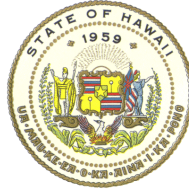


DAVID Y. IGE
GOVERNOR OF HAWAII



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

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

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

October 8, 2020

I. CALL TO ORDER

II. ROLL CALL

present:

Dane Maxwell, Chair

Johanna

Iris Peelua

Kaheonolani Dukelow

Scott Fisher

Chair Maxwell - asks that all participants rename yourself to full name. Opening remarks at 8:28 AM.

Everybody please refer to the chat for testifying rules. Please rename it to appropriate legal name.

Document to sign in is also posted in the chat to keep record of who attends the meetings.

Scott wants to note the passing of spelling ??? Kanakaole, who came on around 2005. Attendees observed a moment of silence

III. APPROVAL OF MINUTES

Meeting minutes still outstanding:

A. January 15, 2020

B. March 4, 2020

C. May 20, 2020

D. June 3, 2020

E. June 3, 2020 – Executive Session

F. June 17, 2020

G. June 17, 2020 – Executive Session

H. July 15, 2020

I. August 26, 2020

J. August 26, 2020 – Executive Session

K. September 30, 2020

L. September 30, 2020 – Executive Session

Request to shift correspondence B to the top as testimony for one of the people heavily involved in this issue can add to the discussion, then will jump back to updates A and continue on from there

IV. UPDATES

A. 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.

Andrew Chai - lawyer is not present

B. Proposed Treatment of Inadvertent Discovery of Human Skeletal Remains at the Waiko Light Industrial Project, Ahupua‘a of Waikapu, District of Wailuku, Island of Maui, TMK: (2) 3-8-007:102. Information/Discussion/Recommendation: Discussion and recommendations for the proposed treatment of inadvertently discovered human skeletal remains.

Leilani Pulmano

Noelani Ahia - this is the project on Waikou road unearthed 10 burial feb - april during the pandemic and had insufficient AIS that wasn't completed, and Eric Frederickson said that they couldn't cover half the parcel. Malama ka kaniloa had consultation with the developer in 2017 who said there are burials in the sand dunes, don't touch the sand dunes but they did, and ten burials were desecrated. They had two consultation meetings and their plan is totally unacceptable- less than 40 ft buffers. If their plan is the same, it is totally unacceptable. Includes moving iwi kupuna from original context and also less than 40 ft buffers. Some discussion about an art installation - maybe Auntie Johanna's suggestion? She doesn't support this, kala mai. You can't put a bow on this to make it better. It's like beating up your wahine, then apologizing the next day and taking her out and buying her expensive gifts. That doesn't make it pono what happened. If this continues, more desecration will occur. While she can appreciate that Leilani and Tanya have been very kind to them in their interactions, that doesn't hide the fact that it is Alexander Baldwin, the company that overthrew our Queen, stole our land, poisoned our land, displaced Kanaka Maoli and continues to steal our water. They are one of the primary abusers and criminals in Hawaii. And as far as she is concerned their time is up. This project is in a known burial ground and they went in with D9 dozers. They completely ripped up the first burial in february then they went back the next day because one wasn't enough. And then they hit another one the third day and then they finally switched to a D6 dozer which is still too big. They continued to desecrate without stopping and without having proper consultation with you folks which was in their archaeological monitoring plan that they violated and now they want to come back to play nice and move the burials to make it more easy for us to continue to develop but as far as she is concerned this is completely unacceptable. The only thing that is acceptable is a voluntary AIS where they do the correct archaeological work, noninvasive, work with the county, archaeologist, work with SHPD, and assess what is actually there in the rest of the complex and create an entire preservation area that includes all of the burials not separate individualized burial sites as if they are individual and not in context. Burial council has already acknowledged this entire area is a burial ground,

Pilina. How many times will we forgive our abuser and let him back in the house to beat us up again? It's enough already. I'm looking at Burial Council Minutes going back 2 decades, and she sees people like Ryan Churchill and Heid Bigelow and people from West Maui land. These people know what's underground. They have been involved in this process. They know exactly what's there and the feign innocent every time and frankly she's sick of it., our people are sick, our people are not well and it's because of this desecration and erasure of our people and she absolutely rejects the plans that Waiko Light industrial aka A&B has for this burial ground. She also wants to ask Janet what the county's position is on this because she's trying to work with them, but she hasn't heard back.

