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GOVERNOR OF HAWAII



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

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

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

November 18, 2020

I. CALL TO ORDER

Kahele Dukelow is running the meeting today in place of Chair Dane Maxwell

II. ROLL CALL

Kahele
Scott
Iris
Kyle
Johanna
[Dane joins later]

Motion: Maui Lanai Island Burial Council will limit all testimony to 2 minutes to ensure everyone who wishes to testify

The May 20th are not quite ready but the Sept 30th, October 8, Octo 28 minutes are ready

Johanna - I really haven't had a chance to look through all of those documents and it is almost necessary that we know for sure what's in the content. She says with the way things are going these days we need to hold off till we look at the content

We will have to delay the approval of the minutes off to our next meeting

I will post these draft minutes on SHPD's website as draft meeting minutes to be available to the public. We hope to have the rest of them done by the next meeting

The executive minutes are not posted on the SHPD website. They are posted to the Council to review

III. APPROVAL OF MINUTES

A. May 20, 2020 B. September 30, 2020 C. September 30, 2020 – Executive Session D. October 8, 2020
E. October 8, 2020 – Executive Session F. October 28, 2020 G. October 28, 2020 – Executive Session

IV. BUSINESS

A. Descendancy Recognition Application of Ke‘eaumoku Kapu to Unidentified Human Skeletal Remains at Kā‘anapali Land Management, Lāhainā Watershed Project Area, Kā‘anapali Land Management/Waine‘e Village of Homes LLC., Site #'s 50-50-03-5239, 50-50-03-6473, 50-50-03-7102, Ahupua‘a of Paunau & Pūehuehunui, District Lāhainā, Island of Maui, TMK: (2) 4-6-15 pors. (2) 4-6-14 pors. (2) 4-6-13 pors.

Presentation by the applicant. Follow with testimony. So if you intend to testify on this item please let us know by either raising your hand or putting it in the chat

Keeaumoku - (with Noelani) Keeaumoku Kapu from Lahaina. Mahalo for opportunity to testify for this issue at hand on the subject area of the site numbers that basically are incomplete and that I wanted to assure that some sort of comprehensive plan is put together by whoever is responsible to make sure these three applications on three separate site numbers before you - we need to finalize that preservation plan because two have been in dormant state since the time i was on the burial council so i wanted to make sure whatever things are necessary to do to cover up most of them still undisclosed and we found out the old land owner pulled out and nothing was done from that point and when i was on the burial council i thought we took care of those things but they abandoned the site and we had some dialogue with the archaeologists on where we need to go at this point. Can we go into executive session?

Scott makes motion to go into executive session, Kyle Nakanelua seconds it

Keeaumoku also wants Noe Ahia in executive session

Council votes unanimously to go into executive session

Council exits executive session

Dane: Mahalo nui for your patience as we were in executive session - as you know an applicant can request to enter into executive session to discuss genealogy and other confidential info
I think Kealana do we do testimony or get your part

Vice Chair I can read SHPD's letter of recommendation: in the agenda title I did mistakenly list ahupua'a as Paunau and Pūehuehunui as the other. Upon review of the AISs and looked at old meeting minutes, it appears Paunau is the ahupua'a of the three sites

For purpose of establishing and substantiating cultural descendant claim to unidentified human remains, the applicant has submitted application and genealogical info 13-300-35 Applicant provided sufficient evidence of connection to an ancestor who resided in this ahupua'a. Mr. Keeaumoku previously recognized as a cultural descendant to human skeletal remains Nov 15, MLIBC. MLIBC recognize Keeaumoku Kapu and a cultural descendant

Testimony

Kahi you have two minutes for testimony

Kahi M - I actually prepared a presentation I thought would be three minutes but I adjusted it while you were in executive session and it's just over two minutes so I had it for three will you allow a few extra seconds. I need to share screen.

[omitted slide showing location of known burials]

Why didn't Mr. Keeaumoku Kapu claim his cultural descendency at that time 11 years ago?

The screenshot shows a Zoom meeting interface. On the left, a presentation slide titled "2007 Affidavit by Paul Kekai Kapu" is displayed. The slide includes a memorandum section with a bulleted list:

- MLIBC recognition of the Kapu Ohana as LINEAL DESCENDANTS of Olala (k) and Kanawaliwali (k)
- Used as an exhibit in 2007 Affidavit by Paul Kekai Kapu
- Used as an exhibit in Makila vs Heirs or assigns of Kua
- Used as an exhibit in Makila vs Heirs or assigns of Apaa

On the right, a Google Docs document titled "MLIBC 11/18/2020" is open. The document contains text about a connection to an ancestor and a testimony section. A map titled "WMC Map of Waterline VISIBLY marked KNOWN burials" is shown, with red lines and labels indicating specific locations. The Zoom interface at the bottom shows the "You are viewing Kahi M's screen" status and various controls.

The screenshot shows a Zoom meeting interface. On the left, a presentation slide titled "1997 Affidavit of Lucy Pomeles included as an Exhibit in Paul Kekai Kapu's 1997 Affidavit" is displayed. The slide includes a quote:

"That Paul Kekai Kapu... is my HANAI brother..."

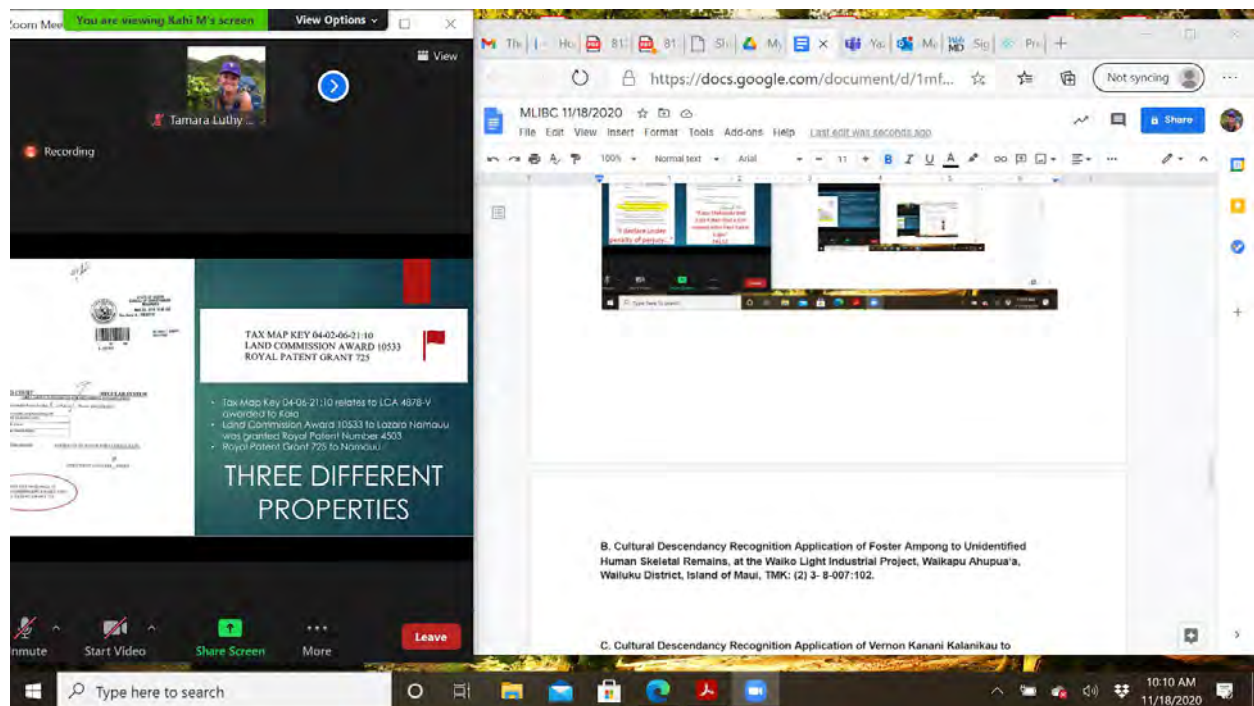
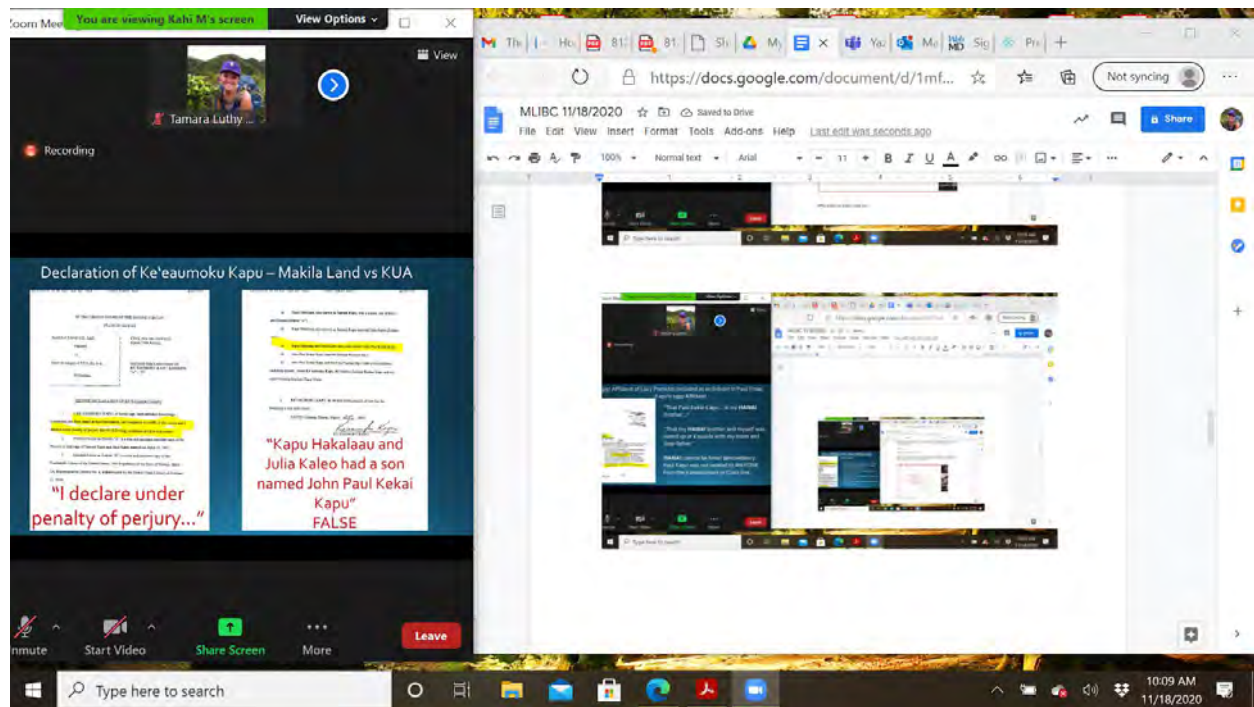
Below the quote, it states:

"That my HANAI brother and myself was raised up at Kauaula with my mom and step-father."

At the bottom of the slide, it says:

HANAI cannot be lineal descendency. Paul Kapu was not related to ANYONE from the Kanawaliwali or Olala line.

On the right, a Google Docs document titled "MLIBC 11/18/2020" is open. The document contains text about a connection to an ancestor and a testimony section. A map titled "WMC Map of Waterline VISIBLY marked KNOWN burials" is shown, with red lines and labels indicating specific locations. The Zoom interface at the bottom shows the "You are viewing Kahi M's screen" status and various controls.




