aloha everybody. I just want to remind the council that I brought forward the stabilization plan for the Kaulahao burial site and um there were specific things that were supposed to be done there to help prevent exactly what is happening there. and through the slide presentation I gave you, you can see how the exposure of the wind and the elements on the cliff side, the ocean side is deteriorating the area rapidly. And that is part of nature, I understand that, but there have not been any preventative measures brought forward or completed or complied with this report done in October of

2002 by Theresa Donham. So I'm not sure if you folks have had an opportunity to pull that file that's in the library. I did give portions of that report to you folks and my concern is not so much...it's going to happen...where is the preventative maintenance that is supposed to happen and who is in charge of that?

Dane: Any questions? [silence] I think we include this in our coastline erosion agenda item soon but we also need to involve the county and the state and ask them exactly that question i think.

Aunty Joc - And then I have something to add later when we come to the complaint part, but, I guess this would be more pertinent in this area. I have been in contact and in conversation with Jason Coga, he is the property management for A&B, and he has expressed to me as recent as yesterday afternoon that he would like to find a way to be able to protect those coastlines to conveyance. He is not quite sure who or if A&B will follow through, but that is his desire, and I suggested that...cuz he had a couple suggestions...for the County, for SHPD, SHPD had an interest or just a stake, and my suggestions would have just been to go through the State, BLNR, with recognition to the Aha Moku, to be the stewards. So we are in conversation, he is very receptive, in fact he is the one who started that conversation when he called me

Dane: ok that is good news, maikai. Mahalo Aunty. We have another hand up in the participants. Is that correct - Leilani Miranda next?

Leilani - Aloha. Kala mai, I am just seconding what Aunty Jocylyn was saying about that [unclear] the maintenance of the area, what we gotta do to make [unclear] but because it's the system. They do it because who is going to do it? I just wanted to say that and push forward if we can see if we can work with A&B and get certain areas locked down for us.

Dane: any questions or comments for the council? Mahalo Leilani Keala, if we could get an update on these iwi kupuna?

Kealana - so SHPD just received multiple calls about iwi being exposed along the cliffside along the berm at Kaulahao. It's mainly due to erosion. There's a lot of new erosion occurring there. I just wanted to touch based regarding Jocylyn's treatment plan that she presented to the council at the last meeting. I think what needs to be done and what should be done is just to gather all parties involved whether that be SHPD, whether that be the County, maybe the county archaeologist when that happens, if that happens, I believe HILT (Hawaiian Islands Land Trust) has an easement over there if I am not mistaken?

Scott - we do, and we work with Malama Kaulahao

Kealana - then Mike Newbro with Malama Kaulahao as well, and I think we just look at the rules in terms of what needs to be included in a burial treatment plan and we just work it out in terms of let's just put something together that SHPD can approve, working with the entities involved to kinda craft that and maybe tighten up what Aunty Jocylyn had submitted, had presented. So maybe setting up a meeting to do that might be the best route at this point to finalize what has been presented. And I think maybe the same goes for Keeaumoku's treatment plan that he presented as well. So maybe if a meeting were to be set up with the County, SHPD, and any organizations involved, that might be the best and most appropriate step moving forward to implement this and protect the iwi as best as can.

Kahele - I have a question. Has the Aha Moku and Malama Kaulahao met previously? Are they in consultation with each other at this point?

Kyle - Question for Jocylyn, yeah?

Jocelyn - Ok what was the question again?

Kahele - Have you guys been in communication with Malama Kaulahao at any point yet?

Jocelyn - No I was not invited or informed of Malama Kaulahao, I know Mike Newborough personally if that's who I need to reach out to, I will call him

Kahele - He's actually on - he's here. Mike, do you want to say something?

Mike - Yeah, I am happy to attend any meeting. I do monitor the area on a weekly basis and live here in the area and erosion is as bad as it's ever been but it seems pretty cyclical so it's almost more of a wind problem than it is a sea level issue. But [unclear] to Kealana on a regular basis [unclear] and we've got a good, supportive community here, but a lot of people kinda stumble upon the iwi and then call the officials to report it not knowing what that is all about. But yeah, [unclear] than we've seen in quite a while.

Kahele - so your groups can get together and meet?

Mike - yeah, happy to

Kahele - thank you

Kyle - Kealana, is SHPD gonna spearhead this meeting of this collective or does someone else have to spearhead the meeting of getting all the people together? How do you suggest it?

Kealana - in terms of just trying to make this happen as soon as possible, I think that SHPD would be more than happy to coordinate any type of logistics if that means this type of meeting would happen sooner rather than later

Kyle - so I have a suggestion to Michael and Jocelyn, if you guys can hui as quick as possible and discuss your guys strategy on moving this thing forward then ASAP as you guys get it together, then include anyone else you guys think needs to be included in on, and then contact Kealana through SHPD and that way SHPD can spearhead that particular meeting with the state agencies etc etc, and as a council member and this being part of the district, I'm in full support of that and will help [unclear] as I can, let me know

Michael - there was some early effort to plant naupaka along the edge of the berm there on the cliff face closer to a place called Spyglass and although the erosion there is not as bad as it is out at the point, it was very successful in creating a curtain of naupaka that hangs down and I think that would be a way to help stop the erosion, we just need to get water out there and I think we can find a way to do that from the residence that's closest to it, they've been willing in the past to provide water. So we just need to figure out if maybe that's an issue, it's been successful in the past, but yes to get naupaka planted out there I think would be a quick step, a first step.

Dane: ok I appreciate that

Jocelyn - can I just add real quick? I just wanna let you guys now, if anybody I would like to work with on this would be Miek Newborough. I trust him. Thank you

Dane - Perfect. I think I would [say that] including SHPD into your correspondence is good, but I think the best communication is directly between the two parties, you have no middle men to either delay the

process or [unclear] I look forward to seeing what happens. Kealana, if we can potentially get an update or maybe put that on updates on the next agenda if there is any progress between now and then.

Kealana - yep

Dane - Do we have any further discussion amongst the council members on this topic? [silence] Let's move on to Item D.

**D. Inadvertent Discovery of Human Skeletal Remains at Hāmākuapoko Beach, reported to the Maui Office of the State Historic Preservation Division on February 18, 2020, Ahupua'a of Hāmākuapoko, District of Hāmākuapoko, Island of Maui, TMK: (2)-2-5-004:024.**

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

Dane: Do have any testimony - again, participants panel, raise hand or go ahead and type in the chat box. We will do that for 2 minutes now. [silence] I see none

Kahele - I don't see anything

Dane - Alright. If we could get an update from SHPD on this finding or yeah iwi please

Kealana - so SHPD received a phone call from a community member informing stating there is new erosion, and this is on the Hookipa side of the Bay. So SHPD comes out to the site visit, noticed some long bones that were eroding from the berm. SHPD did not recover an iwi. We kept it in place and covered it with the clay material, the sand and pohaku that were there. This has been the only phone call that SHPD has gotten with respect to iwi being exposed at Hamakua Poko beach. So I think the measures that the community put in place over there have been working and I think the sand coming back on shore and covering in the iwi there is doing a good job.

Dane - ok, we may have missed someone for testimony

Leilani - this is - Hookipa and Hamakuapoko are the [unclear] that A&B's side [unclear] that we were talking about

Kealana: it's at Hamakuapoko beach. It's just on the Hookipa side of the bay, of the [unclear]

Leilani - They've been putting [unclear] area so that I can try and do my best I can but - at the beach I have been having to clear out and get people out and everything but it was just a little concerning for me that I have been notified through another officer on another incident that I've been trying to contact SHPD and it was a little alarming for them to tell me that they - there was another one that there was somebody digging over there and the found one poo and everything and I just - it just goes back to that regulation thing and if you guys could agendize the inadvertents, if you guys could come up with something on how we can make things more in place for protection

Aunty Jocelyn - Leilani and I have been kinda periodically going there to observe and [unclear] - an example, a mother was there with her child and she allowed the child to take a stick and kept poking and digging at the dirt exactly where the iwi was so we had to go and let her know, for her safety and for her child's safety, not to do that and we pointed out the flags that we had already delineated where the iwi was protruding front of the berm so that she could clearly see not to go there. But that particular area, part of it is owned by A&B if I am not mistaken and that is part of what Jason Coba (?) and I are in discussion with to convey. We just gotta figure out how and who to convey it to. But what Leilani was talking about too - the last two days, yesterday and the day before, Leilani physically went down to the beach cuz people were pitching tents and camping there. The sooner we can maybe solidify a conveyance, then

maybe we can better control or plans we can actually execute instead of trying to figure out how or what we can do, then we can have the authority to do what we need to. Mahalo

Dane: Any more discussion amongst the council about this agenda item or SHPD before we move on to Item E? No? [silence] Maikai. Ok let's move on

**E. Inadvertent Discovery of Human Skeletal Remains at the Waiko Light Industrial Project in Waiko, reported to the Maui Office of the State Historic Preservation Division on February 27, 2020, February 28, 2020, March 2, 2020, March 4, 2020, March 11, 2020, March 30, 2020, April 1, 2020, April 14, 2020 and April 20, 2020, Waikapu Ahupua'a, Wailuku District, Island of Maui, TMK: (2) 3-8-007:102.** Information/Discussion/Recommendation: Discussion about the above find.

Kahele: We have two people, Noelani Ahia first and then Moto second

Dane: Ok Moto before you testify if we can just your - anyone who testifies, please state your name before you testify. Ok we will start with Noe

Noelani - Mahalo burial council for being here this morning. Before I start I just wanted to put it on the record, I wanna thank you guys for holding this Zoom meeting, but I want it on the record that SHPD refused to pay for a Zoom account, further separating us from our capacity to advocate and hold a meeting. Thank you for whoever paid for the Zoom account. On this item, in the midst of a global pandemic, the local government deems construction essential, our iwi kupuna were left vulnerable without protection. In the settler world, iwi are not essential. Everyone by now knows that the Puuone sand complex is enlivened by the presence of iwi kupuna, they continue to provide us with our connection to the [unclear] for generations across time and space. They are us and we are them. For kanaka maoli, iwi kupuna are essential. When you desecrate them, you desecrate us. When you bulldoze them, you bulldoze us. When you erase them, you erase us. And this is the ongoing mo'olelo of settler colonialism in Hawaii. And this pandemic has shown a huge spotlight on this continued cultural genocide. Waiko Light Industrial, Goodfellows, Pacific Rim, County of Maui, SHPD, you are all responsible. There are way too many details of this to squeeze into three minutes but the summary is that 10 iwi kupuna have been desecrated since February 27 10 iwi kupuna who were resting in the trajectory of the sand dune that you saw highlighted last year in Tanya's Lee-Greig's map. Remember the path of red that swept across the sand dunes? These iwi fall right into line. They are not inadvertent. After weeks of the community trying to advocate from home because we are on lockdown, we discovered several violations of the monitoring plan. In fact SHPD couldn't even access the monitoring plan because of covid. Kealana couldn't get into the office and Susan Lebo couldn't find a record of it. Perhaps that's because Ian put the wrong TMK on all of the correspondences. Anyhow, they clearly failed in their duties by not consulting the monitoring plan which is a mitigation in and of itself and at this point, it's all we have. But I suppose if you don't consider the iwi essential, I suppose you don't consider the AMP essential. It took weeks of advocating to get anyone to do anything and I want to mahalo Kamakana at OHA and Andrew McAllister and Iolani, our new Maui Archaeologist, for taking this seriously and drafting a letter to the county outlining the violations. As a descendant in this area, I would like to ask the burial council to insist that you have meaningful consultation with - and not this one meeting, this is not enough for this to be in compliance. I would also like to ask you to consider imposing the fines that council member Johanna Kamaunu suggested in her correspondence and I'm suggesting that this needs to be its own agenda item or possibly even have its own separate meeting to address this issue to come into compliance with the AMP. Please send a message to the county, the developer, and to the state that our iwi kupuna are essential to the health and well being of kanaka maoli. Mahalo nui. Also I would like to request after testimony that we get an update from Andrew McAllister, the archaeologist for Maui now specifically about the violations of the AMP and the letter that they are drafting to the county. Also remind me to send you a map of the survey

areas. This is another situation where the inadequate AA - also I sent you a timeline if you have any questions and at some point in the future we need to look at the 13-300-31 for recognizing burials.