Kaniloa - he agrees with Noe, with all that she had to say. Just adding on to these things just perpetuating the continuous objection that they have to the way business is done. This is all part of the sand dunes, it's all part of the same area, he doesn't care (if it's) Waihee, Waiehu, Wailuku, it's all the same place, and what is sad is that the only people who are losing anything in this and are being asked to always accept it is them. He finds fault in the system he finds fault with SHPD and the way that they conduct their process, not fulfilling their fiduciary duties to protect them as an aboriginal people that have rights that are still recognized in their own constitution, and allow our history to disappear, all the disappearance of our stories. We can no longer. How can you tell the story of Kakanilua if it's a sand dune and it was strategically that won the battle for Kahekili. How are you supposed to tell that story when that area is gone, decimated? And other stories that are there, how do you tell them without that being there? Not only that, but the essence of our people is not there now. Kahekili left them out to be a warning to everyone and that is gone. And people only think about the bones, but they don't think of the anu that's in the sand, what makes up a human being, the flesh, the internal organs, all those things go into the sand, so you cannot say, just because you did not find bones, that you didn't disturb the iwi, the kupuna. Everything is decimated. This is a crime beyond crimes and those laws are there supposedly to interact to protect them, but the powers that be such as SHPD, the county, have forgone their fiduciary duties to make sure that they are protected. This is Kawai pai aina. How are we supposed to pass this on? These things are gone and no way to replace them? What is the reconciliation?

Testimony ends.

Leilani Pulmano with Pacific Rim Land represents the project. She represents Waiko Light Industrial and they have no affiliation with A&B and on behalf of her team she thanks the burial council for allowing their request to be presented to SHPD on the burial treatments and as Noelani said these were presented in our consultation meetings. So, the purpose of our discussion today is to receive your feedback on our requested treatments. Since iwi were inadvertently discovered on the site earlier this year, they have been meeting regularly with the cultural descendants, the burial council Wailuku rep, and other burial council members as well as other members of the community. And so, in total we have hosted 4 consultation meetings specifically for our requested treatments. And many other site visits and she thanks everyone for participating and providing their feedback. In general, the feedback on the preferred burial treatment is preservation in place. And with your permission she would like to share her screen and share what they are requesting from SHPD for burial treatments. Using an MPA showing the specific burial locations (so it does have some sensitive cultural information) so if you prefer we can present this to an executive session and we would be open to having the cultural descendants attend if you find the executive session is appropriate

Chair: depends on how specific the coordinates for each burial is. Might have to because it's a small parcel so any map is going to be detailed. We have cultural descendants - Noelani, Hokuao is not present it seems - he doesn't think anyone else is present, so we should limit it to the map, very short on details of where the burials are.

Breakout room and executive session - Kahele motions, seconded by Scott Fisher

Motion carries.

Noelani is a cultural descendant for this project and there is also a request from Foster in the chat who is also a cultural descendant and wishes to join the breakout session.

Chair - for Waikapu and for Maui Lani? In these instances, because only specifics of burial locations are only limited to recognize cultural descendants for this particular project. Dr. Six also wishes to be present in executive session

Leilani wants her team to come in also - Mike Dega, Ian Vasper, Tanya Lee Grieg, Ryan Churchill, Cal Chipchase

C. Update on the Inadvertent Discovery of Human Skeletal Remains at the Lāhainā Cannery Phase 2 Fuel Station Project, reported to the Maui Office of the State Historic Preservation Division on August 5, 2020, Ahupua‘a of Moali‘i, District of Lāhainā, Island of Maui, TMK: (2) 4-5-011:004. Information/Discussion/Recommendation: Update on the above find.