Zoom Meeting You are viewing Kahi M's screen View Options

Recording

Tamara Luthy

Parents of Kekai, Haia (k) and Pihe (w)
Kapu lineal descendant to both – September 30, 2020



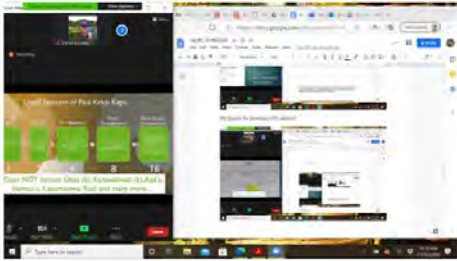
10:10 AM 11/18/2020

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MLIBC 11/18/2020 Saved to Drive

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B. Cultural Descendancy Recognition Application of Foster Ampong 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.

Zoom Meeting You are viewing Kahi M's screen View Options

Recording

Tamara Luthy



Haia (k) and Pihe (w), parents of Kekai.
Land at Paunau includes Haia Terrace System.


10:11 AM 11/18/2020

https://docs.google.com/document/d/1mf... Not syncing

MLIBC 11/18/2020 Saved to Drive

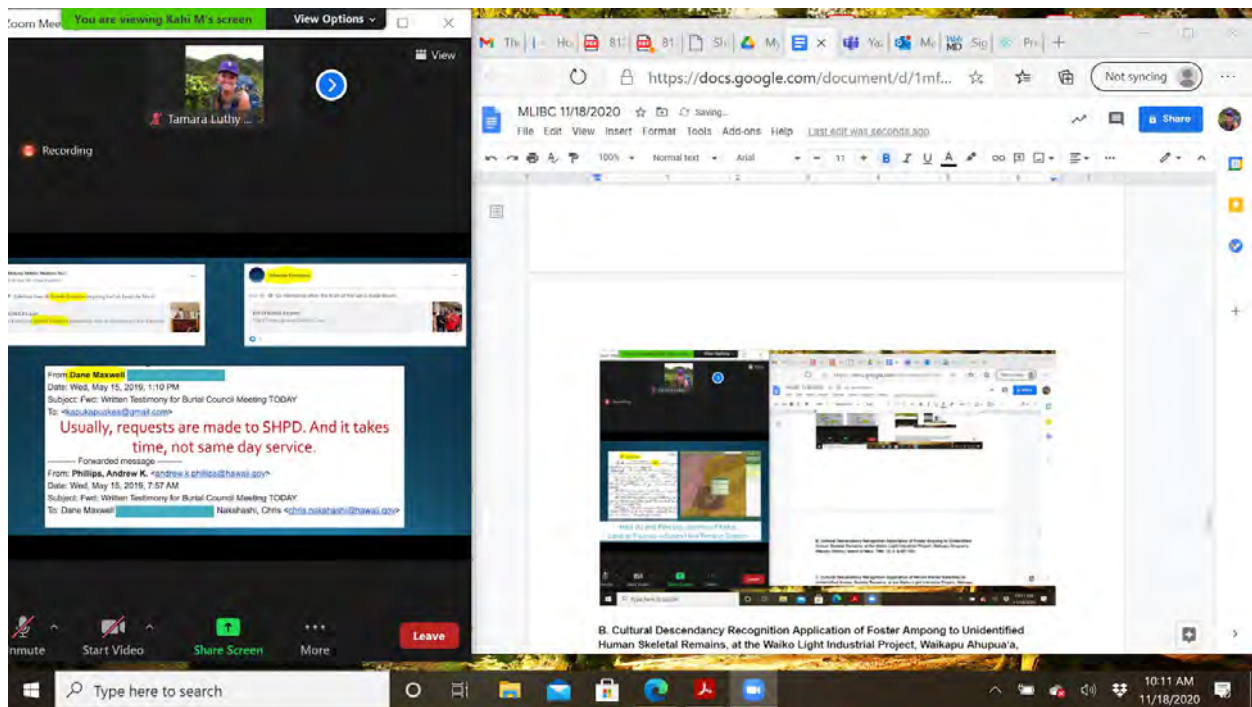
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B. Cultural Descendancy Recognition Application of Foster Ampong to Unidentified Human Skeletal Remains, at the Waiko Light Industrial Project, Waikapu Ahupua'a, Wailuku District, Island of Maui, TMK: (2) 3- 8-007:102.

C. Cultural Descendancy Recognition Application of Vernon Kanani Katanikau 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.



She disputes the genealogy of the applicant

The Kapu ohana are using this genealogy

I ask Johanna, Kamauna, [names one other council member but speaking so quickly I missed it, likely Kyle Nakanelua based on context clues from later in the meeting] - they have a close relationship with the applicant I believe they cannot have an unbiased decision

Abraham Ani and Myrna Ani - I am Kekahi Abraham "Snake" Ahi Lahaina Maui born and raised here in 46. My ohana is Namailua. There are a lot of things that are not correct in this issue. Mauka and makai was my --- as a kid you roam all over the bounties and the ocean. My tutu was a Kahuna. Solomon Kahiwa. He put a lot of stuff on my dad with the ocean and the sharks. There are a lot of issues that are not correct on the land. Keeaumoku's dad and father's brothers were really close. A lot of things happened in lahaina and Mr M---- a lot of things were put on me and with this issue coming up it has to come up and tell the truth about it. I don't know how it's going to stand or way it's going to go but there are a lot of people even on the burial council that stay close with _____ Puu Kola and the martial arts - a lot of them have to be recused from voting because been together with Keeaumoku for a long time so just here to give my opinion and my statement

Myrna A-Hee - I am actually like a Haia and I know Keeaumoku put a claim on our _____ - I know I belong Kanaha, a Haia. My husband guys is Kahoma. Ever since Keeaumoku guys came to Lahaina, ever since being exiled from Maui, they came to hurt and take us apart. They are so violent and attack people, it's so scary. He no belong up Kauaula - you don't belong here. I am born and raised Lahaina. Kyle you know him, Kai Markell knows him, you all belong to Na Koa. I hope you constructive in what you do but I think you guys should recuse yourself. There's a loyalty because you teach young men to be pono and right so it's worse than a hula halau - Kyle I know your reputation is well and I hope your heart sees where we are coming from. First, he tear up my community now he's tearing up my family. Please don't give us any more kupuna. Mahalo

Kaniloa Kamaunu - Aloha mai kākou. I speak on behalf of Keeaumoku - from what I've seen with a Keeaumoku, his heart is for his family, his heart is for the people of Lahaina, he has done many things to bring to Lahaina to where it is today. As was asked why didn't he go 11 years ago? He is a ____ person. He doesn't make claims just to make them and at the time he was involved in a case for his home. Most important aspect to help his father return back home - he is claiming an undivided interest but also doing it to protect what is there. My question is why aren't you there taking part in stopping what is going on with Mr. Peter Martin? As was said and testified iwi are there, they've been found so why are you routinely trying to destroy the reputation of Keeaumoku and his family? Only done it to protect kupuna, his dad and his family - very unwarranted what is being said of him you can say I am unbiased or whatever - he has always asked all the families to make their claims - for me to help Keeaumoku to protect Lahaina and iwi kupuna from people like Peter Martin he needs to continue to apply his descendancy and he has only done good. If you can prove that take him to court and prove otherwise

[unknown speaker]: It's a shame when kanaka attack other kanaka. The man and ohana who has been on this aina is the kahu ohana. If other people like to mālama these iwi kupuna please file descendancy because they are in danger by a 3-mile-long waterline. I saw these machines and the proximity of burials uncle is claiming to. Uncle Keeaumoku has done nothing but try and protect burials. He has assisted in other areas pule re-consecrate burials; it's been his life's work. It's shameful, our kupuna would not want this for us. They would want us to aloha one another and mālama one another - protect the iwi kupuna and still have iwi kupuna in the ground. Anyone who is kanaka working for the developers - think your role in settler colonialism and your actions leading to pain and suffering of people it's enough, mahalo

Johanna - getting a little side-tracked. We are here to share information on the application that's it

Vernon Kalanikau - it's hard for me to do all this because Keeaumoku he does a lot culturally that's a no brainer but all those guys on this thread we all know each other family friends from church and on and on in the community and I cannot help and many others cannot help how we going move forward honestly and inclusively and with integrity you know and we don't maha'oi someone else's thing from someplace else. Those are important things I wanted to share. We all know each other in festivals and in the church, we agree or disagree, but I cannot be in this type of waa with hypocrites and integrity and fake kapu aloha. If people like get involved quit your palapala, it's that simple. All these other unnecessary ____ that's a big reason I left Aha Moku. It's one thing now - it's bullying. Cannot. But that doesn't take away from what Keeaumoku has done culturally for the community and beyond and with his boys, so we just have to - how we going do this being inclusive, honest and straight on the table? We all like go help Mr. Keeaumoku but at the same time people see differently whether it's favoritism or settler kind words. I just want to share that and sorry if it sidetracked what Johanna said. Mahalo

Mr. Basbas - well it's telling me I'm not able to show my video - it is like Vernon, very disturbing to be hearing all of this and this is not the right venue for what people are feeling or how they feel it's not the right view but for us as native Hawaiian kanaka maoli we all need to come together as a people and to do these things as a public is not good for us as a people we should help each other regardless if we agree or not. I appreciate people doing their genealogy makes me glad when our own are doing their genealogy and doing their part to save our kupunas iwi - i just wanted to share my mana'o. It's the second time I've attended and seen this back and forth. It's not good for us we need to come together and work together so we can all work together

Kahele - public testimony is now closed and we can open up for discussion. A couple issues came up so we may recuse ourselves. I will go first to say that I won't recuse myself from this particular tissue. I have recused myself in the past. If I had to recuse myself from every issue where I know someone, I wouldn't be able to sit on this council. Maui is a very small place and I was born and raised here, and I try to do my best and have tried to fairly assess this issue. A lot of issues in Lahaina and this particular is about

descendants to particular iwi kupuna whether I agree with you or not or like you or not but to review descendancy i believe we can do that with the help of SHPD who thoroughly vet the genealogy

Scott- at least one person who requested to testify was not allowed to, should we open it again for that individual?

Dane - Ok Namea to testify

Namea Hoshi.... - mahalo for giving me the opportunity to speak. This is critical times and when we talk about our individual selves - my own ohana - to me myrna is my cousin, uncle snake is my ohana, Keeaumoku is my uncle - hard to see the conversions in a room that doesn't need to be addressed. This is a pilikia we have against one another - "never expose the iwi that lies in the sun" - whoever wants to mālama your iwi, we have to, but not to bring mookuauhaus into this mix - that's the downfall, the challenge we have to deal with for our people - it's real hard to see this because the love for my ohana and its not about whose born and whose not raised here - he is trying to make the connections to this aina is the important thing. For me the idea of mālama is one of those steps - if we choose to challenge each other that is not relevant in this situation of genealogy. Probably after this whole thing some other families going to be challenged and still the solution of the kupuna is not going to be taken care of because of bickering and namunamu - the respect - I feel yeah a lot of disagreements - but I cannot see these things continue if you guys wanna be palu, then we have to continue to mālama our iwi. And like Uncle Kani said, if you guys wanna challenge, challenge in court, not the time you gotta mālama our iwi kupuna

Keeaumoku - aloha kākou. You know I've been doing this for some years now, probably over 20 years in the trench, from the guidance of kupuna put me in the direction I am going right now, served many years in cultural resource commission and burial council. In 2009 we had no recollection if the company abandoned the project to begin with. The question is asked to the claim - monetary interest on why people asking these claims. Why we stand ground, why we stood in the mountains, why we did what we had to do to provide clarity on what we did as kanaka. Not going to stand aside and let people say whatever they want to say. A process put together because of illegality of what is happening with iwi kupuna from Kapalua and many different islands - always been the impetus to do this - I was even chair for the burial council, native Hawaiian ___ trustee to the Office of Hawaiian Affairs. Something needed to be done and iwi kupuna was another part of the management system we failed to provide as kanaka. Rules set in place to make sure it's done. Coming from a real estate agent and genealogist hired by these so-called companies. My whole priority is to mālama iwi kupuna and if anyone feels the same then join this fight to protect iwi kupuna that's been exposed for so long. Ordinance and rules that disenfranchised people because they got a monetary value. Things can come flying my way but as Kamehameha said - ward off spears of life and catch spears for the generation to come - that's why we are here. In the midst of the whole so-called private land company - I need support to figure out how we can protect iwi kupuna.