Dane - mahalo nui. Do we have any questions for us before I get started?

Kahele - we have one more person

Dane - I just want to say a few things to Kealana and do we have Andrew McCallister We can ask him. Hopefully he will be ready when we call upon him. And as of this morning, SHPD has bought a Zoom pro account so for the record I guess. Ok, any questions for Noelani or any comments? [silence] Aole ok. Ok Moto

Kahele: Moto and then Hokua

Dane - if you could unmute and then state your name prior to testimony mahalo

Moto - Aloha mai kakou. Kai Hokomaunu (?), Waihee valley, so reflecting on what Noelani said, you can see from the various dates, the fines, that they have been having, close proximity- if you haven't been there, the proximity anywhere from maybe ten yards to twenty five to maybe fifty yards in pretty much the same area. So what is also alarming is that this is not the first development there, there is an existing one, and they also found iwi, I believe that's six they have interred over there in that area and it's alarming that in such a short period of time and with all the information that this developer has been given, to call it inadvertent is inappropriate for me because in their AMP if you take a look at it, Eric Frederickson did a study over there and he states that even though at the time they surveyed they didn't produce any type of findings, he heavily suggested that there will be and that has come to fruition, that has manifested itself. Ten times over. You have to also realize what people don't take into consideration is that the level of where the dunes were, is not its original level. If you read his AMP also it takes about the area itself and the layout, that it was previously disturbed. So we really don't know what the count of disturbance cuz at the time those rules weren't implemented as it is today. So a lot of the sand was taken for its worth in construction and that's why it's worth so much money. This group, Big Fellows, has been excavating there for many years and then taking that sand and then selling it. For construction work as the best type of sand for cement, so these types of areas have been used as stockpiles and you have scrap metal, Apana's over there, near the dump site there, so there is a lot of disturbance in that area so that is disturbing too, so some of these when you go there the first to be found which is at the highest peak to the other going down, one went down almost six feet from what we found the first two and then later on you come down there is another one almost ten feet down further down and as you you go to look at the areas and see these areas it would shock you because you think you are only going to find them on the top but they are very deep and we warned them about this when they had a consultation with Malama Kakanilua, Kaniloa [unclear] of us expressed our anxieties about them running into iwi which they did and which they have and which they continue to do. It was inappropriate also and to me I don't know how it isn't a violation of the AMP. i don't know how the part with not consulting with Johanna every fine [??? unclear] SHPD stepped in to do that without consulting the council member. I think that's inappropriate, the AMP calls for that. I don't know how it's not being stopped. Also what is alarming is the buffers. I don't know who did the buffers for the iwi kupuna but they are driving right next to them, excavating right next to them and I don't know how that happens. As I was looking at the overview of each part of SHPD, the architect, the archaeology, and of course the history and culture part, and it doesn't state that Mr. Hinano Rodrigues is the one to call. I understand his historic part of giving the information, but as far as making the decisions, I dunno why it continuously goes back to him when actually archaeologists should come. There is a lot of stuff to look at and I think a lot of violations have been done. Thank you

Dane: I just want to make a quick comment on it and after having done a site visit myself, i got to see right mauka, the TMK mauka has a preservation site pretty much up against the border of this project and again like we've seen in many other renderings of projections for that comprehensive overlay mapping, this is right in line with the rest of the Maui Lani sand dune complex and potential for iwi. So classifying these as inadvertent for me is really hard to do. I see this just like we've seen in the past as this being a burial site, a Puuone of this area as a burial complex. Do we have any discussion amongst the council? If you look at that agenda item E, you can see how many dates are listed on there, there are many. I also finally got to review that AMP for the project as well and I agree that the consultation with Johanna should have taken place at every finding and was it not, Johanna?

Johanna - I was notified and most of the time, Tanya notified me, but Ian didn't notify me and that's the part that I have an issue with. Ian and Ryan Churheill have consulted with Hinano and Kealana and I was told we were supposed to have the same consultation with myself and the descendants but that didn't happen and we have not had that type of consultation since. However, agreements are being made in that puuone without us present, that's the part I have a problem with. For the most part, I know every single one has been found. Tanya calls me up, usually Tanya is the one that calls. But it's not the notification or the discovery that they've discovered that I'm worried about, it's the notification of what they are going to do with the iwi after the moment they find it. I really am uncomfortable with the idea that they are handling it - whether they leave it in the ground or not, i understand that this is a process that has been going on, but i'm beginning to feel really uncomfortable

Kahele - we have a couple more people who are going to give testimony

Dane - Hokuau and then Claire

Hokuau - aloha mai kakou, its Hokuau [unclear]. Mahalo for allowing me to share brief testimony. He is happy to see that this is finally an agenda item and is being discussed in a more extensive manner because a lineal and cultural descendant of Waikapu along with many other ohana that have been active in this process who are concerned and somewhat reluctant to share manao including himself, in respects to providing the descendancy paperwork because of potential of just exploiting your genealogy or mookauhau or having that for the world to see, that's uncomfortable for a lot of folks. I myself am [unclear] but it's taken me a lot of time to just come around to get to that point. But I think what gets me about this overall project is i do appreciate Leilani and Tanya for being as forthcoming and open and having a good line of communication as best as possible, but what his concern is with a project like this which takes place in a very important area of our puuone sand dune system, iis the lack of comprehensive research that is very easily accessible all around that area. One example - his fourth great grandfather owned the land right adjacent to this parcel in this fashion here that was awarded to Henry Cornwell and in that parcel, in that ili of Aikanaha also sometimes referenced as Aikanaka, my fourth great grandfather (name unclear) said specifically which part of the family straddles right over that property. It makes no sense that there weren't ancient burial sites within this sand dune, in fact it makes very clear that only to my knowledge in the ahupuaa of Waikapu it's the only land commission or Mahele award description that specifies burials within a dune system. If you look at the connection to Wailuku, that same dune system connects with Kuihelani's land commission award 420 in Wailuku which is over 500 acres and in there it specifies very clearly that it was a wao akua one. So what's hard is when these parties come up and I understand that we are beyond this time frame of historical land use research and what not but it baffles me that developers don't find those connections and then they find all these iwi and then they are like oh yeah inadvertent. It's disheartening to those of us who are connected genealogically to this ahupuaa and this greater moku of Wailuku (names unclear to me, audio around 1:14 minutes or slightly before] . As I mentioned I will be submitting my paperwork shortly but I am concerned that others who want to be active, no one can force them to be active, are concerned about this process. Frankly I haven't been active until it finally came to my own ahupuaa that i was born and raised in and connected to and I am still

learning the process as well so i appreciate patience and understanding but hope that decisions around what happens to these iwi, whether they remain in place, whether they are gonna be moved, for me myself I don't want to see anything removed but i understand that there are complexities around that as well. I am still learning about especially when it comes to roads and infrastructure lines and whatnot. I just ask for the burial council's patience as we kinda work through this as an ohana and also those of us who are reluctant to be a part of this process but have an equal voice in this matter. I appreciate your folks' work and just ask for your patience.

Dane: Mahalo Hokuao. We look forward to your submission and application for cultural descendancy and being on zoom makes this more accessible to everyone and I am pretty sure our next meeting will be on zoom also. We would like to encourage others who might be interested to be a part of the process, to at least listen to the conversation and we encourage that to anyone who wants to auamo this type of kuleana. Mahalo. Any questions or comments for Hokuao? [silence] ok mahalo nui

Claire: Thank you very much good morning. Thank you Hokuao for all the history that you have been bringing up. I would first of all like to tell you that I'm going to testify as the rep of Malama Ka Kanilua today and we have been consulted first with the public works department DSA office of permitting since 2017 when the Waiko Light Industrial given their permit just within a week of the passing of the moratorium bill and at that time Ryan Churchill expressed to Leslie [unclear]kane at the DSA office person that he wanted to talk with us and he wanted to talk with me and he never did come forward - i wanted to talk to him and he never did make himself available to speak to me. So then in 2018 when we were contacted by Tanya Lee Greig, we did come and informed as many of our members who wanted to come to this - a walk through and to talk with them and at that time as you can see on your timeline we warned them about the sand dune that was there. It was next to the old dump road and it was very clearly a sand dune and it connects in with the sand dune that goes from all the way from the safeway area and i'm sure from Waihee through all the concentrations of burials, through phase 6, that's in here, we also spoke of all the burial areas that are around there which we have been keeping track of for a while now and it is very obvious that this area was going to connect right in the middle of the concentrations of burials but that was not enough to stop them and the public works refused to see that this was a sand dune, they refused to acknowledge that, i don't know if it was because of who the developer is and as probably has been testified to, the archaeologist Eric Frederickson also was quite sure that we were in the middle of sand dunes because every test pit that he put in there, every test trench he put in, was in the sand and he wanted of what was going to be found. So we warned of what was going to be found and then when it was, when they starting grading there was no monitor at first and then we went and I think Kaniloa probably told you that was a young person who just graduated forms school and she was told by the monitor in charge to take a bone off of there because it was an animal bone so i don't believe that this is the proper was to handle things even if you think it is i believe that someone like an archaeologist is supposed to verify this and then when the burials started to become evident we were notified of the first one the second one and then we had had a meeting right after the third and fourth one was uncovered. Then the next time they told us that they were going to put a leach field in. I went down to look where the leach field was and there are sand dunes there, and they were there, and I said please stop until we can look at this and they did not, they just kept going. So we had a meeting, Kaniloa and I went to see what the leach field was going to look like. And they are going to R2 which means they are going to pretty much take sewage where a little bit of solid has been taken out of it right onto the sand, our kupuna, and we said that this was not acceptable, why not go to R-1 and then reuse the water instead of putting literally sewage back on our kupuna. And that day is the day that I wanted to see and visit the burials that they had just found and the monitor Ian was looking for the outline of a burial pit. It was a very hard thing to do, to see, because he apparently was standing on top of - it looked like he was standing on the burial pit with a shovel and finding the outline and I asked Tanya Lee Greig, why is he using a shovel? I've heard Dane's grandpa - I can't say his name - this is so hard to do - I've seen him tell Mr. David in the sand to use hand tools, he said you go with your hand tools and investigate this but there he was with a

shovel and i know that sometimes these burial pits have shell lines or pebbles lining it but even Theresa Donham has said that in the material outside of it which would become fill, you never know what's there, you really need to screen it because you don't know what you cannot see when you go in with a shovel so i thought this was very poor archaeology and the fact that there was no archaeologist there and they were about to open up a burial pit that was there, that kupuna was there for two hundred years and they wanted to open it, and so i wanted to stay with the kupuna, they decided to stop digging for that day, i said I'm coming back tomorrow, i'm going to be with this kupuna when you open this burial pit. I can at least do that for them, I can't seem to get you to stop and I had notified them in writing that they needed to stop. [They said] "We don't have time to let you do this. We don't have time." I've monitored before and I can do this, I've monitored before and I can handle this, but you know the truth is, the buffer zones are inadequate and I have been telling that from the beginning. The buffer zones are inadequate. The trucks are driving right next to the burials! But nothing happened, not even SHPD - they did not react to that. I would like to - I don't know if you want me to stop talking because of my time