V. CORRESPONDENCE A. Letter Dated July 14, 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, South Kihei Road Pavement Rehabilitation, Waiohuli Ahupua‘a, District of Wailuku, Island of Maui, Federal-Aid Project No.: STP-3100(016). Tax Map Keys(s): (2) 2-1-008: Por. Road, (2) 2-1-010: Por. Road, (2) 2-1-021: Por. Road, (2) 3- 9-002: Por. Road, (2) 3-9-003: Por. Road, (2) 3-9-004: Por. Road, (2) 3-9-005: Por. Road, (2) 3-9-009: Por. Road, (2) 3-9-010: Por. Road, (2) 3-9-011: Por. Road, (2) 3-9-012: Por. Road. Information/Discussion/Recommendation: Discussion on the above letter.

B. Letter dated September 17, 2020 from Councilmember Tamara Paltin re: Cold Planning and Utility Installation Within an Area Containing Known Historic Burial Grounds. Cold planning on Kaua‘ula Road (TMK: 02-04-06-015) and Trenching for Utility Installation along Mill Street at Hokiokio Place (TMK 02-04-07-003:031 and 02-04-06-013). Ahupua‘a of Pāhoa, District of Lāhainā, Island of Maui. Information/Discussion/Recommendation: Discussion on the above letter.

Keeaumoku Kapu and Chassidy Reyes Moniz and Annisa Cummings and Ekolu who wish to testify. 2 minutes per testimony.

Keeaumoku - wants to do a share screen. Shared a diagram shared by the company used for monitoring and he has some concerns. Probably pretty close to three miles of utility pipeline and Hokiokio there is a pump station - Kauaula stream is wants to enter that area as a lot of ilis and LCAs and royal patents and they are concerned because they know this area from the Cultural Resource Commission in 2004 and how to identify the importance of these issues. Three identified issues in the middle of the stream - there is a Puehuehuiki cemetery and burials on Honoapiilani Highway both mauka and makai and within the area of the cemetery, and adjoining cemetery 200-250 feet inland there is an 1884 map that says a Pioneer Mill cemetery is in that area. The 1884 map shows that Pioneer Mill cemetery is in that area. In 1947 his grandmother was built in Pioneer Mill cemetery. The pipeline goes right into that area.

Originally, they were going straight down Honoapiilani Highway - they took a right turn to stay far away into the Pulehuiki cemetery but now they are going through Pioneer Mill cemetery. There is also a known burial identified by Tanya Lee Grieg and CSH which they are trying to go around. Once they hit Mill street - do those properties belong to the adjoining landowner or county? Also, the Jacobson cemetery - the management of that area, they buried half of that cemetery only leaving 3 or 4 tombs. Been filled with homeless people. He wants DOCARE and SHPD to check out the site

He is also worried about Cold Planing - utility pipeline going into sensitive areas and grubbing and grating. Moving more than 100 cubic yards of fill they need a permit but there is not a permit currently. This area is highly sensitive. Monitoring is necessary.

Chassidy-Reis Moniz - she is a lineal descendant of Kauaula to protect
Contacting since August 5 of grading occurred without a permit with nothing but sham letters from Kealana not addressing issues they asked about. Addressed CRC minutes of Hinano himself showing he knows burials are in the email. She attached pictures of Jacob Cemetery, Female Burial, Pueoioiki cemetery

Kauaula activity isn't pono - please step in and intervene. It took Mauna Kea to unify and awaken something in the Hawaiian community. Here she is standing for her Mauna along with the rest of the heirs for Kauaula. It is their kuleana and they aren't going anywhere. The truth will prevail. Please take action.