Kahele - now we will close public testimony for this item and open discussion by this council

Scott - the issue here is about mookuauhau - the state supports recognition, we have recognized Keeaumoku as a cultural descendant of this area already so there is precedent and everything else is not relevant at this point

Kyle - I would like to echo member fisher's statement - my concern has always been for the iwi and it is to work with the preview that is placed upon us as burial council members as far as recognizing genealogy cultural as well as lineal - people put forth their info and research significantly by SHPD two functioning members Ikaika and Kealana - in the past we moved forward with that and I will continue to do so in today's session

Dane - Mahalo Kahele for running the meeting - I will be intermittently in and listening the whole time. I do have a bias to the iwi kupuna and that's why we volunteer our time to something such as this. I again echo what Scott is saying when it comes down to deciding someone's cultural descendant - what is your reasoning and why - time and time again I have seen the actions of Keeaumoku play a major part in protection of iwi kupuna. I would urge others who want an equal voice in 6E to also file for cultural descendant. If you do want to have a voice, please please go ahead and file for cultural descendant. Going forward these types of issues and testimony we aren't looking for character testimony and defamation - discrediting each other this is not the platform to take place. I offer a remedy - all those interested parties come together because it seems like it's a trend because the space of the burial council is not the place for this. If i foresee these issues in the future being a potential outcome it might not be agendize till we handle these issues outside of this place. Kahele mahalo for chairing

Johanna - no I am not going to recuse myself. There is no reason to recuse myself. I appreciate the fact that some questions being raised about Keeaumoku's descendant application and we can respond and deal with that is so pono ole.

Kahele - I have a short comment before we- it makes everybody uncomfortable to have people questioning mookuauhau and motivation - this is part of what we do - if we had no one hear questioning or standing up I would be more worried - this is sort of a microcosm of all the issues happening outside. It is what we do, and I can show you plenty nupepa that they are slinging back and forth on all kinds of issues and it makes a vibrant community. We all going to judge each other as to what our intentions are. We all know that but in this particular instance we are looking at the cultural descendant of a particular person that's what we are tasked to do. Bring it, you got two minutes, now we move towards a motion

For clarification SHPD supported the cultural desc app for Keeaumoku

Motion:

The Maui/Lāna'i Island Burial Council recognizes Ke'eumoku Kapu as a cultural descendent to Unidentified Human Skeletal Remains at Kā'anapali Land Management, Lāhainā Watershed Area, Kā'anapali Land Management/Waine'e Village of Homes LLC., Site #'s 50-50-03-5239, 50-50-03-6473, 50-50-03-7102, Ahupua'a of Paunau, District Lāhainā, Island of Maui, TMK: (2) 4-6-15 pors. (2) 4-6-14 pors. (2) 4-6-13 pors.

I did remove the reference to the ahupua'a mentioned by Kealana
Kyle seconds the motion – motion passes, none opposed

Want to bring everyone to the table and have this discussion with SHPD

Keeaumoku brought up something regarding the burials - the one in the most vulnerable position

Maybe can discuss later in the meeting on the agenda where we discuss it

B. Cultural Descendancy Recognition Application of Foster Among 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.

Foster - I would like Kealana to read SHPD's recommendation first before I begin any testimony

Kahele - yes you are correct I am supposed to do that first

Mahalo Vice Chair Dukelow - Applicant did submit gen info to SHPD and in this case app provided stuff evidence to demonstrate great aunt and uncle who once resided in Waikapu and SHPD recommends MLIBC recognize Mr. Foster Among

As several council members stated my app was vetted by SHPD and I understand the process and protocol correctly all council members were forwarded my application and supporting docs so I don't feel it's necessary to say anything further re my claim or my genealogy unless someone sees any discrepancy or clarification. If anyone have questions, I ask we go into executive session

Any questions for Mr. Among? No question Mahalo foster for your app

Scott - I don't see anybody yet [silence]

Motion

The Maui/Lāna'i Island Burial Council recognizes Foster Among as a cultural descendent 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.

Seconded by Kyle, all in favor none opposed, motion carries

C. Cultural Descendancy Recognition Application of Vernon Kanani Kalanikau 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.

Kealana: Applicant did submit info to DLNR SHPD pursuant to 13-300-35. In this case the applicant provided sufficient evidence to demonstrate that his great, great grandfather once resided in the ahupua'a of Waikapu. SHPD recommends that the MLIBC recognize the following individual as a cultural descendant, Mr. Vernon Kalanikau

Vernon now have opportunity to speak for your application

Vernon - I don't have anything but just to do more work on genealogy and discovering where your tutu is from and its very rewarding and then I also do look at myself like what am I going to do with this where do I go from here. A lot of people like mālama iwi kupuna yeah i can do that that's easy for me but it's a lot more than that its mauka to makai and paying attention and kakoo others that need help too. Grateful for learning and discovering more of the ohana so that's all i have to say right now if anybody gets questions I'm here.

Motion:

The Maui/Lāna'i Island Burial Council recognizes Vernon Kanani Kalanikau as a cultural descendent 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.

Kyle seconds the motion, votes all in favor, none opposed

D. Descendancy Application of Etan Krupnick to Identified Human Skeletal Remains at Kahoma Valley, Site #s 50-50-03-08807 and 50-50-03-08808, Ahupua'a of Kuholilea, District of Lāhainā, Island of Maui, TMK: (2) 4-5-017:001.

Kealana - this item will be deferred. SHPD did not have enough time to thoroughly review and vet - I did reach out to the applicant yesterday and we will take a bit more time to review his app and supporting documents. Item will be deferred pending review of app and put on the agenda at a later date

Dane - I think the council has to defer the item, I don't think SHPD can -

Kahele: Can we have a motion to defer item D please

Scott Motions:

MLIBC moves to defer agenda item D till the following month

Seconded by Kyle, none opposed, motion carries

E. Descendancy Recognition Application of David Ka'eo Kaimanaokealoha Prais to Identified Human Skeletal Remains at Haneo'o Road, Mokae 1, Ahupua'a of Mokae, District of Hāna, Island of Maui, TMK: (2) 1-4-010:004.

Kealana: In this case, the applicant did submit sufficient genealogical information to DLNR SHPD for assessment pursuant to 13-300-35. The applicant was able to identify an ancestor buried on the property as his great-great grandmother and demonstrated direct genealogical connection to those human skeletal remains. SHPD recommends that the MLIBC recognize the following individual as a lineal descendant

Kai - lineal, very good. Mahalo. Love you guys everybody, mālama iwi kupuna.

Kahele: Any testifiers? [silence] i do not see anyone who wants to testify so we will close public testimony and moves towards a motion

Motion

The Maui/Lāna'i Island Burial Council recognizes David Ka'eo Kaimanaokealoha Prais as a lineal descendent to Identified Human Skeletal Remains at Haneo'o Road, Mokae 1, Ahupua'a of Mokae, District of Hāna, Island of Maui, TMK: (2) 1-4-010:004.

Seconded by Kyle, motion carries, none opposed

F. Descendancy Recognition Application of Naleialohaikanaluopuhele Kalani Ka'eo Prais to Identified Human Skeletal Remains at Haneo'o Road, Mokae 1, Ahupua'a of Mokae, District of Hāna, Island of Maui, TMK: (2) 1-4- 010:004.

Kealana: In this case, the applicant was able to identify an ancestor buried on property as her great great grandmother, providing sufficient evidence to demonstrate direct genealogical connection to those human remains. SHPD recommends that the MLIBC recognize the following individual as lineal descendant

Nalei: Mahalo!

I don't see anyone wanting to testify some I move towards a motion

Motion

The Maui/Lānaʻi Island Burial Council recognizes Naleialohaikanaluopuhele Kalani Kaʻeo Prais as a lineal descendent to Identified Human Skeletal Remains at Haneoʻo Road, Mokael, Ahupuaʻa of Mokael, District of Hāna, Island of Maui, TMK: (2) 1-4-010:004.

Seconded by Kyle, motion passes, none opposed

V. UPDATES

A. Maui Lani Subdivision Phase VI, Ahupuaʻa of Wailuku, District of Wailuku, Island of Maui, TMK: (2) 3-8-099: pors. Information/Discussion/Recommendation: Update on the above project.

I don't know if someone from HBT is online, but I saw Andrew and the attorney earlier

Chair there is a request from John Williams for some sort of testimony

Kahele are we taking cultural descendancy on this item as well?

Do we have the lawyer? He is usually on our meetings

Andrew Chianese - we did start construction of fire access road we discussed at the last meeting construction got interrupted we weren't able to proceed we got stopped motion by court to see logistics of how we are able to proceed

Last meeting, I asked when you first came to present that it not be limited to just the court case. Noelani presented updates on what plans were for the road. Do you have anything planned for today? We want the details from the developer.

Andrew: Well the fire access is the next step and it's been temporarily paused. We do have one of the HBT reps for construction is calling in, but he is having an issue with the call in number

Is he planning to present?

Andrew - I don't know if he has a formal presentation but he is available for questions

We have no formal correspondence from this road so responding to info from Noelani and we want to comment what your pans are for this road

This are no formal construction drawings grading or trenching so it is a limited construction

Prior to you folks going in there it would be my request that you present since you are moving in a place with known burials, so we want to comment and be involved in the process because of known burials. Limited grubbing and grading but there is potential. Before you do actually restart work give us enough time to give reasonable input

You want to comment on the overall construction?

This is just for the fire road

We wanted clarification on what kind of work and where in relation to burials p not close to work and that no burials will be in jeopardy

Andrew - you are supposed to be the one to give us the answers to give us answers we need but we found in the last meeting even though we requested not to do any work you did continue. How viable or valuable is consultation in a meeting like this? You aren't the project manager or person at the construction site of whoever is making decisions. We requested decision makers should be at our meetings so we can have discussions in an informative way

Tom Behnki ???

Foster and Kaniloa Keeaumoku want to testify

Foster - question to Andrew: When does Maui Lani expect to start construction? He mentioned that they made a motion in court so is that the update? I want to understand the full content of the update.