Kahele - yes you are out of time but you can conclude

Claire - We have gone through a lot of trouble to get the right to protect our iwi kupuna. In our last court case judge cardoza said that Malama ka Kaniloa and defendants Kaniloa Kamaunu and Claire Apana have property interest in our iwi kupuna. What does that mean? It means we have a right to speak; we have an official legal property interest and I would like the burial council to recognize that. We have certainly been working long and hard in this place and i would like you to recognize that we are a Hawaiian kanaka organization and that we should be consulted and we should also be able to speak for the protection of our iwi kupuna no its not only OHA< the law says the appropriate other hawaiian organizations that should be consulted and i hope that you will watch the video tape that Susan Lebo has made or ask her, what are the steps of consultation? And consultation, the last step ends with mitigation and action - you don't just take down what somebody says without acting so i would just like to end with i believe that you really have to take a good hard look at this. At the time that this is coming to you, they pretty much finished all of the sand dune grading. They got what they wanted, they got their lines in, i don't know if these lines go through the kupuna but all this time we have been asking them to stop and redirect what they are doing so that they would not have to go through the kupuna in this dune and so please recognize that all the sand dunes that are left and make this recommendation if you can to the Public Works director because these are burial grounds as Hokuao said

Dane - I appreciate the testimony Clare but please do be respectful of each other's time and try to limit ourselves to three minutes. Thank you

Kahele - I have a couple of questions. First, we find ourselves in a situation where the developer is using an inadequate survey, AMP, the documents are very old, i think as a burial council we have made a number of motions 1) that development in this area should include analysis of this area as a burial complex and it should use the analysis and the findings from other developments in the area to build and develop a plan that is up to date and that could possibly mitigate what is happening right now there. The 2011 plan does not include any of the analysis by SHPD or by other projects so it is absolutely inadequate and beyond that and this includes Maui Lani and the present developer I believe that they know that they will encounter burials, they know that it's going to happen, i believe that pattern has been identified on a number of occasions. Just in other developments but now everyone knows what the burial patterns look like so there's really no excuse for continuing to work in an area in a place where the pattern is known and is being barbarically revealed day by day in this area. So even though we keep getting - we can't change the AIS, we can't do whatever, the developer can do the civilized thing and stop to reframe their analysis of that area and you have archaeologists working for you that are competent that are able to do this analysis and I think that i dunno if we make a motion to do that or what.

Dane - yeah I am thinking about this, we run in, and we are limited TMK to TMK and all this, but in this - similar to how we plan to tackle shoreline impact, do we agendize Sam's puuone or Central Maui dune complex and we put out a designation and we agendize it because it will have more mana if we agendize it as a stand alone agenda item and whatever recommendations or motions we put toward it will have more mana that way. Do we do a blanket one for this entire area or also - if you want to do a site visit you may have not known this, but the road that is passing through this property is called Kamehameha Ave, so it is meant to be an extension of the existing Kamehameha Ave which passes by Pomaikai, which will go through the...this is not necessarily the developers issue, but the county recommending that [correct me if I'm wrong] but the county recommends that they call it kamehameha ave so they can connect the two. Existing Kamehameha ave and this proposed Kamehameha ave that is in the works will pass through a number of burial preserves or a large burial preserve on its way. So not only is it the developer but it is also the county's planning and I don't know how they plan to connect this. What i had heard when I was doing this site visit is that when they were asked by the county to call this Kamehameha ave - this also gives them certain requirements that they need to meet, they need a certain width, on the road way, so they are a larger roadway compared to just an industrial complex. And that is what also is pushing them butt up to the iwi on the makai side of the project. First, does the council think we should agendize the central maui dune complex as its own item and make motions and specifically drive down on this issue and try to give it a blanket protection, and or other info that is being passed on about this benign Kamehameha ave and the county requesting this of the developer and the potential risk it has in the future for passing into the burial preserves? How can you make this requirement knowing you will pass through burial preserves unless you plan to zig zag through all of it?

Kahele - one of the things we need to do - we have already made a motion about this. We need to continue to reassert that motion. And we need to continue to keep the developer accountable for what they are doing. I believe that Maui Lani and this developer know what they are doing, *exactly* what they are doing at this point in time. It is not a surprise to anybody or them that they continue to uncover burials and again we might not have the legal hammer to make them stop but they should as part of our community or as human beings they should stop because i believe that they know that if they continue to do what they are doing, they are going to continue to encounter burials.

Dane - it isn't like the writing wasn't on the wall. It is a burial preserve but up against the property

Kahele - I think that's illegal, to continue to do something when you know that you're gonna encounter burials.

Dane - that for me would be previously identified and that is our issue here too is that it is not necessarily under MLIBC, but we can recommend everything we want to

Kahele - that's what my point is. We continue to play this game whether its inadvertent, previously discovered, or whatever but the bottom line is that the developer does have a responsibility to pact in a civilized manner and stop the continued desecration of our burials because they do have the knowledge that is needed to prevent it.

Dane - desecration is an interesting word. Is the AG on the line, Kealana or Ikaika? This doesn't necessarily fall under us but it is 7111107 and i remember us covering it - i think the biggest thing - you say desecration and i say desecration and I think SHPD's not considering this desecration - Ikaika or Kealana is that correct?

Ikaika: Kealana is gonna attempt to call the AG and get them on the line and they can respond to that, one second

Kahele - so what do you guys think about this? I want to reassert the motions we have already made regarding this area and also to state the idea that I believe that the developer knows that they have the information to make better choices and they are choosing not to. And I don't know what else to do but to implore them to do something different. I don't know if we have the legal need to do that.

Kyle - so I am sitting here listening to all of this and I am perplexed because as you said, they have the information, they know what to do, and it seems like they ignore everything that we as a council are saying that we as people of this moku are saying and it's like do we have to sue them? Is that how we get them to comply? I mean you say implore - ok I am for that. I am for like can we sit down like reasonable human beings and just look at each other and say hey you guys know that this is going on can we figure this thing out. Is that where we go next on this thing? I'm willing to go wherever this council wants to go. Is that where we go next then?

Dane: I think we have representation by the developer, is that correct? We have Leilani Pumano who is also in here and I think Tanya might be in here as well. I don't know if they are prepared to talk. Do we want to include them as well? Should we allow them to chime in right now? I think so. Anyone have any problems - do we want to involve the developer here or do we want to push them or do we want them

Kahele - They can make a three minute testimony.

Dane - Well we didn't even move into our update. I don't know if they are presenting in the update portion. Kealana or Ikaika are they?

Kahele - Maybe we can come back to this and figure out if we want to ask for a meeting with the developer or make a motion or what before the meeting ends.

Or even before the meeting ends if they want to chime in. Kealana or Ikaika can unmute them. What are we on right now?

Johanna - I have a comment if I could intercede for a minute - this burial council is for the people, for our people, it's supposed to be our thoughts and our feelings that are going into what's happening here. When we speak to the developer and anyone else outside of it, it really should be after we've already arrived at our decision. We have to have some ground rules on what we think is the best way to do things. And Kahele has already said that - we haven't done enough of that kind of discussion because we all need to be on the same page with this. Kyle is right - they're not taking this seriously so what do we do? It always seems that forcing a lawsuit is the answer but it really isn't the only answer. If we choose to follow the law we have two things already that are available to us that we have never used: and I have been wondering, how do we use the penalties? We have penalties for disturbing, for taking, for excavating, that's what the law says. So why isn't it being applied? And if no one else is applying, who else has the authority or the oversight to do that? We're the council. This is our purview and these are the rules that we are being given, to act by. And I see the penalties as a tool for us to use so when you talk about how we are gonna make them take us seriously. Well, if we are serious about it, if we are in survivor mode, what are you gonna do? Nothing stands in your way if you are in survivor mode. And this is the last of our people. The last of the sand dunes. We cannot let this continue. Once this all goes, what are we then? A memory. So no, we have laws if you want to, I would love to see the person who wrote that. I would love to send the developer a letter saying you are being penalized for this. I don't even know if we have a right to do that. But if no one else is gonna explain that to us or show us how this penalty can be applied then somebody has to step up and do it.

Dane: Mahalo I appreciate that. I'm going to go to updates because I think we have representation from the developer and after that, once we take time to listen to the developer, and our conversations to

possibly draft a motion or think of motions or recommendations and we can do that at the end of this agenda item. Ikaika or Kealana can you update us or help with any presenter that needs help getting set up

Scott: I am writing up a motion real quick - if you could just pyr bullet points of what you want in the motion

Leilani - Hi good morning. My name is Leilani Pulmano. We are the developers of the Waiko Light Industrial project. I will give a short presentation and I can share my screen and Ian or Mike can give an update from SCS about their findings. I am with the developers of the Waiko Light Industrial Project. You may also be hearing this project as the Waiale Business Park that's a marketing and sales effort. Those two names refer to the same project. The project is a 21 lot light industrial project . What we will be doing is building out the subdivision infrastructure, the water, sewer, electrical, roads, then selling the lots to individual buyers. The total project area is 31 acres and as you can see this is kuihelani highway, this is Honoapiilani Highway, this is Waiko Road. The project surrounds the existing consolidated baseyards. As Dane was saying the main access to the project is here in this location and it is the featured [future?] connection of Kamehameha Avenue. Before I turn it over to Ian and Mike I want to give you guys a construction update. The main road, the future Kamehameha Ave, is graded, the drainage and electrical utility easements up to this point here are complete [indicates map], sewer and water lines in this road area don't need to be graded, they are at an elevation where we can put the pipes within the graded area of road now. We would still need to do trenching in this road area for drainage. Road B here, this loop road, has not been graded or trenched. I wanted to give you guys an update of where we are. When we have confronted finds, we have provided some buffers and I know there were some buffers people were concerned about. What we also did was change our work order around so that we are out of this main site right now and we are doing a lot of work offsite along East Waiko Road and if you drive around there you will see the paving going on there in that area. We also moved over to lot 21 to do the wastewater treatment plant area. Mike Ian are you guys ready to present the findings?

Dane: Leilani is that loop name set in stone?

Leilani: We can certainly change that

Dane: That would be my recommendation. To me, it's insulting in a way. Go one

Either Johanna or Kahele, not sure: I also think it's quite telling

Leilani: We can do that, Dane [i.e. rename the road]

Ian: I will start off from Individual number one and walk oru way down through the ten sites that we have currently on site. Thanks for taking the time to meet with us today, I appreciate it! Individual number one was found on lot 11 during mass excavation; unfortunately the individual was completely displaced because we were using a D-9 dozer at the time. During recovery methods after we had the area locked down and we were actively screening the tailing and trying to find in situ portions which we hoped existed feature #2 was found just on the outside of the preservation fence that we erected around the trail where #1 was located. After determining that #1 was completely displaced, we focused our recovery on feature #2, which contained an in situ component, meaning in place, of 85% of the individual who was determined to be a female in a flexed position laying on her back during the next phase of push after feature number 2 was cordoned off and secured, activity shifted over to lots #7 and #8

Kahele - excuse me can you share the map so we can see what he was talking about

Dane: If there are any clear markings of where the iwi where do we want to allow that?