Anissa Cummings - she is a lineal descendant of Kauaula - Kanawaowalewale, Kanuanui, and one other. Why are they working day and night and is it necessary and are they following legal guidelines? What they are doing in Kauaula is illegal. Requesting to send someone from SHPD but no action was taken. Emails phone calls and messages to Kealana Phillips. The issue would be discussed in the Sept. 30, 2020 meeting but it was not. Why is sending someone to take action a hard thing to do?

Noelani Ahia - she understands that this project is benign talked about like there is a legal loophole because they didn't require a county permit and didn't trigger an SHPD review process but SHPD is still liable to fiduciary duties to preserve and protect and she thinks there is no excuse when they are going through an area with a known burial ground.

Kaniloa Kamaunu - going to contested cases they have been having recently and to see what is going on in Lahaina is why they ended up in their contested case, right now dealing with an archaeological firm. As we have gone through this process there is a lot that has come forward with the lack of protection by the state through SHPD - they do have a fiduciary duty and he has been testifying to this for many years. Public trust dealing with the state - part of that deals with protection of customary and traditional rights of Native Hawaiians - the real people. In context when you use a little n there is a reason, those are the real people. The powers that be - DLNR, SHPD, fail to fulfill their fiduciary duties to aboriginal people that they have been given by the federal government and it is all this desecration of iwi kupuna is getting out of hand. We have people that have the knowledge - even if you look at Aha Moku and how it was created, based on generational knowledge. People here are coming forward with that knowledge. All their mo'olelo, traditional knowledge is passed down and being dismissed even though HARS and 13-300 talks about this and yet the county doesn't care, SHPD has been lax in doing anything to protect these rights, that's why the burial council was created. We really need to look at what their duties are to the people of Hawaii thank you.

Kai Markell - OHA - compliance enforcement manager for OHA. Looking at this case, it's almost inconceivable and unconscionable that a county ordinance exemption - purpose drainage and grading - allows utility lines to be quickly dug through potentially two cemeteries. There is no way the county ever intended this exemption to plow through unmarked graves and cemeteries. SHPD has much more of a roll than 6E-42 which is commenting on a permit, but care protection and management of unmarked cemeteries like Walmart - 65 people from smallpox - phase 6 Maui Lani is an unmarked cemetery. Charged with inventorying burial sites across the state - this is part of that. Burials are often found outside of cemetery property lines. Burials outside of cemeteries all the time, on Maui under sugar cane fields. SHPD provides technical assistance to the county - their exemption may potentially destroy burials. Precious cultural resources when recognized amendments they recognized these were last vestiges. Our power doesn't just come from 6E and 13-300 but common law going back 100s of years - who has the

right to the disposition of bodies? Family members have rights. When no family is found the burial council has rights. When family comes forward our mission is to support the family.

Scott fisher - utility installation he knows but what is cold planing?

Chair - Asphalt and resurfacing asphalt he believes but not sure

Johanna - question why are they using the phrase "cold planing" never heard it before but is being used now? Is their distinction between that or what they normally do when moving earth?

Chair - he believes it is not a subsurface kind of work.

Janet Six - she was contacted early on about this - she wants to post the county ordinance because she is working to change that ordinance and it was originally meant to be put in utility in an area that isn't culturally sensitive. She put in terminology of what cold planing is in the chat. She is working on a cultural layer and trying to integrate that into title 19 so she can look and say medium to high sensitivity zone so they would have different criteria and not be exempt versus an area that isn't culturally sensitive. Johanna was in one of the meetings about sand mining extraction and she wanted to say why the county didn't put in the NEPA (?) permit. She feels for the lineal descendants. She has spoken with Andrew McAllister - going 4 feet into the ground even if you put it back is ground altering activity.

Chair - 4 feet isn't something we want to exempt.