Kahele - my understanding is that It is stopped and pending a court motion, but we will verify after testimony

Kaniloa - this area all of Maui Lani projects have been an issue and the biggest issue is as i said before to SHPD, back in 2017 when an admin testifies in front of the county council - to have an administrator who signs off on projects without seeing if permits are in line, the archaeological surveys actually look into physically to find out that they basically sign off on them without anything and his excuse is no money no staff members sad it's all in the state's position and because of the state it is hard to go after these developers because the excuse is we are following what the process is and the last case a lot of flaws in the state's position being able to protect our iwi kupuna and Maui still doesn't have forensic pathologist employed by the county so we have when the time for someone to be called out there is no expert as far as osteology is concerned also the archaeologist but unfair that the archaeologist is paid by the developer. They give false narratives, false reports, and iwi get destroyed and here we are again. The state is at fault for the position we are in all the time. Look what they did at Grand Wailea. Still in limb hasn't come before commission before review but they signed an AMP. for foster to go after these guys we have to fix the position from above which is the permitting

Noelani - just a reminder to everyone out there, there is a known burial area at Phase 6 MLIBC made countless motions disturbing as such - Kauaula - spec references phase six as a known burial area. Cultural overlay map in the entire central plain - clearly known burial area. Regardless of court order they can't break other laws. Believes they were broken Nov. 2 when they started fire access. Only thing they said is cold planing which was not mentioned at the last burial council - we passed a motion that they stop and either through the lawyer or burial council member who works for HBT - project members made disparaging comments about the MLIBC. It is a known burial area and we will protect iwi kupuna

He is having an issue with the password and he is not able to come in, and I understand your and Dane's request. I will discuss the presentation with them and have a more formal presentation. With respect to Mr. Ampong's question, court has approved us to proceed but we have no immediate plans to proceed and court can confirm specifics of the process

Kahele - Did have two motions on last meeting of Oct. 28 - MLIBC recommends SHPD ask to cease and desist all ground disturbing activities at the project site until additional info has been provided to the MLIBC to evaluate impact to preservation plan and proposed work to iwi kupuna and make sure iwi kupuna in this pa ilina be protected in perpetuity

Other motion from the same meeting MLIBC request SHPD apply penalties 13-300-72 at Phase 6, in event of disturbance of burials known to contain iwi kupuna

Clearly our intentions with these motions is that so many iwi kupuna have been disturbed in that area, whatever construction in that area, we want to be sure that your plans will not result in further harm to these iwi kupuna in that close vicinity. Next meeting will have more info - no plans to continue

Andrew: Yes, but I want to clarify something that maybe got misrepresented - there is an overall plan of what this project will look like but no immediate plan to resume construction. Wanted to make that distinction. Get everything sorted out with the judge

Dane: So Andrew, the firebreak road is not construction in your estimation

Andrew: I meant there is a plan for the overall project but no immediate plan till the court hearing on Dec 3 and we will adhere to whatever the court decides

Dane -- We consider the fire break road to be construction so we are asking to cease all work till we get further assurance work for the firebreak road will not impact the burials

Keeaumoku - I vaguely remember this project in 2008 and when is this gonna come to reality where people understand this area has been desecrated? This area is an area a palina a resting place and that was back in 2008 so it concerns me on how these projects just get passed by circumventing all these different types of management through the county and the state and its similar to over here development has an exemption to lay pipelines. Abatements and fire roads - these aren't important would like to encourage the council to - you've done fiduciary duties to make sure iwi kupuna are

11:43 resumes after 10 min break

Kahele: Want to address a question in the chat asking about the cultural overlay regarding HBT's area and whether or not it is a burial complex is regard to Maui Lani Phase 6 and I don't know if Janet is here and she might be able to clarify the cultural overlay but whether or not this is a burial complex our council has made motions to that effect that we do consider it a burial complex but what that means in a legal sense. I am not sure maybe Dr Six do you want to talk about your cultural overlay for a few minutes

Janet - I would like to show you the cultural overlay without any of the specific burial locations.

All the purple polygons are known burial preserves and the proprietary layer shows the number of burials

This data all comes from the state and there is a consistent pattern - i would identify this as a burial complex we queried database and asked known burials burial preserves and jaucus sand for this cultural overlay - red area is 100 meter polygons for high statistical probability of encountering burials and yellow is medium. The sandhills area has been identified using data not opinions of high concentration of known burials - so a lot of data is not here - we don't have all the data but we do have the data at hand, a clear pattern of data from either AISs or construction

How do we display data without pinpoint burials? The red is an area of high statistical probability - intersection of Jaucus sand, known burials which aren't seen because we turned the layer off and burial preserves and archaeological sites.

Archaeological points in blue, historical structures brown, polygon is an AIS, burials are purple stars, known preserves where burials intact or preserved, Maui island fishnet is high shown in red

Looking at predictive modeling to inform future developers. Want to discuss how to share this info with the burial council. Would be informative to show the burial data its fairly compelling.

How will this be used by the county permitting process? Has there been discussion how this info will be used?

Title 19 grubbing and grading - lots of archaeological surveys were done for the bypass. We want to build this into ordinances. Once we add important things that happened - there's transhumance and mauka makai - if I added writing of mahele, Battle of Olowalu, other things, this map would show more historic sites. Once we build in the historical data, we can ask the map questions and show where important battles occur which might line up like DT Flemmings Park where battles occurred. Informa development in the sand hills and she created this map to inform the county decision to pay certain parcels. It's not a complete data set but fairly compelling

Kyle - can you speak with the chair and ask him to put on the agenda item to go into executive session in the next session to see exactly where the burials are in the next session. I want to frame in my mind how to do my job better now

Kahele: Want to address a question in the chat asking about the cultural overlay regarding HBT's area and whether or not it is a burial complex is regard to Maui Lani Phase 6 and I don't know if Janet is here and she might be able to clarify the cultural overlay but whether or not this is a burial complex our council has made motions to that effect that we do consider it a burial complex but what that means in a legal sense. I am not sure maybe Dr Six do you want to talk about your cultural overlay for a few minutes

Janet Six - The only two people who have access to this map right now Sandy Boz and me are the only ones who can see this. It will help inform people but sunshine laws - meant to be a tool that can help

Sure, everyone is aware of what a significant step this is for planning burials acknowledging these different histories as we live in the modern world and proceed forward. Can be a real game changer for development and planning for our island

Janet - We are working with Rowena to change the ordinance to see how this layer can be brought in so the county can make informed decisions. County never saw pipeline plans and it didn't trigger 6E reviews. It is exempt under current ordinance but going forward with high medium sensitivity maybe wouldn't be exempt. This is the first time the county has had access and thank SHPD - the only island we don't have the data for is Kahoolawe.

Dane - We will make a request to have an executive session present regarding this database. We now have Tom Benke online for HBT so I think we want to entertain hearing from him at this moment. Tom we are asking for update on specifics for plan of access road

Tom Behnke - do they have the drawings?

Andrew: I previously showed drawings, but I could pull it up on my screen

Tom: Yeah that was submitted to the county and supposed to be submitted to the burial council also -

Dane - So Tom to catch you up on what we were discussing today we asked for clarification of the work you intend to do with the fire lane - Andrew confirmed that you guys would not be moving forward with

Zoom Meeting

You are viewing Andrew Chiane

Tamara Luthy ...

Kahaleonolani D...

Johanna Kam...

Andrew Ch...

Recording

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PARKWAYS AT MAUI LANI
INCREMENT 4 EAST FIRE ACCESS PLAN
September 2020

Increment 4

Existing Waterline Equipment 15
(In Favor of County of Maui,
Dept. of Water Supply)

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17

2016 and we have been using that route to get around there so it is superficially smoothing it out and laying a layer of ground up pavement grave on it so it has better traction required by county fire department for permits because if they have to run a fire truck in there they don't want to get stuck in the sand. Basically, we are adding a layer of gravel into a site we have been using for several years now

Dane: We wanted to make sure we were able to assess the proximity of this project to the burial finds and complexes in this area

Tom - Do you have the maps we have submitted over the last several years

Dane: We have a lot of different maps from a lot of different years.

Tom - The most recent one from 2019 - the lot lines are shown on that map also

Dane - We are trying to get people to show this in one map because there are areas with burials under the road and other burials very, very close to the road so really what it comes down to is a matter of feet. That's what we are asking to consider. So we are looking at the upside-down question mark? Is the project limited to that?

Tom - That's the current work at hand, not the whole project but the latest stage of work we are doing

Dane - But the fire break road - is that the question mark or does it also encompass the blue dotted line

Tom - The blue dotted line was graded out in 2016 and that is the route we take to get into the other side of the pipe and water stand - eventually that is approved in the plan for development as a permanent roadway

Dane - But this right now the fire break is the upside-down question mark blue and red

Tom - Yes, it's basically a temporary road to issue building permits for the lots through which it goes

Dane - And to install this road do you have to do an excavation - anywhere with compaction to secure this road

Tom - Generally its graded out - basically following a route we have been following for two years around an excavation that is halted so that's why it has that weird lot - requires graded out smooth depth of two inches to a foot and roll it and spreading and rolling cold plane aggregate material to four to six inch layer which will eventually be removed

Dane - Does the current width meet your requirements to make it safe?

Tom - Yeah, it's about 10-12 feet. Yeah that's the approximate width of the existing path we are following now and the width of the aggregate we are spreading out is 10-12 feet which is the minimum required width of a fire lane

Dane - I guess I ultimately want to ensure -----

Tom - I'm sorry you dropped out.

Dane - Tom were you able to see the presentation by Dr. Six?

Tom - No I just joined the meeting now and I'm only on the phone

Dane - They have developed a GIS overlay of the area which shows burial preserves, archaeological sites and also identifies areas that have a high probability of findings burials depending on the composition of the earth - we have been talking about this for a long time. How do we bring all of this info into a lens so when we are making decisions like cold plane a road or make a fire access - every time we make a decision to disturb the earth we are looking at this burial layer so we are making sure that what we are planning is not going to negatively impact the burials in that area and i would highly encourage your company to maybe meet with Dr. Six so she can share that map with you. We have been looking it this for a very long time

Dane - did you hear the part on how much of the earth in that area has been [unclear]

Tom - Disturbed? That whole areas have been graded up to 2-3 feet. It's all been reworked to the grades of those lots 4 years ago. We don't intend to do a dramatic change in grade except foundation excavation of about a foot. The access road is basically on the surface where it is now. Not making any major incursions into it. Our company provided data from archaeological sites in the whole area. We know where they are, and we have them fenced and keep clear of them

Kyle - can we see what Janet Six has with her overlay and how it fits into this area and how it fits into the upside down question mark - either this time or next time

Dane - We have a map of all those findings and we can reissue them - we could go into executive session if that's what we want to do

Kahele - Every time they put out a map that general area should be shown at all times

Dane - I agree, I asked them to give an update - this is not an update for us it's a map
We want to see an overlay of all iwi kupuna

Tom: Generally, such info is provided to the state by law and we presume the state would give that to the burial council and it's up to the state

Dane: We ask that you do provide that to us. We have cultural descendants of the area who do know where the burials are and questioning the treatment of the burials and if we communicated the whole picture to people we could eliminate some of the back and forth to be clear what you are doing where the burials are and at least the work would be clear even if we did not agree i think showing a map like this is very clear because we know burials very close to this road and also under the road so I guess for us we would like for this info to always be at the forefront no matter what you are doing

Tom: The maps have been provided to SHPD and I believe you have them on file and the most recent is the most current. I will bring this up with my bosses and ask how they want to proceed by normally per state law go through SHPD on this communication and believe in good faith they are sharing information with you

Kahele - We want from your company given the sensitivity of the area that you are also sharing info with people on the ground in your area and bringing it into the frame when you guys make decisions. The public knows burials near this work area, and they are questioning the safety of those burials throughout this work.