Kahele: Not that map, the map she had up before. I don't know if we need to go into so much detail as far as the position of the iwi. It feels personal

Ian: Understood. #3 was found in the borderline between lots #7 and #8. Or excuse me, 8 and 9. #4 was an isolated find found along the border of Lot #20 and the property adjacent to the north it appears that that was previously disturbed when HECO installed their power pole there. Number 5 was found during mass excavation of roadway a. # 6 was an isolated find, that was actually found underneath the existing haul road that went to Waikapu dump. #7 was found at the border between lots #19 and #20 during electrical utility installation. #8 was also found during electrical utility excavation approximately between lots #16 and 15. #9 is a feature that while no iwi is confirmed, is highly suspect to be an intact burial pit. #10 was found during GPR work that we had begun to conduct and that is also in roadway A.

Dane: Ian, I know you mentioned GPR. When you do find anomalies, what is your protocol? Are you following the standards of having to identify each anomaly

Ian: We are still in the process of actually processing the data. The initial process we are trying to clean up and once we figure that out I have the full intention of letting everyone know exactly what process we plan on taking

Dane: And your GPR surveying is it limited to the areas being impacted or are you folks doing the whole property

Ian: At this point in time we are just planning on running it through the areas of direct impact aka the roadway corridors but I am following PACRIM's lead on that

Dane: maybe this isn't a question to you but after looking at the AMP item 8 under monitoring methodology - "the D-9 contract should take into account the necessity of machine excavation and be slow enough to allow for reasonable visual inspection of the work. The monitoring archaeologist must make a best effort to search for significant cultural material. Machine excavation speed will need to be slowed in an area where significant material cultural remains have been identified." The D-9 was prior to any finds?

Ian: No, the D-9 was in use during the discovery of #1 and #3. The D-6 discovered #2 but after I found #3 I grounded that machine and had it taken off the job and did not allow goodfellow brothers to use it from there on out. The largest piece of equipment that we have in terms of a bulldozer is a D-6.

Dane: "The contractor [needs to] take into account the necessity for the machine and the speed slow enough to allow for reasonable visual inspection of the work." Does the D-9 or D-6 allow for that type of monitoring? I am asking you this because i only got the AMP 2 days ago

Ian: It is all about setting your methodology up - a D-9 can be effective during archy monitoring, it's about monitoring the operator's speed. We have my people who are equipped with radios and we are in direct radio contact with every single operator on that job site. But after hutting #3 we shut that machine down the D-9 because the 6 is much smaller and it is much easier to control.

Dane: I'm just reading the last sentence of E. "Machine excavation speed will need to be slowed in areas where significant material cultural remains have been identified." Where do you consider significant material cultural remains?

Ian: The entire job site there

Dane: That's what I'm looking at. Should a D-9 or a D-6 have been a first choice. I'm not sure if it was you - the contractor should have taken into account the necessity, right? So i don't know, i cannot imagine the D-9 and you had to remove it from the D-9

Ian: Yes I requested it to be removed

Dane: And we consider the whole place significant material cultural remains? I think that's one of my biggest issues is that that was utilized first even though we consider the entire site culturally significant. What do you think? Do we have anyone else catch that too? Is the council looking at the AMP?

Kahele: Yes

Do we have any further questions for Ian? Do we have a final presenter?

Leilani: I don't have anything more

Do we have any questions as a council for our representation for the developer?

Scott: I just circulated a possible motion mainly to meet with the developer - meeting with the archaeologist and developer to provide an update. I emailed that to you and I sent it through the Zoom group chat...it looks like I can only do one person at a time, Kahele not sure if you can see that? Otherwise it's in an email and we can revise it, add to it, or whatever but it is basically asking for an update. I think maybe in addition to an update we need to meet individually to look at other options.

Dane: Yeah definitely. I want to ask our presenters a few questions before we wrap up and move into a motion if we make one. We have how many burials now - 9 or 10? Or remains and one potential? Is that correct Leilani?

Leilani: Yes, it is

Dane - I know that SHPD who you folks are consulting with because these are considered inadvertent - in discussions with them I am not sure if they gave you folks a final ok or not to relocate. Is Kealan or Ikaika on? Which ones are you seriously looking at relocating and which ones are to remain in place?

Leilani - we haven't gotten that far. We did a site visit with Noelani and Hokuaau and Crystal to talk about potential redesign and through some consultation. I think that meeting was more informational that had been the first time or second time they had seen the site. We would still like to continue our consultation with you folks as well as Noelani and Houau and Crystal to find out if there is a resolution on how to move forward.

Dane: I think that this meeting is an update and it's the result of an inadvertent find. our next meeting i would consider consultation if you folks want to come back and we do this again and it's actually agendized as a consultation by the developer. We are only talking now as a result of inadvertently so since it's not agendized as consultation so I wouldn't consider this consultation. I would prefer for you folks to come back and actually do a meaningful consultation between the council, the moku rep, and you folks before proceeding. Before we go to Scott and make motions do we have more comments or questions for presenters?

Johanna - right now we are [unclear] after those lots are sold and building begins, a lot of that area hasn't been touched for building. It's important right now to set guidelines in place because once that starts to happen we are going to have 20 individuals to deal with rather than the one developer now.

Kahele - that's a very good point. Mahalo

Dane: Thank you Ian and Leilani. Let's take a 5 minute break

[five minute break]

Is Andrew McAllister still here? [asks for an update on Noelani's testimony after the break ends. Susan Lebo accidentally got booted due to internet connectivity issues and is no longer on the call]

Dane - Before we move forward, I remembered something from Noelani's testimony regarding an update from Andrew so I asked Andrew before we get moving again if he wants to provide us with an update. Andrew, provide us your name and your title and where you work at

Andrew - Sure my name is Andrew McCallister, Maui Archaeologist for SHPD. I work with Iolani who is also on the line. He is our other archaeologist. The project initially came on my radar when I received notice of a complaint from the county of Maui from Rowenna. I followed up with a phone call that day and she asked me to do some investigation about some of the complaints that were made from the community. I tried to get as much information as I can and it took a while to get actual permits [unclear], the AA that was done and also the AMP, concerned about the amount of burials inadvertently discovered. My initial response to that was to ask for more testing, so that was with Mike Daiga, we discussed additional testing for the utilities corridor. Then I started consulting with Kamakana and he brought some interesting points about the AMP specifically. Stipulating 2 and 3, that to my reading, they seem to go a little bit beyond the typical 13-300 treatment for burials. We seem to be requiring additional consultation with the burial council so at the time i was kinda unsure if that actually happened. It looks like no consultation has happened with the burial council until today regarding inadvertent discoveries. So the one thing that was kinda gray area for me was the difference between what was being called disarticulated remains fragmented remains - not sure if it was one or the other but it is my understanding that those were given a determination to relocate. That would be my main concern since the burial council, in the AM,P is supposed to be consulted. So I wanted to follow up with you guys and see if you feel like these stipulations have been fulfilled or if you need more to be fulfilled and also recommendations going forward for this stipulation from the project proponent - do you guys intend on following this stipulation going forward? That needs to be addressed sooner rather than later. I spoke to Claire and her group several times and I spoke to SCS several times and I spoke to OHA several times and the county. I have my recommendations, basically what I outlined to you, which would be to make a good faith effort to be in line with those stipulations and make some sort of commitment going forward whether we are going to abide by these stipulations going forward in the current climate where it seems like the burial council meeting didn't happen for a while so it made that stipulation a gray area. We would like to have some sort of agreement between SHPD the developer and the archaeological firm and also the burial council in understanding how these two stipulations will be carried out, a time frame, and whether you guys feel like they have been fulfilled. Thanks for your time.

Dane: Mahalo. Reviewing the AMP now you said it was 2 and 3?

Andrew: 2 and 3 - If you look at the last sentence in two, it implies that the MLIBC will be consulted in the event that human remains are found. To me that means if you are going to be consulting, you need to have some sort of ability to make a change in what determination is made. If the determination has already been made, i don't know if you are considering this to be adequate consultation or not.

Dane: Like I was saying earlier, why I had this presentation today, the result of an inadvertent find not necessarily in correspondence on our agenda. I don't consider it consultation. Like I said to Leilani, I think they need to come back and we need to have proper consultation, meaningful consultation. To me I thought originally it was limited to just the rep but in 2a it says "and the Maui island burial council will be consulted in the event that human remains are found." so i don't think that was fulfilled and i understand that there are challenges but it does say the council and that is this body right here organized at this time, rather than just the district rep or just the chair or just the vice chair.

Kahele - I think it's really clear in #3 that consultation requires some sort of mitigation and that definitely has not happened. And that is really clear in #3 that the outcome of any kind of consultation or any sort of mitigation measures that we definitely have not had any input on as a council

Dane - Going forward with this project, it's my understanding that it is still active under this monitoring plan. We need some sort of clarity going forward on when this consultation will occur and if everybody is still in agreement that this consultation should occur as outlined in the AMP.

Kahele - Another point is that as they are clearly in violation of the AMP, what steps will SHPD take to remedy that or to communicate that with them

Andrew: I would like to get your guys' input since you guys are the ones that are supposed to be afforded the opportunity to consult and may have had their opportunity foreclosed on or extended out for a period of time. Not too sure. I will take your recommendation.

Dane - the question I ask myself, would we be at ten now if we had had proper consultation?

Kahele - No! Definitely not. My point is, because we see that there's a violation of this AMP, how do we get them to stop work until we get this resolved?

Andrew: so I need to - I will take your comments and recommendations and i will update the county, we have been in contact with the county of Maui and they're also concerned about this project

Dane: Do we offer the ability to say they will comply now since we have representation by the developer in the room now?

Kahele - we don't have a plan for complying to what?

Dane - We have the AMP

Kahele - Yeah but if we are saying they are in violation, we have to be afforded some way of helping to figure out what compliance means.

Dane - Do we want a stop work order?

Kyle: Stop work order

Kahele - I suggest that we include in our motion that we ask for a stop work order until we can clarify our role in the AMP and we can be afforded what is clearly outlined in the AMP as consultation with the burial council

Dane: Andrew is that what you need from us? A written motion or is this your consultation with us?

Andrew: Its kinda weird for me because I'm having to interpret these burial laws just because they are in the AMP but I am prepared to agree with whatever you guys feel is appropriate in terms of the AMP as long as it has to be agreed upon with the developer as well, if we are talking about a timeline for consultation as well as how that will happen. I think we need to be involved in how to set this up.

Johanna - for Andrew, are our archaeology laws any different from the burial laws that we are looking at?

Andrew: So I initially noticed that this was different from the current way that the burial sites were handled. Kamakana brought this up to me, so I have been trying to read through lots of the burial laws but they seem to be a lot more complicated than a lot of the archaeology laws maybe just cuz I'm used to the archaeology stuff

Johanna: That's why I ask - what are the archaeology laws? If you are looking at the site as an archaeological site, what would you normally do?