Andrew emailed her for a map presented in the meeting with project proponents - similar to what Keeaumoku presented - this is just mauka on Moku'ula - Millstreet is a county TMK but Someone signed off all interest to the area so it went exempt not on county property which happened before she came on. There is no night digging a light left on the water truck. People do night excavation sometimes but SCS and Mike Dega said they are doing 100% monitoring. They weren't open to a cultural monitor, but she asked for that. County is looking for that ordinance and how to do the fishnet layer to trigger 6E review.

Chair: Can you define cold planing -

Janet Six - you take the top half of the old road, you are resurfacing. Repaving. Polo beach they are redoing the surface of the parking lot - lifting up old asphalt. If done correctly it doesn't alter the ground.

Scott - may want to recommend stop all work and second to conduct further or additional archaeological work in order to find a suitable route if one exists

Scott has a motion to put up

Chair says mahalo to Dr. Six - SHPD maybe Andrew McAllister or Kealana wants to chime in on this? They are getting complaints. Not sure if DOCARE was involved.

Chair steps away for one-minute ant Kahele takes over

Andrew - what has he done in response to community concerns. In his opinion it's a little tough so it didn't get triggered and they didn't get the whole bit of work, just a screen capture of part of the map with the pipeline it's not the full scope of work but showing pipeline going into area with previous archaeological work - AIS and preservation plan for that area and determined that the pipeline was outside for the preservation area - where the pipe was traveling for the corridor some testing had occurred in the corridor - water worn rock deposits and natural soil. Some additional photographs showing soil

profiles from Janet asking to look at that, do we interpret that as a cultural layer he asked Janet? He referred to the AIS. The archaeologist determined that was a natural feature related to the stream then they got more info but never got a full scope of work because it wasn't provided to the county, so county didn't provide to SHPD. He consulted a lot with Janet. Had a meeting with the developer and saw the current map pipeline and looked at that and went over it. Tried to look for SHPD triggers for review - asked about the right of way. County said no interest in the right of way by Mill street so that doesn't let him trigger review. Stream crossing could also trigger review - army corps or state water issues could trigger a permit, but they are working over an existing bridge in the stream channel to effectively avoid any permits. Attaching a waterline to the structure crossing a stream. No trigger to get a review and full scope of work. One cemetery area was discussed in the meeting and they have no previously identified burials in the project area - he thinks the Pioneer Mill cemetery (he thinks) was shown and during the meeting it was agreed to that, they looked into it and the actual location is more mauka. Still potential for burials to be anywhere subsurface and he brought that to their attention and told them it is illegal to knowingly destroy a burial and he received confirmation from SCS to do voluntary archaeological monitoring for the project and sent a list of general stipulations. Andre asked for a monitoring report but there was some push back, but a letter report based on the findings (assuming they find no historic properties) is what they will probably submit.

Chair asks if any SIHPs close to utility or trenching and Andrew says not that he knows of but he doesn't have the full scope of work

Kahele - someone decided that pioneer mill cemetery wasn't where the map showed. Who was that?

It was by the pipeline corridor, but they hired an archaeologist to do the monitoring and done due diligence of historic properties in the corridor and they have no identified burials in their project area. It's hard for Andrew to vetted that information because he doesn't know exactly what the project area is but his understanding is that this pipeline shown doesn't have identified human burials in that corridor

Dr Six - it was definitely the Pioneer Mill cemetery. Heidi Bigelow is who she spoke with - a planned cemetery for pioneer mill but they relocated it but it is still shown on the maps. She was concerned because the pipeline appears to go directly through that cemetery. According to provided testimony, the head of public works was there too, it was a planned cemetery that Pioneer Mill then put elsewhere according to Heidi Bigelow. Keeaumoku mentioned his grandmother was built there so maybe we need to see where the relocated cemetery actually is. She gives props to Andre who did a really good job trying to find somewhere to trigger review because it's a large amount of soil being moved without a permit.