Johanna - our problem has been we found out about this road project by accident and had we not been told about it we wouldn't know so the issue is why we couldn't be involved in this - if they notified shod about this info we have not been notified. We have a breakdown which is causing issues with our [unclear]

Dane - Ever since it was taken into the court it seems people have washed hands of our kuleana whether its SHPD, but the council feels like we have been stripped of our kuleana

Tom - That's between you and SHPD because we had no activity - channels of communication that we don't have a lot of different stories of different people we try to keep comm channels so everyone is in the loop

Dane: My comment is to the council - we should draft - what is our involvement in a contested case hearing this is just the beginning...If we are removed from this entire process for this case what is the point of having Maui Lani? 6E is 6E and should apply to all burials in all cases regardless of a court case and we still have a duty and obligation under the law as part of SHPD and DLNR. where our burial council comments and authority with the project going to contested case hearing. There is monitoring but because we have been out of the loop - what type of monitoring is taking place now>

Tom: We still have archaeological monitors of all ground disturbing activity including the fire break - a very good osteologist and he would observe anywhere we engage in the ground

We can communicate with SHPD and you also have your monitors present at the time we present the drawings at the next meeting to have a better understanding of what the monitoring will be like when and if the project takes place

Kahele - I would like to encourage you - you know how sensitive this issue is to the community. For SHPD and also the developer there is no other place where we can all be in the same virtual room and share the info, we all have. We encourage you guys to use this space to better inform the community about what you are panning as your hear the concerns and that's where we sit as the burial council our main purpose is to make sure any burials disturbed not more disturbed and prevent future burials from being disturbed so we ask you as part of the community and human beings to share that info with us in this space because there is really no other space where developer community burial council and SHPD can bring those perspectives together that's our plea to you

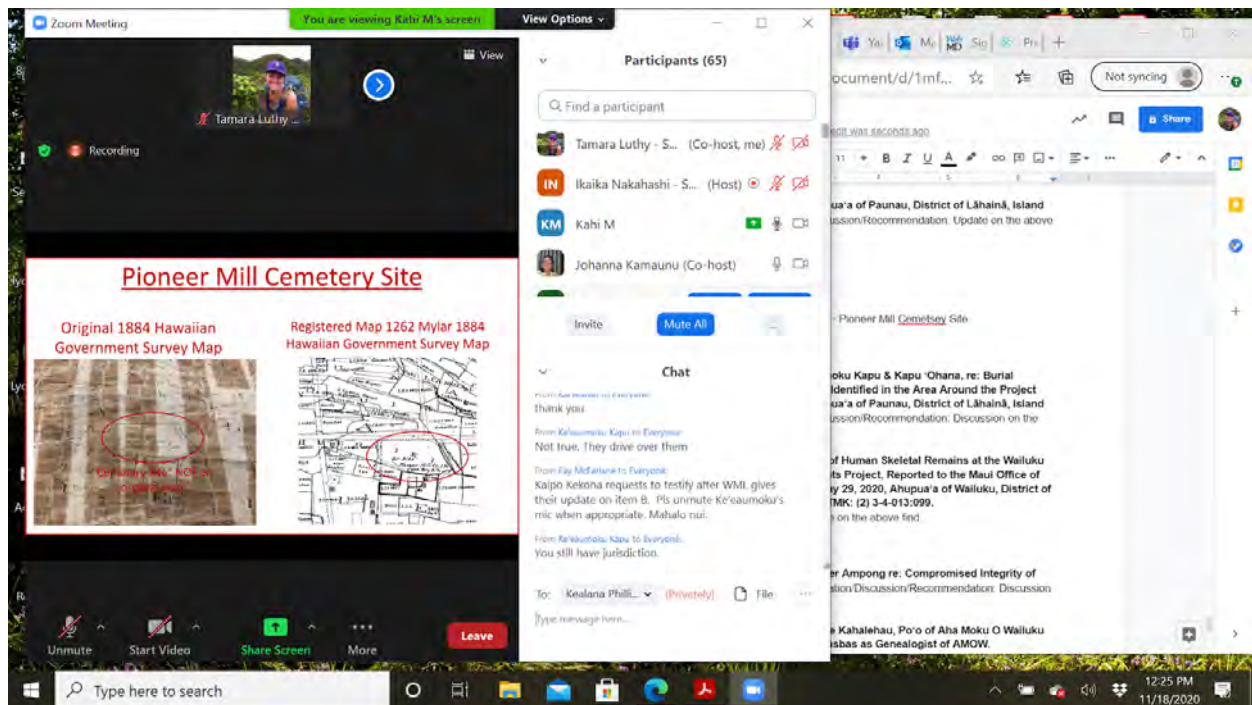
We appreciate you Andrew and Tom and everybody else, all community members who come in their commitment to protect our iwi kupuna.

B. WMLC West Maui Water Line Project, Ahupua'a of Paunau, District of Lāhainā, Island of Maui, TMK: (2) 4-6-015:001. Information/Discussion/Recommendation: Update on the above project.

Kahi is presenting on behalf of the developer

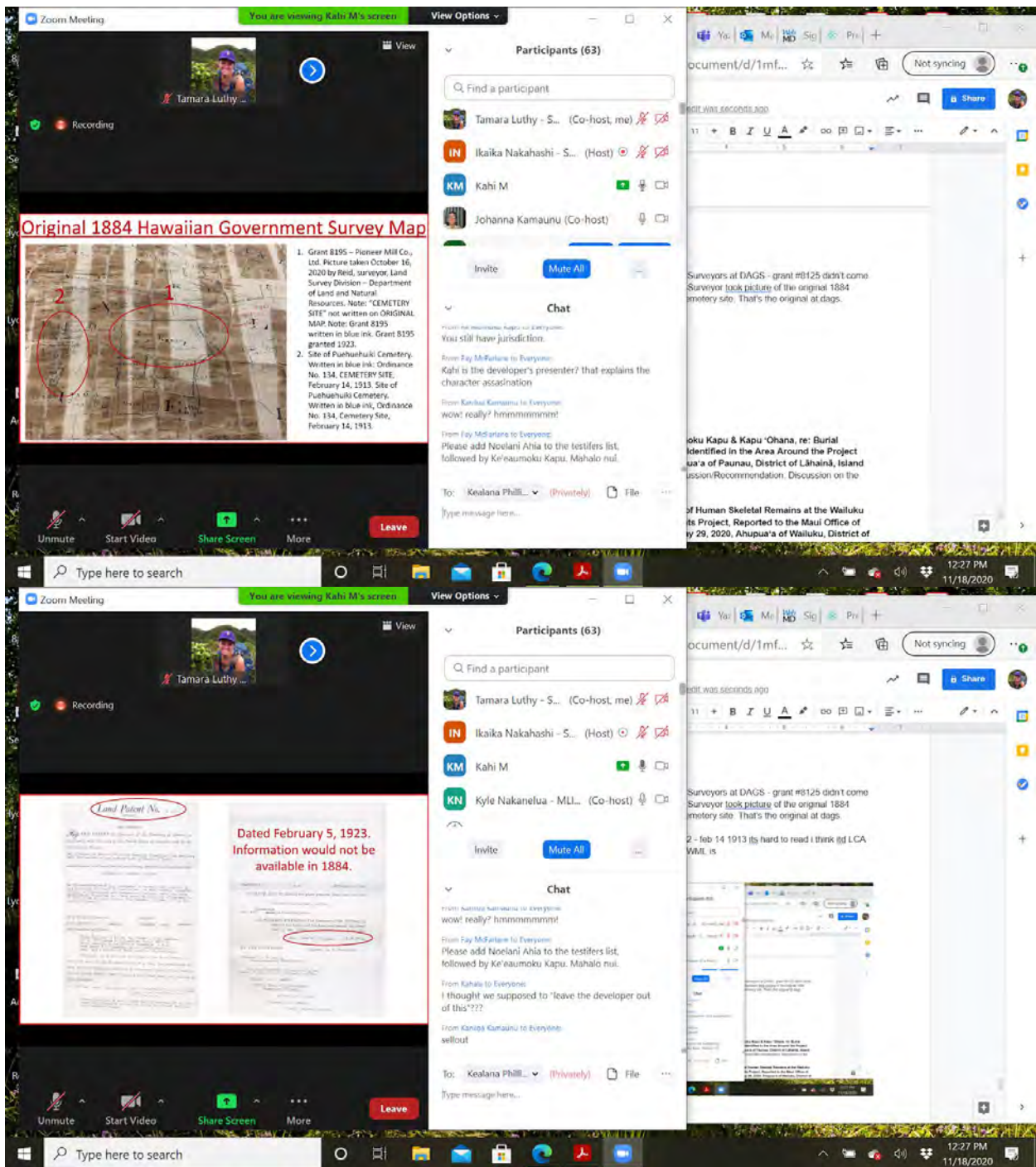
She shares screen

Update from the developer on what is happening - Pioneer Mill Cemetery Site. she was hired Oct 8, 2020 to research the entire waterline for West Maui construction



Brought up questions of the 1884 map and called up Surveyors at DAGS - grant #8125 [need to verify the accuracy of this grant #, speaker is speaking very quickly] didn't come up till 1923 so how could it be on the 1884 map? Surveyor took picture of the original 1884 Hawaiian govt survey map grant - does not say cemetery site. That's the original at DAGS.

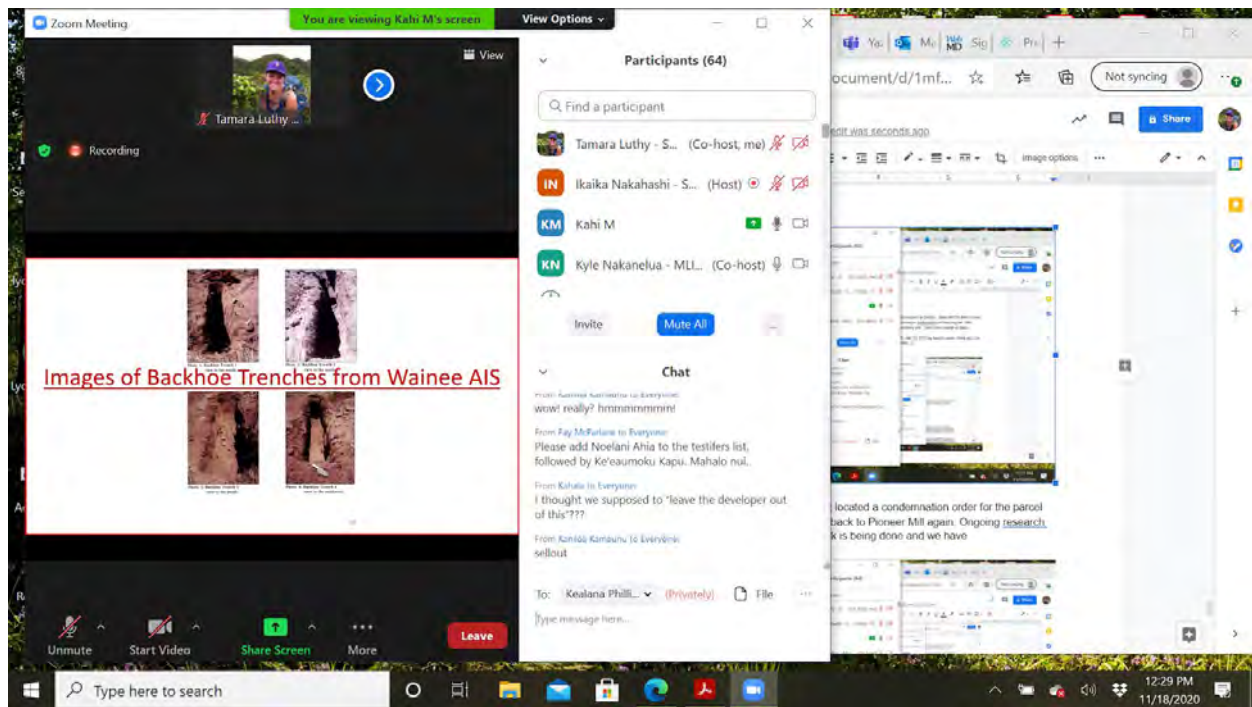
For the original, no cemetery at site one, but site 2 – Feb. 14, 1913. It's hard to read I think it's LCA on Kiope and Makaele - the question at hand for WML is