Andrew: That was my initial thought is that there shouldn't be ten inadvertent discoveries. So my initial thought was we need to do more testing to mitigate the damage to these burials have these burials identified by archaeologists in a more sensitive manner so that's what I recommended to Mike and it is my understanding that they are in consultation to do additional testing

Scott: I have a second motion that I drafted in relation to the stop work order and I will paste that in right now. Everybody can take a look at it

Dane: Andrew can i ask you one thing - i know history and culture testing is different from archaeology testing. I have a fear of archaeology testing just cuz I have seen it in the past. Is that gonna have to be a criteria of you folks putting in a stop work order

Andrew: I don't think so. If it's not appropriate then it's not appropriate I would defer to what the community thinks is appropriate

Dane: I think we have more than enough evidence to suggest that this place is - there are more iwi within this TMK. Scott has two motions - i want you to consider if there are violations too and what you want to do in that regards

Scott - if you want I can read the two motions but Kahele noted there is a possibility of non compliance how would you like me to incorporate that Kahele?

Kahele - the Maui Lanai Island Burial Council requests the cessation of all work at the Waiko Road Light Industrial Project TMK 3-8-007:102 until the MLIBC can clarify or investigate or can assess compliance with the AMP and to clarify the role of the council in the execution of the AMP

Scott - Ok let me just change that up real quick

Was that a shared doc you put to all of us?

Scott - yeah

Dane: Did you get it Kahele? Its an office doc not a drive

I put it in the chat

Motion 2:

The Maui Lani Island Burial Council requests a cessation of all work at the Waiko Road Light Industrial Project at TMK (2) 3-8-007:102 until the MLI BC can assess compliance with the Archaeological Monitoring Plan and to clarify the role of this council in the execution of the Archaeological Monitoring Plan

Dane Is that two motions?

Scott So that is a revision of the second motion. The first one is is a request for a meeting:

Motion 1:

A request for a meeting with the developer and the archaeologist to do a comprehensive update on the burials and inadvertent findings [note: Scott did not give the exact wording of this motion, but rather he paraphrased what was posted in the chat box which unfortunately is not available in this audio only recording] for future clarification]. The second is the cessation of all work until future consultation. I will copy both of those and I think we should do those as separate motions and I will put them in the chat room

Kahele: SHPD what is your stand on this? Have you guys assessed what's going on? What do you think? Have you guys made any recommendations? Have you guys written any letters? What is your status on this?

Kealana - SHPD hasn't written or provided any letter of recommendation or anything with respect to this position of any iwi found at Waiko. SHPD was asked by the developer if they could collect to curate and protect i believe two isolated finds, I want to say sites 4 and 6, SHPD gave them permission to collect to curate those remains but no other remains on property have been discussed with respect to the determination of any sort.

Maybe we should make another motion for SHPD to also assess their own role in this particular project and to figure out if the developer is in compliance as far as SHPD's role

Dane: I also want to add an additional one to that which is preservation in place and we recommend they preserve in place. I don't believe we would have ten at this moment and we didn't have the ability to consult so we are left in a position where they two have already been curated on site and we weren't able to weigh in on that. I would like us to motion that they preserve in place/ recommendation to SHPD that they are preserved in place

Scott No problem so I am writing up- this other one

With regard to the State Historic Preservation Division, clarify their own role in relation to

Kahele I think that they are in violation not just in relation to our participation but also in relation to how SHPD is participating also

Dane - It was also brought up in the chat and in the testimony that the buffer zone In minimal in some locations. Do we want to set some kind of buffer distance or minimal distance for now since we said preserve in place with a buffer of 10, 15, 20, 30 i dunno?

Scott - What might be easier to do is list out what we want all our requests in two different motions in this because they are two different actions

Kahele - and I kinda feel -----

Scott - We are kinda throwing in a whole bunch of different things

Kahele - We are asking them to stop so that we can have true consultation then we would weigh in on all those other things and come up with that plan [unclear, people talking simultaneously] not going to happen quickly enough

Dane - I think my problem with that plan is - but they have that window right with SHPD if the developer wants to say that they need a determination now so that's my concern and my recommendation isn't to the developer in this it is to SHPD and the History and Culture branch. Cuz i don't want to miss that window for preservation in place when it's them coming to their own recommendation

Kahele: k got it

Scott - ok so if we want - we can either do it one of two ways. We can either ask them to stop and actually clarify what we want to do whenever we want to do it or we can develop or draft a motion that gets at the heart of what we want them to do but getting them to stop is the first step right?

Dane - And then once we get them to stop once all work is halted then a meeting with SHPD or excuse me with the developers the archaeologists SHPD comprehensive meeting would be an opportunity to then say where we think things are not being adequately addressed. It doesn't matter to me how we do it, we can do it as a separate motion right now

Kahele - I think that's good but I think what dane is saying is he wants a separate motion to SHPD that if there is by chance something else happens in the meantime we have given a recommendation to them

Scott - ok so we are requesting that SHPD adhere to the following guidelines in relation to the project at Waiko Road - I am going to list out all the things we are hoping SHPD to do with regard to this project right now

Dane - preserve all ten or do we go beyond or do we consider after consultation [unclear] those following the AMP and I want to talk about [unclear], I want them all preserved in place obviously that's our kuleana.

Scott - Ok so let me just put that - "preserve all iwi kupuna in place"

Dane - "Not limited to" --- and then a buffer zone, what do you goes think

Johanna ? - 40 feet

Scott, Ok establish a buffer zone of no less than 40 feet

Johanna - 40 feet

Dane - And that's from the moku rep of Wailuku so...That's from all of us now, but yeah

Scott - ok. Anything else? [silence] is that it? Let me put this in, let me put down what I copied right now so everybody can see it [this is a recording only so the motion isn't visible]. Ok so apparently right now there is a 25 foot buffer around all iwi so we are just asking basically if that increases so. Let me see if

Dane - Let me ask this before you go on. Does the council feel this is consultation or is everyone in agreement that this is just a result of being an inadvertent that they are here before us?

Kahele - this is definitely not consultation

Dane - for the record

Scott- I actually put less than 40 feet, let me just recopy this and write no less than 40 feet

Dane - let me ask andree something. Andrew archaeology is writing the stop work order yes? It's not history and culture?

Andrew - so i've drafted my recommendations and consultation with Iolani and OHA and also I've got info from the community and I've sent that to Susan, Susan has reviewed it and Hinano has had a chance to review it and they've made their comments, my last concern was to get an official statement from you folks

Dane: Is it you that makes a final decision on whether or not it's submitted? Is it Susan or Alan?

Andrew: I think historically the person who was in my place before Dr. Varis had issued a stop work order but right now I'm deferring to Susan because I really just started this position and this is the first time we've gone through this so I need guidance on how to proceed

Dane - How you doing Scott?

Scott - So those are the three on the table right now, the three motions, so does that more or less comprehensively get at what we want to say about this project?

Dane: One more time sorry i was reading the comments i got lost

Scott: Speaking of the comments, maybe we want to have Ian confirm that there are currently 25 foot buffers? A question came up about that

Dane: Ian are you still there? - even on the site visit I don't believe I was seeing a 25 foot on a few of them/ i do know that they they moved the majority of their work outside towards Waiko, the road, the [unclear] side, i'm not sure what actually happened since my site visit so if Ian or Leilani want to chime in on Scott's question that would be helpful. Oh well Ikaika would have to go unmute and Keala

Johanna - We are coming at the point with this buffer thing that we are having a problem to decide whether or not there is one there. Shouldn't have been a problem but it is one. I think we don't have anything in place to ensure there is a buffer, it's there every day, and its being respected.

Leilani - yeah the buffers are 25 feet

Dane - Even the one adjacent to the Kamehameha ave, but there's not much work happening

Leilani - yeah that's right Dane, we're not working in the main site at all. We stopped working at the main site for about a week and a half now.

Dane - Scott does that help?

Scott - That clarifies it. At this point all we are asking is, stop work, increase the buffer zones to no less than 40 feet, and of course consultation. So there are three motions on the table i don't know if we want to go ahead and [unclear, multiple people talking at once] do you want to read them or?

Dane: I also want to add an additional one to that which is preservation in place, that we recommend that they preserve in place because i don't believe we would have ten at this point and we didn't have the ability to consult so we were left with a position where two have already been curated on site but they have already been curated and we weren't able to weigh in on that. So I would prefer that we would motion that they are preserved in place, a recommendation to SHPD that they are preserved in place.

Scott: yeah I can read them. I have them here and Kealana I can email them to you since I have been writing them out in a word document. But the first one is:

#### Motion 1

The Maui Lanai Island Burial Council requests a meeting with the developer and the developer's archaeologist to discuss a comprehensive update on inadvertent burial findings of native hawaiian remains iwi kupuna at the Waiko Light Industrial Project at TMK 238007102

Dane: do we use the word inadvertent or do we use the words all burials, all Native Hawaiian remains?

Scott - uh yeah that's a good question. The ones that are in question are inadvertent and i guess the logic behind specifying inadvertent is that we are not discussing any remains that have not been found since the work began but if we can take inadvertent out if we want to

Dane: We can just replace it unless someone has ----

#### Scott's revised motion:

The Maui Lanai Island Burial Council requests a meeting with the developer and the developer's archaeologist for the purpose of providing a comprehensive update on burial findings of Native Hawaiian remains iwi kupuna at the Waiko Rd. Light Industrial Project at TMK 238007102

That's a motion, seconded by Kahele Kamaunu

Iris - in discussion with Kealana guys, I'm gonna have to recuse myself because of my past employment with Goodfellow Brothers yeah?

Ok thank you, ok so seconded by Kahele for now. None opposed motion carried

#### Second Motion

The Maui Lanai Island Burial Council requests the cessation of all work at the Waiko Rd Light Industrial Project at TMK 238007102 until the MLIBC can assess compliance with the Archaeological Monitoring Plan and to clarify the role of this council in the execution of the Archaeological Monitoring Plan

Kahele seconds, none opposed motion carries

Scott - I will email it to you Kealana

### Third Motion

The Maui Lanai Island Burial Council requests that State Historic Preservation Division to adhere to the following guidelines in relation to the project at Waiko Rd Light Industrial Project TMK 238007102: 1) preserve all iwi kupuna in place and 2) to establish buffer zones of no less than 40 feet

Seconded by Kahele - no opposed, motion carries

Ok

Is there any further discussion or are we ready to move on? Do we want to do consultation or are we looking at violations now?

Johanna - If i might, with the motions that we just made, could we forward the motion for cessation of work to public works. When i was looking for some kind of agency or department to make the request for a stop work order so they could do more investigation

Dane - I will follow up with Kealana to make sure that that happens. Everybody maikai then? I am bringing up the violation because it was brought up to me a couple times. Not sure how to proceed with that or even if we are at that step - this is the first time they came, we were not consulted as the burial council like we have here today up until this point and today is not consultation either - what does everybody think

We are gonna move on then

Kahele - I am trying to figure out because my understand was that archaeology was gonna issue a stop work as a result of ---

Dane - Do we want to initiate an investigation? Like we've done in the past for violations right? Rather than have us be the ones who - i don't know if we are the body or the arm that does say yes to violations that have occurred or do we use DOCARE as the ones that actually see this through

Kahele - can we ask andrew? I was under the impression that they were doing some sort of investigation

Andrew: Yes, I do have recommendations that I could send to the county. That's with Susan right now. I think we were just waiting for this meeting. I could send that out today. I think I should probably talk to Mike Daiga as well today. So after the meeting I plan to meet with susan. And then talk to the archeological firm and then from there make our recommendations

Is that considered an investigation or

So in terms of the way an investigation would work I would do the data recording on site and the actual investigation portion would happen through DOCARE who would do questioning of witnesses and whatnot. That's my understanding of how it would work. I think it's pretty clear that these burial sites were inadvertently discovered but i don't know sort of additional documentation would be necessary however i would be on island next month

One more thing. You know we are still waiting on a DOCARE report for the complaint that was filed by Jocelyn what two or three months ago

Is this regarding Waiko road? I think we have them on update today if they are still on the line. It's Kealana - is that correct? If we do have DOCARE available for an update on those

Let's move along unless we have any more discussion on this agenda item

**F. Inadvertent Discovery of Human Skeletal Remains at the Westin Maui Resort and Spa, reported to the Maui Office of the State Historic Preservation Division on March 17, 2020, Hanaka'ō'ō Ahupua'a, Lāhainā District, Island of Maui, TMK: (2) 4-4-008:019**

Do we have a presentation Ikaika or Kealana for this?