Chair - he wants SHPD to be able to review the project, but he doesn't know what comment or motion to make but strongly recommends that the SHPD review process occur, and also recommends a site visit, maybe two motions? Covid constraints makes site visits challenging but if there are good reasons maybe this will help them

Scott Fisher -

Immediate cessation of all work

Allowing archaeological work to discern if there is a suitable route and what that route may look like, he can amend it slightly in order to say all work should stop till SHPD can review this project and more work can be done for a suitable route

Kahele - if opposing evidence that there is a cemetery and burials. She doesn't know who Heidi Bigelow is, if she is working for the developer, that must be confirmed by unbiased eyes. Obviously, we have contestation and that should be clarified before more work goes forward because people saying my grandparents were laid to rest in that cemetery - where exactly is that cemetery and how will it be

impacted? Important to make a motion because developers are unwilling to have a cultural monitor onsite and this might motivate them to allow that kind of overview if having trouble accessing that site.

Scott makes a motion: The Maui/Lanai Island Burial Council recommends the immediate cessation of all utility installation work in Lahaina in order to avoid known burial sites and cemeteries, based on testimony from lineal and cultural descendants of the presence of iwi kupuna in the proposed utility installation route. All work should be stopped until SHPD can review this project and additional archaeological work can be conducted in order to discern if a suitable route exists, and the location of such a route, for the cold planing and utility installation project within an area containing known historic Burial Grounds on Kauaula Road (TMK: 02-04-06-015) and along Mill Street at Hokiokio Place (TMK 02-04-07-003:031 and 02-04-06-013). Ahupua'a of Pahoa, District of Lahaina, island of Maui.

Comment in motion: state "And existing maps"

Kahele - is cold planing a separate item from this? Is it separate? Will they be allowed to continue with cold planing even though they stop utility work?

Chair - Cold planing already completed

Keeaumoku wants to motion that the board provide some clarity for all of them and thanks for the chance to speak.

Chair wants to include a fail-safe and have more control of communication with SHPD including a site visit - directly communicated to the developer and SHPD as a potential fail safe. And include Dr Six in the language.

Scott: three motions

The Maui Lanai Island Burial Council recommends the immediate cessation of all utility installation work

The screenshot shows a Google Docs document titled "MLIBC 10/08/2020" with a chat window open on the left. The chat window displays a conversation about a meeting, with messages from Dana Maxwell, Kahele, Josh Dean, and Scott Fisher. The document text includes motions and recommendations from the Maui Lanai Island Burial Council.

Chat Window:

- From Dana Maxwell - MLIBC Chair to Everyone: 09:27 AM
Mahalo Angela
- From Kahelelanani Duketow - MLIBC Vice... to Everyone: 09:28 AM
Please be sure to change your Zoom name to your legal name to testify.
Hover in the right corner of your zoom block and click on the three dots that appear, scroll down and click on Rename.
- From Josh to Everyone: 09:28 AM
my name is Josh Dean. I would like to discuss this project. my men are doing the work.
- From Scott Fisher - MLIBC to Everyone: 09:28 AM
The Maui/Lanai Island Burial Council recommends the immediate cessation of all utility installation work in Lahaina in order to avoid known burial sites and cemeteries, based on testimony from lineal and cultural descendants, and maps, which indicate the presence of iwi kupuna in the proposed utility installation route within an area containing known historic Burial Grounds on Kaua'ula Road (TMK: 02-04-06-015) and installation along Mill Street at Hokiokio Place (TMK 02-04-07-003:031 and 02-04-06-013). Ahupua'a of Pahoa, District of Lahaina, Island of Maui.

Document Text:

Recommendations wants to motion that the board provide some clarity for all of them and thanks for the chance to speak.

Chair wants to include a fail safe and have more control of communication with SHPD including a site visit - directly communicated to the developer and SHPD as a potential fail safe. And include Dr Six in the language.