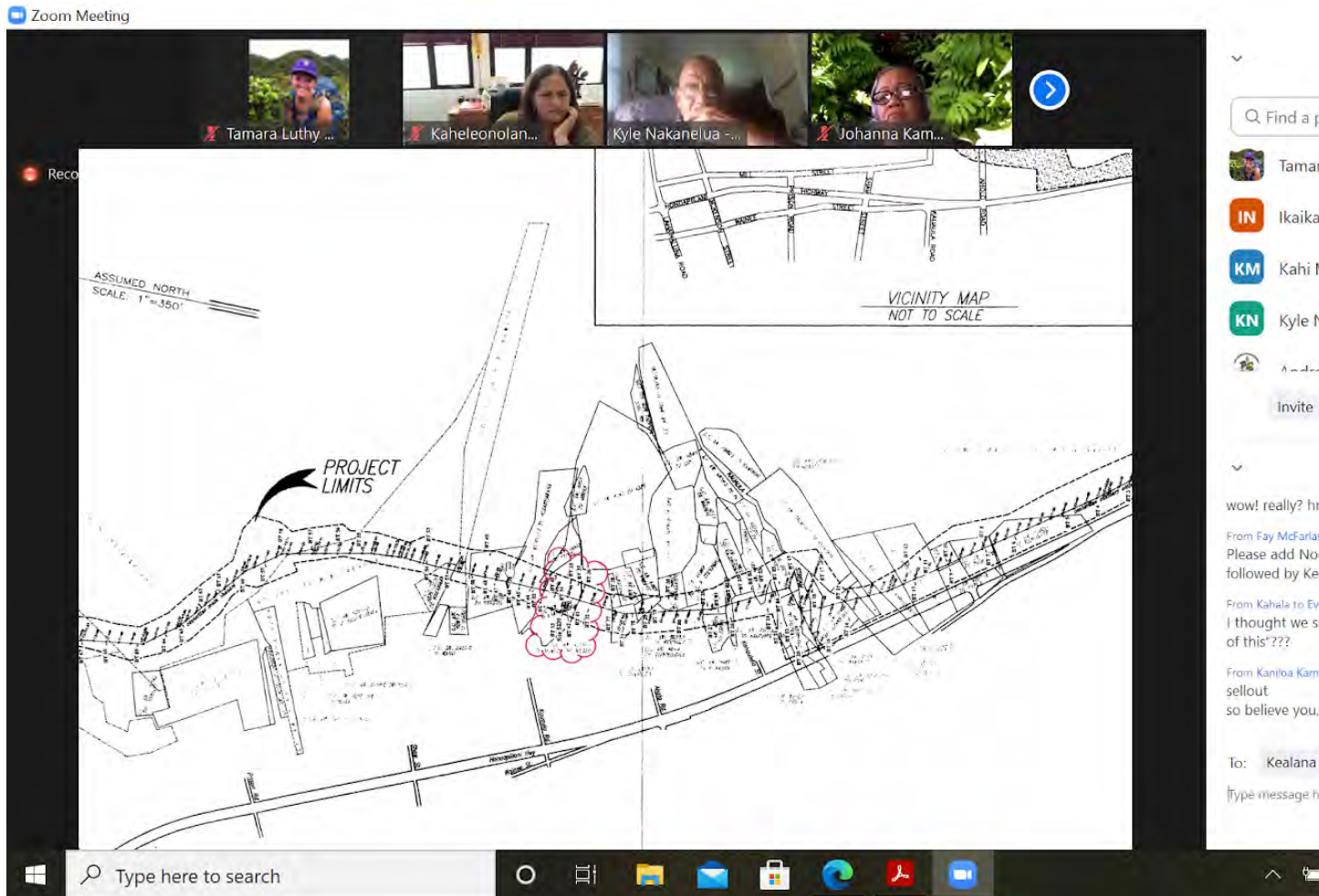
This is grant #8195 [check this number] dated Feb. 5, 1923, still haven't located a condemnation order for the parcel and timewise it goes from Pioneer Mill to County back to Pioneer Mill again. Ongoing research still happening on cemetery but still not final. Work is being done and we have

[omitted slide showing location of known burials]

This is the waterline map with three burials



Found pictures of the backhoe trench - three burials found with backhoes



Red cloud area where 5239 is located - the testing was done to make sure no human remains - a lot of testing went into this area

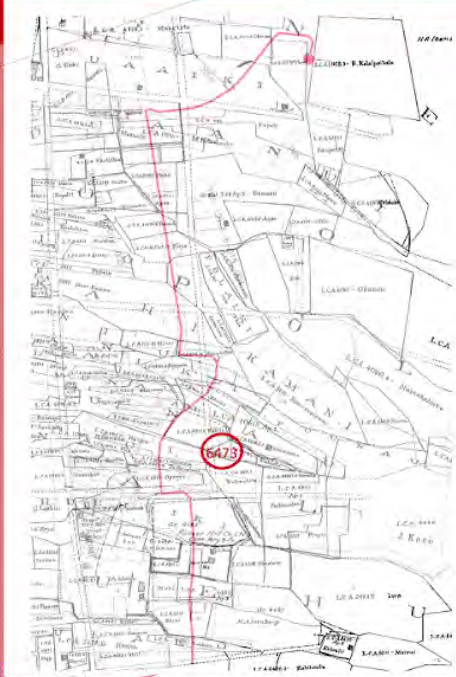
[omitted entire slide showing known burials]
All test sites in the vicinity of the waterline

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Tamara Luthy ... Kaheleonolan... Kyle Nakanelua ... Johanna Kam...

Recording

Research of surrounding parcels



- WMC hired Ceridwen “Kahi” McClellan on October 8, 2020 to research ALL parcels in the path of the waterline
- Research is still pending for ALL parcels
- Preliminary reports show an ILINA or CEMETERY located at the site of SHPD 50-50-03-6473
- WMC upon request would be willing to share Kahi’s findings with MLIBC

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[omitted part of the slide showing location of known burials]

An ilina at 6473 - West Maui construction is willing to share findings with MLIBC if they request it

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Recording

Portion of presentation by Kahi on October 19, 2020

Land Commission Award 6877 – Kahili
Land Commission Award 6878 – Kauhiheha
Land Commission Award 6879 – Kahaulua

All THREE parcels were

- Registered on February 8, 1848
- Awarded on January 13, 1853

Participants (63)

Find a participant

Tamara Luthy - S... (Co-host, me)

Ikaika Nakahashi - S... (Host)

Kahi M

Kyle Nakanelua - MLI... (Co-host)

Invite

Mute All

Chat

From Kahi to Everyone:
I thought we supposed to "leave the developer out of this"???

From Kahi to Everyone:
sellout so believe you, but condemn Keeaumoku but that didn't stop them from disturbing iai

From Kahi to Everyone:
Oh I get it now; leave the developer out of it because you getting your paychecks from him

To: Keolana Philli... (Privately)

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12:32 PM 11/18/2020

[omitted part of the slide showing locations of known burials]

Lined up survey maps from LCAs with north arrows to create the ilina or cemetery then she did further research to see if documentations of the ilina was present - three LCAs surrounding triangle - all three have ilina in the Metes and Bounds

Zoom Meeting

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Recording

Portion of presentation by Kahi on October 19, 2020

Estate of Kauhiheha – possible burial

Pini sworn, says, I knew Kauhiheha – he is dead. I buried him at Puunau, Lahaina, he has no widow – she is dead also. His own children are all dead. Kauhiheha died in 1849.

Participants (63)

Find a participant

Tamara Luthy - S... (Co-host, me)

Ikaika Nakahashi - S... (Host)

Kahi M

Kyle Nakanelua - MLI... (Co-host)

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His probate suggests he may be buried within one of the plots - Kauhiheha is likely buried in this ilina. A

**Kuhaulua (k) and Aipapai (w)
possible burial**

We are Mukiki (k) and
Nalole (w) the true keiki
of Kuhaulua (k) and
Aipapai (w)...

**Land Commission Award
6879 and Royal Patent
4556**

Portion of presentation by
Kahi on October 19, 2020

Participants (63)

Find a participant

Tamara Luthy - S... (Co-host, me)

IN Ikaika Nakahashi - S... (Host)

KM Kahi M

KN Kyle Nakanelua - MLI... (Co-host)

Invite Mute All

Chat

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From Kahi to Everyone:
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because you getting your paychecks from him

From Kahi to Everyone:
you should be ashamed your character will be
tainted forever

From Kahi to Everyone:
Possibilities are speculation, not fact
Inference, not deduction

To: Keolana Phill... (Privately)

Type message here...

He believes Kuhaulua and Aipapai are also buried in this ilina

**Death Notice Haiha (w)
possible burial**

July 13, 1865
Haiha (w) died at Puunau,
Lahaina

Portion of presentation by
Kahi on October 19, 2020

Participants (63)

Find a participant

Tamara Luthy - S... (Co-host, me)

IN Ikaika Nakahashi - S... (Host)

KM Kahi M

KN Kyle Nakanelua - MLI... (Co-host)

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From Kahi to Everyone:
Kahi's presentation a month ago apparently didn't
help WML avoid hitting lwi kupuna on 10/23
they might want to ask for a refund

To: Keolana Phill... (Privately)

Type message here...

Haiha may also be there

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Tamara Luthy... Kahaleonolan Kyle Nakanelua... Johanna Kam...

Recording

Estate of Kahili Died at Honolulu, Oahu

Mukiki says, I knew Kahili – he belonged to Lahaina, he had a wife – he is now dead – he died in Oahu, his wife is dead also. They had a child, Hookeameana. Kahili and his wife died from Small Pox in Honolulu... Kahili has a land called Puunau in Lahaina – there are four pieces of Kalo Land and two pieces of kula land...

Portion of presentation by Kahi on October 19, 2020

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Participants (63)

Find a participant

Waiting Room (1) Message

Chassidy Reis-Moniz

In the Meeting (63)

Tamara Luthy - S... (Co-host, me) [Microphone icon] [Video icon]

Ikaika Nakahashi - C... [Microphone icon] [Video icon]

Invite Mute All

Chat

From Kaniya Kamauna to Everyone: you should be ashamed your character will be tainted forever

From Kahili to Everyone: Possibilities are speculation, not fact. Inference, not deduction

From Kahili to Everyone: Kahi's presentation a month ago apparently didn't help WML avoid hitting lwi kupuna on 10/23 they might want to ask for a refund

To: Keolana Phili... (Privately) File

Type message here...