I believe Trevor Yuka was the contracted arch for the project out there and was on the line and maybe Oralani Pua as well

Trevor - we are both here. Just to give a little back story on this, in 2013 Cultural Surveys completed an inventory survey for the project that included pedestrian inspection and intensive ground penetrating radar survey as well as backhoe test excavations. No historic properties were identified; the inventory survey recommended monitoring for all ground disturbing activities because of the sensitivity of this area. The monitoring plan was accepted in 2018, the SHPD was notified at the start of monitoring. Csh has been conducting on site monitoring for this project and there have been no finds until now. We have observed that nearly all of the sediment beneath the resort that is being excavated in fill. On Saturday March 14, the construction crew excavated approximately one foot into fill sediment that had been deposited over a concrete slab in the location of a former spiral staircase. CSH was not notified of this work and no monitor was onsite. On the following monday the crew observed a bone in the backfill of this excavation and CSH was notified. We scheduled to have a monitor followed by an osteologist on site the following morning and it was at this time that our osteologist confirmed that the find was a midshaft portion of a human femur. The SHPD MPD and the coroner were notified immediately SHPD then also notified the chair and vice chair of MLIBC OHA and others. In consultation with the SHPD all associated backfill was screened and spectated with no additional finds excavation was confirmed to be entirely fill deposited over a concrete slab based on all available evidence the find is believed to be isolated and disarticulated the find is believed to be more than 50 years old and archaeological so the treatment falls to the SHPD. The SHPD has allowed temporary curation of the find on site in a locked office in the care of the properties cultural advisor Ms. Aulani Koa who is Hawaiian. CSH has continued on site monitoring with no additional finds, no other incidents of unmonitored excavation, work has been slow and sporadic due to current covid sit. The resort owner and construction management firm have issued letters to SHPD expressing commitment to on site archaeological monitoring in accordance with projects approved monitoring plan

Dane: Mahalo. Do Oralani want to add anything on behalf of Westin?

Oralani - Aloha. On behalf of Westin Maui Resort and being cultural manager for the property now, we are fully committed to do what we need to do, to do what's right for the iwi, so do all proper steps making sure from this point forward everything is followed on the construction resort side. We would hope we are able to just relocate on site as we already know iwi was disturbed but we don't want to put it back under the staircase. That's our hope that we can move forward with that upon your folks recommendation. We are committed to what we need to do and in my position as cultural manager it's a --- to ensure that we do what we supposed to do and follow what we supposed to follow. Mahalo.

Dane: I have a quick question. Relocation i guess that would be - i am sure you guys need to come up with a plan for that first. How is the property or the hotel owner taking that - everybody is maikai with the potential I am sure you are going to pick a great place and all that but what is their stance on providing an adequate place to malama?

Ora: Yeah so from our resort side and construction side we've agreed to find a place on the property that is the correct spot but as much as it can be and they will do whatever it takes whether clear some aina a little bit and then we kinda get some input from other cultural advisors and if this finally did happen we did notify all the cultural advisors of Kaanapali of our find as well as Keeaumoku Kapu and I had a conversation with him as well about our finding so everyone is aware of what had happened and what we want on the resort side is that when these happens with the relocation that all of the cultural advisors including Keeaumoku them would be involved in this cultural decisions.

Dane - When you talking about cultural advisors are you talking about adjacent property cultural advisors and likewise because they would know the lineal and cultural families of the area, so that's my biggest concern is proper consultation with the ohana, with the lineal families that live in the area and getting their input on finding a relocation site. I'm not sure I would like to ask the council for their manao on relocation. I personally don't want them under the staircase unless they were in situ in which case it doesn't sound like they were. Any discussion comments questions for our presenters

Kyle - Mahalo Oralani for your commitment and your dedication to malama our faith. For me, finding a proper place for the iwi, i have seen some hotels put it in an area that is kinda notable so for me iwi should be in a rest area, someplace quiet serene in a place here that wailua can just be at peace with all the prominence going on around it as an resort area something like Kapalua Ritz Carlton has done they sectioned off a place and kept it really quiet and serene i think if you guys did something like that - i think that's what we are supposed to be doing.

Dane - Mahalo. I think this is a good point. I think maybe something similar to Honokahua we've been looking more and more at because of what's happening at Kalawaia and their ohana is - there is a difference between a BTP, a Preservation Plan, and also a burial agreement. Now for me especially hotels, but sometimes they convey land to other people - if you guys would consider, or maybe Trevor, an ask, that this be a Burial Agreement potential at some point. Because you brought up Honopo, the only other instance I know of this kind of kahua that has its own burial agreement um maybe something you guys could consider and bring back if you do go that route rather than a BTP or a Preservation Plan with a burial site component. I know probably Kealana or Ikaika could tell you a little more about the burial agreement side of things, Trevor.

Trevor Ok thank you

Dane: Any more comments by our council or questions? Ok mahalo nui. Alright aloha. And you know what I think I forgot to take testimony on this. I fell back into my old ways. Did we have any? I think I see two hands up not sure if its from a previous one but I will open up the floor to testimony so if you did want to, go ahead and open up the participants panel and raise your hand or type in the chat box. And if you have it up from a previous one please put your hand down.

Kahele - We have Liane and then Kaniloa

Ok. We will go ahead.

Oh Liane put her hand down so just Kaniloa

Alright Kaniloa if you would like to testify then please go ahead and unmute him Ikaika ok thank you

Kaniloa - A lot of work has been done like this where sand is involved and then people really don't take into consideration that they might run into iwi. I think our recommendation to the burial is there should be a standard whenever you work in an area, especially this side, because this is where the Sheraton is, you know there're findings there throughout that area also so they are highly susceptible to have iwi i think any place especially in our area with work in the puuone, a lot of people don't take into consideration that there still could be iw even though the grading has been done and everyone believes there are no more finds but as we can see with the Waiko road, and also the not too far from there the baseyard for the county which also had findings there, that anywhere that's susceptible or could have concerns esp if theres sand that there should be some kind of archy research done in it or some kind of thing done because it doesn't mean just because they took it down to this point doesn't mean that they're not going to find more because we can see all these year sthe county baseyard they found - we look at the waiko road project they found 10 of them and these are after the fact these places have been cleared and disturbed before unlike this area we probably don't have the history on it but I am sure they were possibly other findings but because of the work being done in previous those things are no longer there possibly other places so i would recommend the council put together some kind of proposal to the county or some kind of archaeological survey any time you are digging in the sand because there is a high possibility of finds. I don't think it should be "oh it's found already but we aren't going to find anything" and I don't think that's the case. I think we should be on the side of conservancy to make sure that we don't have that situation. I see a lot of work being done within the puuone um and i see a lot of dirt and sand being dug up and hopefully they don't find anything but I think that's a recommendation hat this council could make to the county that some type of process be taken to protect the integrity of what burials might still be on the property mahalo

Dane: Mahalo. Just like how i was talking earlier about agendizing sand dunes, and giving better protections i think that falls in line if you agree i also think that Waiko sand dunes that intersect with rivers because where the iwi is and not everyone who went and had a site visit saw that there's an old - either a blowout from big rain big water that came down in Waikapu and I saw there iwi there, I see iwi in Waikapu at Waiko, and if you look at where Westin is, mauka of that is the sewage treatment plant and over there is also right next to the river is iwi as well near the sand dune complex probably do have good correlation but I think we do look at those things and how they intersect and we will agendize it along with our shoreline erosion probably next meeting mahalo Kani. Do we have one more? Any questions or comments for Kaniloa? Ikaika if we could unmute Liane. When you are ready Lian just go ahead and start

Liane - aloha. My name is Liane Madella and first of all I just want to apologize for my ignorance but I am learning still yet. I thank you guys very much for all that you guys do. I wanted to actually start off by swaying three words: wahi pana, wahi kapu, and wai kanu. These three things make up who we are who our ancestors were there should not be any exception to the bones, there should not be any exception to whether we move it, whether we preserve in place, and i just want to throw out there that on my journey when i finish this journey i take all my kupuna all my iwi back home and that way not all over the place and that's one thing i intending on doing but any with that being said the construction the - we can use plenty examples - our burials in Maliko, Naue on Kauai - we can use many examples but it's a hard - it's something you cannot really decide on what is the right thing to do. It is what has to be done, it's what needs to be done. You cannot have big development and then you get iwi one place so you gotta stop over there and [unclear] restart. I think the tools that we have as people as native hawaiiians we have so much tools that we can all work on how we can use that for the benefit of the iwi and protecting what lands we have left protecting the waters that we have left and i just wanted to say that on the state and on the

governmental level there are so much more we can do with organizations outside you know native hawaiian organizations that can get that international recognition and i believe we can work with these organizations - Aha Moku - these trusted long time organization here on island not ones that come from different islands but here on island - I think that would make everyone's job a little easier 1) in protecting and 2) in making sure these buffer zones are far enough as much as possible no relocation unless they in one ditch or under one staircase - I just believe that I think another entity needs to be added on to the whole thing so that we have conformity and against bias and I have dealt with this for almost three years and the state and county level planning the private sectors all these entities and still yet for some reason can not come up with something. I gotta move on in what i gotta do and so i am here today to just let you guys know that lets move forward and lets get it done in regards to everything - BTPs, PPs, and yeah everything cuz it's true we one example of hundreds and thousands of pages and still we cannot come up with nothing good but i think it's all in here for us to legally and literally have something solid solid to where it's not going to be touched anymore and not only speaking from my personal experience but i seen it i have witnessed it

Mahalo nui. Thank you. Do we have any questions or comments. Thank you Liane. Any further discussion about Item F on inadvertently? Aole? Ok let's move on to item G and while i read the agenda item please go ahead and sign up for testimony

**G. Inadvertent Discovery of Human Skeletal Remains East of Kamaiki Point (AKA Stone Shack), reported to the Maui Office of the State Historic Preservation Division on March 31, 2020, Kaohai Ahupua'a, Island of Lāna'i, TMK: (2) 4-4-9- 002:001 Information/Discussion/Recommendation:**  
Discussion about the above find.

SHPD Kealana unless we have a presentation set up. Benjamin, is our representative if we could unmute Benjamin. When you are ready you can go ahead and present

Benjamin - Good morning everybody or afternoon just about. I just wanna say thanks for doing what you guys do. Our kinda initial report of this finding was on April actually March 29 and that was just a true inadvertent find this was by somebody going down the coastline and it was caused by erosion sea level rise surf and everything so it is really kinda in the portion where the ocean and the high tide mark would meet and this kinda lepo bank is exposing as the surf is taking away eroding the soil yeah. Ok. so on the 31st me and a few other people who work alongside Pulama Lanai which is the major land owner here we went to kinda assess what was there and just like the reports we've seen what we've seen and kinda of what we representing the landowner who just wanted to get recommendations get input on what can be done we know that its in vulnerable place and probably for the safety of the iwi needed to be moved. In my position I can't ultimately say with legality side and lawyers but for the most part straight off the bat we really want to support what is recommended and we will i think be able to go along with the recommendation that maybe is gonna bring this into a safer place mauka of its location. I know with the covid 19 and inter island travel and covid 19 things have been a little difficult so representation from SHPD hasn't been able to come over here I think ultimately I well let Kealana folks to be able to respond. I think coming up when things are able to be able to have people travel inter island the kinda idea is to get somebody to be able to come to assess the [unclear} Whether its just from SHPD or whether its from the burial council as we don't have an individual burial council here on Lanai but it's again like how I stated earlier southerly swells are beginning this is kinda on the south eastern portion of the island so with those vulnerable state it is something that is important to do hastily. the last - the initial assessment we did was on the 31st March 31st and the last time i was actually there and this was going along the coast there wasn't any further erosion and that was on April 22nd so just about a month has passed since the last time I was over there in between that first initial visit to the second time there wasn't any further erosion or anything like that but there hasn't been any large southerly swells. But as kinda representing the major landowner here we just wanna kinda have you guys know that we wanna work with you guys as much as

we are able to and do the right thing which everyone recommends be done. Along with me here I don't know if he wants to make any comments

Kaleo Ropa who also works with me in the culture and historic preservation department he is along on this zoom meeting too if he wants to make any comments not sure if he raised his hand or not but yeah we just wait for more information what you whether its SHPD what you guys work out and work along with you guys to help get it done but at the same token we don't really have anybody on our staff that has the skill sets to really undertake really what would be needed to be done

Dane: Thank you Benjamin. I have a question so its on a coastline on a shoreline and I may have missed this trying to organize but you guys curated the iwi or moved -- is it just on site or was it removed from site?

Benjamin - Everything was left on site except for one particular portion of that iwi which was so if you can imagine this is a white sand beach there's a portion of a solidified sandstone and then sand beach extends up mauka to where this bank of lepo and there's a portion of looks like to be two separate individuals there but there is one kinda portion of a - i don't know specifics - but a portion of bone that was not kinda in that ball of lepo so it was on the sand and that one obviously being kinda - the assumption is that portions of these individuals may have been lost already so that one single bone there was taken put into temporarily - obviously we didn't really have the materials that would normally would be suitable to put inside - into a new sterile paper bag and then brought mauka to - this place also was initially kinda recorded by archaeologists of the bishop museum in 1921 kenneth emory and i think 74 again another study in the area that notes this but they didn't note anything as specific benign burials or anything like that so the parts of that complex that was recorded and its very heavily kiawe and not really accessible with people. That whole area is not accessible and it's kinda over a half mile from the nearest dirt road so not a lot of traffic or anything and with the kiawe growth people aren't really going around back there so it's not really - we took that one piece we moved mauka into back behind a large outcrop and laid it to rest there in place

Dane - The aina mauka of where you guys the iwi is that the owner of the person you are representing

Benjamin - Yeah so the eroding place is you have state and then you have the [unclear] Lanai [unclear]

Dane - You asked Kepa?

Benjamin - Kepa, he's working a little bit different capacity now he is kinda winding down in his career now we are working alongside him and the Lanai Culture and Heritage Center

Dane - I see in you report you bring up (inaudible name) and some ohana - you guys are trying to connect to any lineal families in the area

Benjamin - Two actually three four of us on the initial visit one Kaleo Eopa and Shelly Preza and her mom Diane Preza so Kaleo his family is - you can jump in any time - he is with the (inaudible name) yeah.

Dane - Perfect, any questions for our council or Benjamin? Did Kaleo want to add anything? Thank you Benjamin I appreciate it. Kaleo if you want to add anything please jump in i'm just gonna talk to scott really quickly.

Scott - I have to head out about 5 minutes till one I have to go unfortunately. Sorry about that.

Kahele - same here - I have to leave at the same time. Gonna have to end the meeting at one sorry

Dane: Alright any comments or questions about this . for me i would like to hear if Kaleo has anything to say since he has ohana from that area before i move on I don't want to short this agenda item because people are leaving but we will lose quorum at one if that is the case. Ok. An update from SHPD - do you guys have anything to chime in on

Kealana: Nope nothing from SHPD

Dane: But they are corresponding ok? We don't have any potential representatives from Lanai right?

Kealana - Not that I know of. How is Ben's availability?

Dane - Ben or Kaleo if you like to reply

Ben - I've heard that often but we will definitely keep that in mind thank you

Dane Think hard please thank you. Ok i don't have any further comment so let's move on to H

**H. Inadvertent Discovery of Human Skeletal Remains at 314 Hi'ipali Loop, reported to the Maui Office of the State Historic Preservation Division on April 1, 2020, Koheo 1-2 Ahupua'a, Kula District, Island of Maui, TMK: (2) 2-2-028:020** Information/Discussion/Recommendation: Discussion about the above find.

Dane - Do we have an update or presentation, Kealana or Ikaika? If you do have an update or presentation try to keep it timely and efficient i guess

Kealana - i will be real quick with this. So this iwi was found on DHHL land up in Waiahuli so according to 13-300-40 letter O, and inadvertent discovery of Native Hawaiian skeletal remains and any burial goods on lands managed by the Department of Hawaiian Homelands shall be governed by the applicable provisions of NAGPRA. So i was notified of an inadvertent discovery in this location by Wide Open Construction who was doing the work up there I let that individual know that they would need to reach out to DHHL I also spoke to DHHL briefly to let them know that everything was spelled out in the provisions of NAGPRA and if they needed more assistance i would be more than happy to help them out.

Kahele - we have one person for testimony Kaniloa

Kaniloa - I just had a question um Dane is this an area that your grandfather talked about having a lot of iwi? I remember when he was still chair this discussion was up in this area but he talked about the gulch area having quite a bit of iwi. I was just wondering if this - I kinda remember this story from your grandfather. Talking about Kula and there was an area that had quite a lot of bones, but i think the name also reflected - but I wasn't sure if this was the area. I just wanted to know.

Dane - I haven't been able to see or do a site visit to this location and I haven't seen too much info from SHPD on this item and I do remember a few gulches not just limited to Waiahuli area so I will go ahead and follow up with that with Kealana and hopefully do a site visit soon if they are available for it. Scott you wanna -

Scott - It must have been about 2006, maybe 2005 when some of the construction was being done - that's the last I remember anything coming up with regard to Waiahuli.

Dane - ok mahalo. Do we have any comments or questions regarding this agenda item. Nope ok. It's 12:33. I am not going to go up to training in I, I am going to go back to Business and I hope Maui Lani is ok - I am going to bump A for now because we see them every meeting and I would like to go ahead and move to B under business. Everybody ok with that? We will be taking testimony shortly and I am going to stop talking just make quick.

#### **IV. 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.

**B. Cultural Descendancy Recognition Application of Jennifer Noelani Ahia to Unidentified Human Skeletal Remains, at the Waiko Light Industrial Project, Waikapu Ahupua‘a, Wailuku District, Island of Maui, TMK: (2) 3-8-007:102.**

We can elect to go into executive session if we choose to. Ok do we have - we are gonna take testimony and I would like to --- Noe, are you here? If we could go ahead and unmute her and get started with that

Noelani - Aloha. I don't really have testimony. You folks already know my mookuauhau we've been over a couple different lines with me so really i just wanna say that i come before you so that i can be a voice for the kupuna i've been advocating for the kupuna in this area for a few years and I feel in my naau like its my kuleana to be helpful in whatever way I can and if this is a pathway to help protect them then i will stand for them and submit my descendancy claim. Short and sweet.

Dane - Thank you like we heard earlier from Hokuau he is planning to put in his application. You guys are able to work together ok I am hoping. Maikai

Noelani - I just wanna clarify too i know there's people in the area that have more kuleana than I do and I will defer to those kupuna born and raised in that ahupuaa and that ili and I will help wherever it's useful for me to be helpful mahalo

Dane - Any questions or comments by our council? It feels like we are rushing and these are usually things we take a lot of time on. I know it helps we have already heard the genealogy from both directions so Kahele

Kahele - Noelani but in this particular instance which line are you claiming because we haven't seen your request

Noelani - I told Kealana I was ok using either line so I suppose if I had to pick one I would use to Piilani mookuauhau

Kahele - Ok. and SHPD did not have a ----

Dane -- They are not ready with a recommendation. Kealana are you there? No recommendation composed yet right

Kealana - No recommendation. I did want to remind the council that Ms. Ahia the applicant in question did get recogniaie to iwi kupuna at the Jan 16, 2019 MLIBC and that was to ahupuaa of Wailuku for projects at Maui Lani Phase 6 Increment 4 as well as Maui Lani Phase 9 at the time Ms Ahia used her genealogical connection to the Keawe line through the battle of Kakanilua which um SHPD deferred

recommendation at that time pending more information however the council went ahead and gave her descendancy and she also got recognized at the May 15, 2019 meeting and this was to Waihee as well as Wailuku at 32 Akumu Way - iwi kupuna there as well as Maui lani Phase 8 in Wailuku so if Ms. Ahia were to utilize her Keawe line in which the council recommended via the battle of Kakanilua started you know more or less at Maalaea encroached, it is reasonable to believe that Ms. Ahia would have a connection to the ahupuaa of Waikapu via the Battle Kakanilua. SHPD just hasn't had time to sit down and go over her genealogical connections both Hinano and I can craft a letter of recommendation

Dane - Thank you Kealana and I just wanted to remind the council that we approved her descendancy based upon her verbal testimony and genealogy by your sister and yourself and Kahele went and helped us to identify and recognize it as well for the Piilani line I think it was

Kahele - so Kealana what is your timeline for making or reviewing ----

Kealana - Um this is something Hinano and I possibly can sit down and review and have a letter of recommendation prepared by the next burial council meeting

Kahele - part of what I am thinking about now is I remember what the genealogy is but we haven't had - SHPD has not shared with us the request. The official recommendation.

Dane - you looking for the application Kahele?

Noelani - Just as an FYI I received notice that they received my application on April 9 so we are past the 30 days that the department has to respond - i believe it's 30 days the department has to respond

Dane - Um without that information kahele do we have a problem with issuing cultural descendancy based upon a previous recommendation or do we just want to see the application?

Kahele - Well I think it is responsible to see the application that you are approving before you approve it. I know they dont have a recommendation but we should at least be looking at the application so i am wondering why its being ----

Kyle - is SHPD in any way shape or form adverse to the approval of this appointment?