12:35 PM 11/18/2020

Kahili is probably not buried there according to Kahi since he and wife died on Oahu of smallpox though he does have an adjacent low

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Tamara Luthy... Kahaleonolan Kyle Nakanelua... Johanna Kam...

Recording

Inadvertent Human Remains Found

- On October 23, 2020 under supervision of an Archaeological Monitor Inadvertent Human Remains were found.
- Work COMPLETELY stopped in the immediate area.
- SHPD was notified and investigated the same day.
- WMC plans to re-route the Water Line leaving a minimum of 10m (30 feet) buffer between the Water Line and the inadvertent find.
- An Archaeological Monitor will be present for any further work regarding the Water Line.

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Participants (64)

Find a participant

Tamara Luthy - S... (Co-host, me) [Microphone icon] [Video icon]

Ikaika Nakahashi - S... (Host) [Microphone icon] [Video icon]

Kahi M [Microphone icon] [Video icon]

Kyle Nakanelua - MLI... (Co-host) [Microphone icon] [Video icon]

Invite Mute All

Chat

From Kaniya Kamauna to Everyone: Possibilities are speculation, not fact. Inference, not deduction

From Kahili to Everyone: Kahi's presentation a month ago apparently didn't help WML avoid hitting lwi kupuna on 10/23 they might want to ask for a refund

From Kahili to Everyone: A genealogist is not an osteologist, her inferences are speculation at best, not material fact

To: Keolana Phili... (Privately) File

Type message here...

12:36 PM 11/18/2020

[omitted part of the slide showing location of known burials]

Konohiki or alii usually owned those lands and it is land to grow food - no burials expected to be where the inadvertent were found. Some other areas she looked into because no one would claim an ilina - so then it fell to the konohiki or alii awarded the land. Now she pays more close attention to the alii and konohiki land because it maybe is a possible burial. This work is still continuing and she works with West Maui construction and she found out info of ilina - easy for them to understand it than for her to write a

report - WML said work stopped and SHPD was notified, different reports of what happened to the remains but WM is planning to reroute with 10 meters buffer zone from remains and archaeological monitor in case they find more and hopes her research prevents them from hitting anyone else. The kupuna whether iwi or alive mean a lot to her and for herself she is documenting to see who can be in that burial and hand the evidence over to show proof because a lot of us want to know so they are no longer unidentified but they are instead identified.

Kyle - This is a very extensive report with a lot of info. I am trying to convey the fact that this is overwhelming and very comprehensive and appreciates the work that went into this. I have just one question. Do you work for this company?

Kahi - I am a consultant. I am not on payroll. She was originally hired to document the heirs of Kahoma valley and any special areas, so they know to stay away. She mainly does genealogy. She sends info back and forth to archaeologists to gain what they need like surveys, metes and bounds, newspaper clips, but that's the only time she works with archaeologists

Kyle - So you have a financial relationship with this development company

Kahi - I don't always bill for this work because it's kupuna work and I have a hard time billing them because once a kupuna opens the door and allows me to find info about them, so it's hard for me to bill anyone. I am not very well off financially because I do a lot of work but a lot of the time my passion overrides whether I should tell them stuff or not. If the kupuna open the door I provide - but some kupuna don't want to talk so I don't share that info

Kahele [?? Not sure who was speaking here, but it was a council member, didn't write speaker's name down] So Josh I see your company is investing in research to inform what you are working on now as far as the waterline - 1) what percentage of the work is done and what remains to be done

Josh - what percentage of the total waterline project has been completed?

??? How much work will you be doing and in what area

Josh - About 2000 linear feet remains to be completed and we've done about 7000 linear feet

???? How long was the entire project?

Josh - 9000 feet

???? The remaining 2000 feet, is that where the research is being concentrated?

Kahi - yes

???? - You are not required to do an AIS and I am not exactly sure what exactly the loophole was that you didn't need to get a county permit but given the situation at hand and concern brought forward by the community are you considering doing an AIS like process to help inform and include the community in the rest of this work?

Josh - an AIS like process, I don't know what that means. Before we started the waterline we looked at existing AISs and identified where known burials and cemeteries were researched by Kahi. We are looking at everything to identify the appropriate route for the waterline. The two AISs that we reviewed were 6-foot-deep trenches all over the area and they wrote reports on everything they found. The AIS, in

addition to historic research, is an invasive process. Open to all sorts of ideas to how to proceed in sensitive manner

Dane??? - I wouldn't want any further earth movement to happen because there is already so much research but the critical component I am thinking was missed because not required county permit is the part of informing the community to understand what your project is about and what your plans were and how it may or may not impact burials or cemeteries. Opportunity to get everyone informed about the project and what your plans are. Consider doing some kind of work to present the research in consultation with the county, like Janet Six, we have exciting new technology to layer all that info where people can access it, way easier to layer these things on a GIS and explain that to people to see places layers years than to have piecemeal info here and there. I know you understand we have an issue here and maybe we don't agree on the project or community members but the process that was missed here was to have the community component where all the info is presented and it was clear to people where you would work, where the burials were, at least everyone would have the same info. What I've been seeing at meetings is "there is something here, there isn't, this says it's not here."

[**unsure of speaker, perhaps Kyle**?] On Oct 23, with all of this research work done and all of this academic work, this project still hit iwi, so important to clarify verbiage. I really like words and they never find the iwi; they went disturb the iwi. In the realm of the MLIBC, we are dealing with iwi and people are not finding iwi, they are disturbing it particularly when doing groundwork in areas with known burials. I understand the law is 2x4 marking, but in reality, if hitting burial upon burial upon burial, you aren't finding bones but disturbing burial places of people who decided they wanted to rest in peace.

Johanna - even though we talk about preservation protection, our ultimate goal is to provide respect for the kupuna who was buried there and that's all we are searching for. We are not trying to disturb somebody's good name or company but trying to provide respect. For all we know that's our ancestor, our kupuna. And i would think anyone who is going to decide they want to build that they would consider these kinds of things in that light and if you know if might be a sensitive areas, there may be a cemetery area, then do all you could to - not sure all of that was done. In hindsight maybe not - I think there was another opportunity [unclear] i am here worrying about how we honor this kupuna and all the other kupunas. That's all

{Dane?} Anyone else before we go into public testimony

Did we have Andrew comment on the status of the Pioneer Mill cemetery? There were a bunch of questions attached to it and I hoped to address them. Or anyone from permitting or county and taking time to inform we and the public on what has happened. How did we arrive here so we cannot run into situations with concentration of cluster and concentrations of burials or cemeteries - 2000 feet running close to the inadvertent and Jacobson's cemetery? This fell through the cracks but I want to hear where exactly in the permitting process - have the rest of the council be on the same page - if you look at where pioneer mill cemetery is and close proximity historic and precontact burials - can't account for iwi kupuna who are precontact as well even though we have research. If you look at Pulama and they place it on top of precontact burials, it's a common practice in Lahaina not limited to Lahaina. I reiterate I don't know politics. I can't imagine no permit or oversight is needed in close proximity to so many cemeteries. I want an answer from the AG about who is supposed to represent us. His phone was overheating and coming off the internet

[Dane?] Andrew- Was there a response from DOH about whether or not marked Pioneer Mill Cemetery - when it was created territory, Hawaiian kingdom, was it ever conveyed to the state of Hawaii as a cemetery registered with DOH?

Andrew McAllister - I tried to contact DOH through written email and called them no response but talked to adjacent cemetery Puuiki if any relationship shown to the LCA map but her and her superior had no records of the pioneer mill cemetery. That's all I could find. Looked at some available aerial photography to the 50s and it was sugarcane or ag fields - looking at previous archaeology in terms of what to expect there it seems at one point before turned into ag there were finger streams in landscape causing depressions and geo features later covered up by ag fields - archaeological reports show significant plow zone and water worn cobbles as you would expect to find in finger stream preserved intact before the blow zones. Traditional Hawaiian vs historic coffin burials - traditional Hawaiian pre-contact burials occurring in the area below the plow zone still intact there including stuff buried in stream channels - anything on the surface would have been destroyed. 2 or 3 burial previously identified - at least one below the plow zone finger streams and most recent 2013 coffin burial and talked about how it was associated with the cemetery...Doing a good job expecting - preserved intact Hawaiian stuff below the plow zone and cemeteries see human remains in coffin burials. Good hypothesis - project didn't come to us for review, I can't review it unless someone submits it to me. Project proponent didn't submit to me for review but I am still fulfilling roll in terms of inadvertent discoveries - one was faunal, inspected soil checked out open pit surrounded by fending which people on site identified as burial but I didn't see human remains at that time but possibly correspondents with one of two previously identified burials found by Chaminade researches.

[speaker] We are going to move forward with public testimony
Kaipo, Kaniloa, Marcel BasBas, maybe OHA rep if present

Kaipo - just gonna try to give my update on the station. This pipeline is roughly - a little shy of two miles and originally the courts came across that we intervened with this before Kauaula stream bridge and aware of cultural sites documented in preservation study with our people in Lahaina as well as WM - we identified some historical sites and watching trench through historical sites in the preservation plan they intervened - they were moving through areas in well populated areas - knew they would run into precontact burials. Did their own homework and mentioned earlier that they were looking over the AISs, but none have been completed except 2003 by Eric Frederickson - only completed AIS everything else incomplete. And upon incompleteness, the certified archaeologists left the site and left trenches open with identified burials - orange fencing one was one we identified through study done left open since 2003 and 2009 and to look at how long these were open left unexposed and obliterated, defiled, desecrated - to leave open for us is a huge hewa. With that being said, if you look at the route they took - they were told to avoid these areas but the line they laid went right through and skirted around known sites.

Kaniloa - Playing with fire. They still hit and desecrated another burial again and they would like to imagine not having anything further desecrated. We don't plan on letting that go any further. We won't stand for that here in Lahaina. We've done homework beyond what was presented today - none addressed the true facts of what we accumulated - documents of someone buried there in pioneer cemetery. Unless you can show there isn't anything, we stand knowing there is something there - unless you can show evidence it was removed it is still there. Relationship of us being born of the land and going back to the land. Not going to step down any further ancestral relationship to the land we hold dear. Very sacred and important. We are well aware of this research and a lot isn't being shared more. We gonna keep on going

Kyle - where were you born and raised

Kaniloa? - born on Maui and raised in Lahaina. Born Maui Memorial Medical Hospital in 1983

Kaniloa - I gonna refer to the HARs 13-283-1. Human remains under American common law rather the burials are held in trust for the descendants. Must meet this trust with the utmost sensitivity. Any specific

unmarked location where prehistoric or historic human remains and its immediate surrounding archaeological context.

[speaker] Whether its two feet twenty feet it's all over - a lot of discussion about burial sites its already there in the HARs. also goes down to talk about its importance

[speaker] Treatment of human skeletal remains - because sensitive to all archaeological laboratories shall treat remains with dignity...shall be penalized

[speaker] No matter what SHPD has already put out, even if they don't follow standards, as a council you can recommend penalties. Having other people defile burial sites. People deciding if significant or not - it's already there. This is the same stuff we go over all the time because SHPD fails to follow their HARs, HRSs, they fail to provide that protection and it's more than we are involved in. Why are we here each time and get hired guns to come and discredit us when already in the HARs it's already settled. Whether or not these burials sites - you just gotta find one person, by American common law - SHPD is also under NAGPRA and federal guidance and section 106 - they have to follow NAGPRA guidelines too. We have one of the best protections for the iwi, but no one is following the law. There are all those outlines. As long as you are running you can ask for any evidence

[speaker] Ikaika are you timing

Yes

Noelani - I too have copies of the AISs and another by cultural surveys unavailable at SHPD right now. These AISs don't meet the same metes and bounds and while they do have important context - these are not full indicative of what you will find because they are for different projects. This alone does not tell us what should be there. Morally a non-invasive AIS should have been done, could have done a decent study and had monitoring from the beginning. Mr. Peter Martin lied to the planning commission about full time monitoring until the community was at the bridge and then he - Kauaula stream wasn't monitored so no idea what desecration. If they are not familiar with non-invasive AIS to do good work to protect burials this developer puts iwi kupuna in jeopardy.

Kai Markell letter - 52 pages, discusses context of the area, kamaaina testimony of people born and raised in the area with Pioneer Mill cemetery - until can prove Pioneer Cemetery didn't exist need to stop moving forward

Keeaumoku - stepped out for a moment. In spite of what occurred, it occurred in august 5 and 6 when we went to the bridge but more disturbing was when we tried to reason with the police the police had an alternative - if you felt comfortable if they redirected their pipeline by making right and left turns - knowing these AISs were incomplete is even more disturbing that research has been done - our research was done before - no transparency never has been from the beginning because we waved the flag when they desecrated first archaeological site across Kauaula river they took another route. Tried to reconsider the plan on moving the pipeline in a different area without knowing scope of work - instead of staying away from Pioneer Mill cemetery they went right straight through it. A lot of families and family they have relationship to that have an undivided interest to these lands - research can be done on their part

Ruth Bolome/Luka Bee - did I hear correctly that Miriam Kekahanohi's lands - I have some info if it is. If it is Miriam Kekaunohi's lands in land court case 09-0 - Pioneer Mill Company and Kahoma Land company trying to take lands from kuleana land heirs - a will was submitted to the court, in which she transferred Levi Haalelea, Charles Kanaina and Queen Kalama and his wife with - bulk went to Queen Kalama. I am a direct descendant of the queen. Why are we allowing trespass on private lands? Laws that

give council and state authority to assert statutes upon kuleana lands - took oath to state constitution article 15 - in US title code 28-91, and also in US public 86-3, if the 50th state isn't located in the Hawaiian Islands, county can't issue permits

Johanna - overwhelming - we already did a recommendation to SHPD to investigate right? I wanted to make sure we added that other parcel, Keeaumoku had questions for the ahupuaa of Haunau that Keeaumoku and his party have tried to preserve and put up a buffer around the burials? Recommend to SHPD they investigate that case as well since the project was abandoned and what's the state of the burials in that area.

[speaker] We have two motions regarding Paunau in 2019 and one from the Oct. 8, 2020 meeting - the MLIBC recommends that cessation of all utility work in area of Pioneer Mill Cemetery...in order to avoid burials and ...based on testimony of lineal and cultural descendants and maps in an area containing known historic burial ground ...and installation along Mill Street, Hokiokio Place

Johanna - is that the same place

Pioneer Mill cemetery

[Dane?] Kealana Ikaika or - how did you folks act upon our motions?

Kealana - I pull all the motions and send them to all appropriate parties - motions were pulled and transmitted to the appropriate parties

[speaker] So West Maui, Mr. Martin got the notice...

Kealana - Yep, I think I sent to Josh Dean with West Maui

[speaker] What is SHPD stance on this project and is there involvement by SHPD except the inadvertent disturbed iwi that was found

Kealana - From the burial discovery standpoint, that's my involvement, didn't request official determination yet, I spoke with Ian to make sure short term mitigation measures in place in terms of not working in immediate area and buffer zone established, but as far as history and culture standpoint I don't have anything

[speaker] When a developer going through a marked cemetery is it your folks' belief we have no authority. Marked cemetery map which could house iwi does SHPD feel we have authority? Is Hinano here

Kealana - I can propose the question to him. Would it be an archaeology thing? I know we have authority over non-active cemeteries - any non-active cemeteries are SHPD. Can we verify this is an actual cemetery? I am not quite sure

[Speaker] No proof that it's not. A potentially known burial also is protected by 6E, how does that not trigger any type of review. Possibly questions for AG or the branch chief of history and culture.

Kahele - we have laws, we have permitting, we have all of these things and sometimes like in this instance and Maui Lani they don't seem to cover the issues that are being brought up but the community or some loophole that allows projects to continue where the community is not included in the process. To West Maui Land Company, we understand that there was a loophole that you were not required to get a

permit and allowed to do this and legal wrangling about what kuleana they have - even though you are not required by law to include the community - we are all aware of what situation you are faced with - I encourage you to figure out some kind of process where you and the community can come together and overlap that info - this is a contestation of research you are not gonna solve that by just not doing anything about it. Or one side asserting their research and the other side doing the same. Either you figure out a way to include the community in some kind of process or we are where we are in this situation and it will play out how it plays out. Critical component missing is ability to communicate, dialogue and share research with the community and county. I know you hired a consultant but now we have GIS tech available and some mapping in the area is strongly believe you should utilize that in a way that can clarify and inform the situation.

Johanna – It's not a working model right now, not available to the public right now but it's still a good idea because SHPD isn't the county isn't and allowed the loophole to take place. Back in 1990 huge support with the burial council with the burial sites program with an attorney, archaeologist, genealogist that we don't have today. If we had those things in place - they took that away 15 years later. Don't know how you go abolishing support for the burial council - we don't know the laws and where is our attorney and why not sitting here with us? Putting us in a position where we are hearing the state's responsibility and county and some responsibility that doesn't belong in this venue - glad opened up as space where it can be done. The burial council must step up. If you want to change the way you are doing things because someone is upset, then they should come here.

Dane - these changes have to take place in the leg. But what do we do for the kupuna in jeopardy now? That's my fear, that we don't fulfill our main kuleana and support those who are descendants. Our motions have gone unheeded recently so where are our teeth. I try not to say it out loud but how do we exercise our authority? The lawyers don't tell us how to leverage the law. For our next meeting we have to strategize how we want to retain

Kahele - there is no other place or space created for all of these concerns to be heard. Think it's important we may have to facilitate convo better and place people can come and make motions and those count for something

Johanna - how do you send out an invitation and encourage developers and anyone looking at development to consider coming to the burial council? We have entertained requests from homeowners to tell us how to comment on possibly buying a site? That's how stretched out our agenda was at one time. I don't mean this for buyers to ask us questions, but the current owner wants to do something with earth moving. Laws are out there but they are circumventing the law - not sure what you can do but persuade them to utilize us first rather than circumvent the law.

Scott - 2008 and 2009 chairs and vice chairs of all burial councils had an all chair and vice chair meeting talking about these issues including how do we get more action more teeth to resolve these issues that was some time ago and this is the perennial issue - we know that burials will be hit in development and be disturbed and that's not ok and how can we be more proactive

[speaker] - It also takes the community to get out there and put pressure - we have to utilize everything we have - whatever organizations that are out there, it takes everybody.

Kahele? - We are losing quorum right now

Dane - if we can just remember what we want to agendize shoot it over and re-agendize things that didn't make it this time and questions to the AG so please council members if you can forward any questions - push for interpretations and responses. Mahalo KahEle for picking up slack

Johana - noho paa ole - the more I think about it, the more I think it is applicable. To be firmly in a place, but not be so firmly there but in their minds be everywhere. This is used in the declaration of rights to express freedom. We need to be in that frame of mind when we make these kinds of decisions over these iwi. What would it be like if we had no obstacles but were firmly entrenched in our culture? I hope before the year ends, we can come up with something.

To be re-agendize:

C. Letter of Complaint, Submitted by Ke‘eaumoku Kapu & Kapu ‘Ohana, re: Burial Treatment and Preservation Plans for Burials Identified in the Area Around the Project Site for the West Maui Land’s Waterline, Ahupua‘a of Paunau, District of Lāhainā, Island of Maui, TMK: (2) 4-6-015:001. Information/Discussion/Recommendation: Discussion on the above letter.

D. Updates Regarding Inadvertent Discovery of Human Skeletal Remains at the Wailuku Civic Complex Phase 1A Off-Site Improvements Project, Reported to the Maui Office of the State Historic Preservation Division on May 29, 2020, Ahupua‘a of Wailuku, District of Wailuku, Island of Maui, Road Right -of-Way, TMK: (2) 3-4-013:099. Information/Discussion/Recommendation: Update on the above find.

VI. CORRESPONDENCE

A. Letter dated August 12, 2019 from Mr. Foster Ampong re: Compromised Integrity of the Maui-Lāna‘i Islands Burial Council. Information/Discussion/Recommendation: Discussion on the above letter.

B. Letter dated August 28, 2020 from Mr. Clyde Kahalehau, Po‘o of Aha Moku O Wailuku (AMOW) re: Recognition of Marcial Pualani Basbas as Genealogist of AMOW. Information/Discussion/Recommendation: Discussion on the above letter.

C. Letter dated October 12, 2020 from Senior Archaeologist, Michael Dega, Scientific Consultant Services, Inc. (SCS) re: Archaeological Inventory Survey Consultation for the County of Maui D.T. Fleming Beach Park Parking Improvements Project No. P19/001 in Honokahua Ahupua‘a, Kā‘anapali District, Island of Maui, TMK: (2) 4-2-004:016. Information/Discussion/Recommendation: Discussion on the above letter.

D. Email from Kai Nishiki dated October 13, 2020 re: Olowalu Elua Associates, LLC., unauthorized grading and encroachments near SIHP 50- 50-08-4693, on TMK Nos. (2) 4-8-003:084, 046, 047 and -001, Olowalu Ahupua‘a, Lāhainā District, Maui. Information/Discussion/Recommendation: Discussion on the above item.

E. E-mail from councilmember Johanna Kamaunu, dated November 6, 2020 re: Update MLIBC of Preservation Status and All Activity in Compliance with Burial Treatment Plan and AIS at 901 Lower Main Street, Ahupua‘a of Wailuku, District of Wailuku, Island of Maui, TMK: (2) 3-8-037:047. Information/Discussion/Recommendation: Discussion on the above item.

VII. INADVERTENT

A. Inadvertent Discovery of Human Skeletal Remains at West Maui Waterline Project, reported to the Maui Office of the State Historic Preservation Division on October 23, 2020, Ahupua‘a of

Paunau, District of Lāhainā, Island of Maui, TMK: (2)-4-6- 015:001.

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

B. Inadvertent Discovery of Human Skeletal Remains at Waihe'e Beach Park (Round Tables), reported to the Maui Office of the State Historic Preservation Division on October 27, 2020, Ahupua'a of Wailuku, District of Wailuku, Island of Maui, TMK: (2)-3-2-013:010.

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

C. 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 Council may go into Executive Session pursuant to Hawai'i Revised Statutes section §92-5(a)(4), in order to consult with its attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities, and liabilities.

VIII. ANNOUNCEMENTS A. Next meeting is scheduled for Wednesday, December 16, 2020