Dane - I don't think they have any determination or recommendation at this time that they could say but I am speaking for Kealana

Kealana - We are not prepared to offer a letter of recommendation at this point however if you recommend I can have Ms Ahia send her descendancy application to ome via email so I can forward that to the council if the council give me a minute

Dane - In the future i don't know if it was your mistake or just - if we can always get an application to tag along with cultural descendancy applications that are agendized pretty please. Again we are at 12:41 everybody

Scott - I guess my concern about approving it before we have a chance to look at the application, and to have a recommendation from SHPD, is that if anyone were to challenge it, it might actually be counterproductive they may say something along the lines of well you approved it without even seeing it and so if we do it a little more systematically -

Dane - didn't do our due diligence

Scott - Right, if we do it more systematically it provides a greater degree of safety or authority

Noelani - Although we have been through this before with the developers trying to challenge my applications and it went straight back to you folks so I don't see that as aof big of a problem because we already see that precedence

Dane - Ok the descendency claim application should be in your email right now

Kealana - What I submitted to you is just the application itself. Typically when we have these meetings in person I would hand out to the council the applicants genealogical info I wouldn't necessarily have that on file for everyone to see - so I don't, i have that with me here but i don't know if you want me to share that with you guys or if the applicant is ok with that or ----- if that needs to be reviewed and looked at prior to the council being able to make a decision

Kahele - so I guess my concern is that I think we all realize and know that this is timely request and it should have been reviewed and ready with a recommendations at this meeting and I am wondering why it is being held up especially given the fact that we are familiar with this genealogy so i guess i am a little irritated that it is is not prepared for this time especially because we missed a few meetings so there was - anyway! So..but I also agree that it's to us - what is that - to the follow process is important if we anticipate any kind of future litigation even though you are right, the last time it did come straight back to us so um yeah. I guess it puts us in a funky place because we've approved the genealogy before, its I'm sure it hasn't changed which is why I have asked if she is claiming through the Piilani line because if that is the caseI don't think there would be any challenge to that but it does put us in spot where we are a little out of order, to put it that way. So i don't know what you guys wanna do

Dane - Have you guys got to review the application?

Noelani - if I may say something too, this whole process of descendency, disadvantages the kanaka in the first place, the fact that we have to jump through these hoops in order to be recognize in order to have to have a voice, to be able to have a voice in this process is already discriminatory towards us and to provide vulnerable information and we have the department failed do their duty to create the paperwork that they needed to do to provide to you further disadvantages me as a descendant and i just want to say for the record that I recognize that and that I am disturbed by their ineptness in this particular situation that once again disadvantages the kanaka and the descendants. Mahalo

Mahalo I just want to remind the council that it is us, the MLIBC, who determines who is and who is not a cultural descendant or lineal descendant. If you guys are maikai the floor is open to a motion

Kyle - Um just as part of the discussion i am willing to support Ms Ahia's cultural descendency by vote as we have done in the past and with the thought in mind that yes it could be thrown back at us that we didn't do our due diligence. I looked at the paperwork that kealana had sent and I think the ball is actually in SHPD's court as a state institution that's their kuleana, and it's our kuleana to establish this cultural descendency

Kahele - So if you are moving I'm seconding

Dane So make a motion first

Kyle: Ok I will make a motion.

### Motion

I move that we as the council support a cultural descendency of Ms Noelani Ahia

Kahele - Second

Dane - Uh hold on one second - so you wanna - so you guys looking at the TMK, you guys wanna see that. Scott?

Scott - I don't know, unless we're, i can reread the TMK from the previous motions

Dane - all those in favor of cultural descendency recognition to Noelani Ahia to the unidentified human skeletal remains at Waiko Light Industrial Project, Waikapu Ahupua'a, Wailuku District, Island of Maui, TMK: (2) 3-8-007:102, please say ai or raise your hand in favor

None opposed motion carries congratulation Ms. Ahia

Noelani: Mahalo nui much appreciated

Dane - Um I made a mistake. I didn't take testimony. Was there any testimony that I might have missed and it's because I'm trying to be expeditious in this project. I don't see any. And you know I couldn't see Iris off my screen. I can't remember if you recused yourself

Iris - yeah I was but I didn't want to interrupt you

Dane - for the record Iris recused herself. Um next would be C

### **C. Discussion re: Proposed Construction of a Single-Family Residence at 4492 Makena Road, Ahupua'a of Palauea, District of Honua'ula, Island of Maui, TMK: (2) 2-1- 011:015.**

Dane - We have 10 minutes left. I don't know if we have time left. Well let's just get into it because they are all similar. Kealana do we have a presenter? Is that Dean Martin? Ok when you are ready the floor is yours

Dean - Ok I am going to keep this somewhat brief. My name is Dean Frampton I am the project consultant I have got with me today our contractor Danny Wickham project architect Greg Bailas and also I believe that Eric frederickson is consulting archaeologist he should be on the line as well. Back in the end of March we sent out a project summary at 4492 Makena Road at Palauea Beach our owner is Mr Moshe Selaji who purchased the property in 2018. We're proposing to build a new residence for Mr Selaji. I'm just going to jump to a brief history of the archaeological summary that was in our timeline. The property was previously owned by a gentleman named Doug Liani who was involved in a really long and protracted lawsuit with the county of Maui over development rights dating back to the early 2000s. Back in 2002 Archaeological Services completed the field work necessary for an AIS but due to prolonged legal delays Mr Lione's attorneys never instructed ASH archaeological surveys to complete the AIS and as I noted in my summary the fieldwork uncovered previously disturbed skeletal remains approximately 24% of an adult individual. The previous archaeologist had surmised that the displacement could have been related to a WWII army bunker or pillbox located at just the makai edge of the property. And in addition to the iwi trench I also included a trash pit from the WWII era. At the time of the field work the iwi was removed from the site for safe keeping. As I know that legal battles continue an AIS was [then completed? Incomplete? Unclear] and field work and around 2011 2012 the county was actually considering purchasing the lot as a way of ending the prolonged lawsuit. The county contracted with ASH to complete the AIS which it did in 2014 so now we are at the stage where our owners

purchased the property and we began working on this property the middle of last year. Eric is our archaeologist and he is prepared to work on assembling a draft burial treatment plan for your consideration. We realize there is a need to take appropriate action to address this long standing issue and we are just humbly looking to the council for guidance and assistance to handle the iwi in a proper and respectful manner. Thank you.

Dane - trying to make sense of all the emails I got and I am looking at the AIS but also there's attachments that are labelled as Bayless Architects - is that your firm?

Dean - Yeah there is a site plan, there I believe, and also elevation - elevation is just kinda anecdotal information. Really what helps is there should be exhibit 2A I believe which is a site plan - [unclear] it shows the proposed building layout and a couple [unclear] trenches that were completed during the AIS. most notably trench 1, the location of the iwi where they were identified.

Dane- so out of those trenches there is just that one - I can't remember if I hear - they were in situ in trench 1?

Dean - I wanna be careful that I use the correct terminology but previously disturbed and it was 25% of an individual - of a developed individual - and in addition to that there was also remnants of WWII trash in the same particular spot.

Dane - Looking at the plans is this the fence located right in front of the door? Would the driveway be in that location?

Dean - Sorry I think with that plan on the left side where the burial is that's the actual shoreline and trench 1 is the area that we've got - and then you have moving mauka towards the right is the residence and then the roadway is kinda right on beyond the [unclear] so [unclear] we've got the four trenches on the makai side and as part of the AIS and then also trench twelve. There were 8 other trenches done in the central portion but not really not as pertinent to what we are presenting

Dane - It's hard to see the scale in feet. From the shoreline how far would you say is Trench 1 is about 16-22

Dean - The dashed line that you see, there's the original property line but the short [unclear] line is the certified shoreline and from that we are approximately 30 feet or so and its [unclear] feet from the front of the patio area that is proposed right now

Dane - Certified shoreline, is that a built up retaining wall or ---

Dean - No that's a beach environment that's just what the state of Hawaii declared is the high reach of the waves

Dane - Kahele this is the Kahului of your guys wahi?

Kahele - Yeah and I just can't imagine it being big enough for all of this. 30 feet from the shoreline to trench 1 and then how far to the house to this patio thing?

Dean - Um I believe the setback we are looking at, I am working off the setback which we have which is in general forty five feet so I am just kinda putting number up there

Kahele - And how big is this residence?

Dean - It's a two story residence with i believe total square footage, it is just north of \$7000, so the square footage of the building footprint is about 3000 square foot on the ground floor, 3200 hundred square feet

Scott - Dane really sorry but I gotta take off cuz - I apologize

Dane - Ok ok I thank you Scott. We still have quorum till Kahele has to leave

Kahele - I gotta go

Dane - You gotta go too? Um ok do we have anymore questions, I just want everybody as a council to understand this is in an AIS so it is under MLIBC's jurisdiction are you willing to come back to us

Kahele - What point are we at in this process?

Dean - We believe this to be a first step of consultation. We are looking for direction from the council. We have reached out to Tanya Lee Greig as a resource through recommendations through the SHPD office. We are looking to get input and we are looking for, as I said, the proper and respectful way to handle this with the council's guidance

Kahele - So we will see you back again

Dean - We will be back

Dane - Thank you Mr Frampton we appreciate your time and we will see you soon, we will see you at the next meeting. Alright unfortunately everyone we will be losing quorum and we can continue but I personally find it meaningless because we cannot make any decisions as a council um any last words before we head out Kyle Johanna? And we will reagendaize anything we left out. I apologize for us not being able to cover everything but we did get to a backlog of iwi kupuna in the inadvertent section we have been waiting for some time now. Any closing remarks Johanna Iris Kyle? Cannot hear you Kyle. Again mahalo to everybody for joining us. I think this was successful so I plan on doing this again through Zoom and agendaize both the shoreline erosion concerns and also possibly agendaize sand dune complexes and how we want to address it as a council and as a community. Aloha nui to you folks I hope you are all healthy, happy and safe. MLIBC May 20th, 2020 is adjourned. Aloha

**D. Discussion re: Proposed Project Pu'uone Kau Hale LLC (building currently intended for a Senior Care Facility), Ahupua'a of Wailuku, District of Wailuku, Island of Maui, TMK: (2) 3-8-037:047** Information/Discussion/Recommendation: Discussion on the above item. Presentation by Landowner Kevin Collins and Contracted Archaeologist Erik Friedrickson of Xamanek Researches.

## **V. UPDATE**

**A. Kalawai'a 'Ohana Family Graves, Kalawai'a Cemetery, Site 4969, located at Maliko Point, 2175 Hana Hwy, Ahupua'a of Ha'ikū, District of Hāmākualoa, Island of Maui, TNK: [2] 2-7-004:028.** Information/Discussion/Recommendation: Discussion on the above item.

**B. Notice of Violation submitted to the Maui Office of the State Historic Preservation Division by Joyclynn Costa re: Inadvertent Discovery in Waihe‘e, District of Wailuku, Island of Maui. TMK: (2) 3-2-010:017. Information/Discussion/Recommendation: Discussion on the above item.**

## **VI. CORRESPONDENCE**

**A. Letter dated February 18, 2020 from the County of Maui Department of Public Works Engineering Division re: National Historic Preservation Act, Section 106 Consultation With Native Hawaiian Organizations and Potential Consulting Parties Iolani Street, Loha Street, Liholani Street, and Makani Road Pavement Reconstruction, Pukalani, Mahaehu, and Aapueo Ahupua‘a, District of Makawao, Island of Maui, Federal-Aid Project No. STEP-0900(099), Tax Map Keys: Portions of Plats (2) 2-3-008, 009, 011, 017, 024, 033, 041, 042, 043, 045, 048, 049, 054, 0555, 056, 057, 061, And 067. Information/Discussion/Recommendation: Discussion about the above letter.**

**B. Discussion re: Paeahu Solar Project, Paeahu Ahupua‘a, Makawao (Honua‘ula) District, Maui, TMK: [2] 2-1-008:001; [2] 2-1-008-056 por.; and [2] 2-1-008-057 por Information/Discussion: Information and discussion on the above project.**

**I. Training for Maui/Lāna‘i Islands Burial Council on membership, roles, and responsibilities. Information/Discussion/Recommendation: Discussion on the above item. (BRING BLACK TRAINING BINDER)** 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.

## **VIII. ANNOUNCEMENTS**

A. Next meeting is scheduled for Wednesday, June 17, 2020  
**E MADE.**