Scott: three motions
The Maui Lanai Island Burial Council recommends the immediate cessation of all utility installation work work

Recommend SHPD review the project and conduct additional archaeological work

Conduct a site visit at Kauaula road

C. The Kahana Solar Project, Kahana and Māhinahina 1-3 Ahupua'a, Moku of Lāhainā (formerly Kā'anapali), Maui, located at TMK (2) 4-3-001:017 (por.), 082 (por.), 084 (por.)
Information/Discussion/Recommendation: Update on the above project. Mara Mulrooney (Pacific Legacy) and Julia Mancinelli (Innergex Renewables) to give PowerPoint presentation

Scott makes a motion: The Maui/Lanai Island Burial Council recommends the immediate cessation of all utility installation work in Lahaina in order to avoid known burial sites and cemeteries, based on testimony from lineal and cultural descendants, and maps, which indicate the presence of iwi kupuna in the proposed utility installation route within an area containing known historic Burial Grounds on Kauaula Road. All work should be stopped until SHPD can review this project and additional archaeological work can be conducted in order to discern if a suitable route exists, and the location of such a route, for the cold planing and utility installation project within an area containing known historic Burial Grounds on Kauaula Road (TMK: 02-04-06-015) and along Mill Street at Hokiokio Place (TMK 02-04-07-003:031 and 02-04-06-013). Ahupuaa of Pahoa, District of Lahaina, island of Maui.

Recommend SHPD review the project and conduct additional archaeological work

Conduct a site visit at Kauaula road

Chair: Josh Dean represents the project proponent and he is prepared to speak for 3 minutes

Josh Dean - this is a letter from council member Tamara - Hokiokio to Wainee and cold planing of road in Kauaula valley. Cold planing work is completed - recycled asphalt material (gravel) put on existing road. They opened up no new ground. They are working with four different AISs and have marked any known burial site marked with caution tape - not getting near any known burial sites. One conducted by Pioneer Mill in 2007. All of the crew and office and engineers are using all this information to know where all this - installing irrigation water lines, non-potable water lines - worked with the county and exempted from all permits. Voluntarily hired SCS any time they are doing ground disturbing activities. No interest in desecrating sites. He was born and raised in Lahaina, he is Hawaiian, many of his crew members are Hawaiian. He says don't shut down their site because of a rumor and you will put his men out of work and in these times they are blessed to have work.

Scott Fisher - a large number of cultural and lineal descendants recognized. Was any consultation done with them as part of project preparation? Anything in the corridor? Cultural descendants of the ahupua'a? Was any consultation done?

He doesn't know what that means exactly, but the nearest known burial site that he is aware of is 200 feet away from their pipeline found by Frederickson in 2007-2008 and the whole parcel is marked off. He knows of no lineal descendants of the unknown burial, but he doesn't know of any consultation with a cultural descendant.

Scott - consultation with cultural descendants is often done if you are in an area where there is a potential for unknown burials

They decided in an overabundance of caution to have archaeologists monitor everything. He says it's impossible to have consultation with Keeaumoku Kapu.

Chair - they must mālama iwi kupuna and some interpersonal relationships do not work but in their review Pioneer Mill cemetery is a major concern because conflicting reports of what is there and corridor will directly intersect with that and they need definitive proof that no pioneer mill cemetery is there. Doesn't matter if there is a monitor if you all go through a recorded cemetery. It didn't trigger the necessary review process but because it shows this everyone is brought into consultation even if there are community members you can't communicate with because there is potential for desecration of the burial site.

He did a bunch of research on the Pioneer Mill site - in conjunction with him they dug through the pioneer site already - did it with a smaller machine with the archaeologist really slow and did it ahead so they could stop and reroute if anything was found and this was done weeks ago.

Chair is upset with the fact that we are talking about this post construction and speaks volumes to how the permitting process failed them.

Kahele - fact that was exempt so sole responsibility is from the developer and they made all the decisions on their own which is problematic. This is clearly a sensitive area. What we want and what the public deserves is assurance that there has been fair and intensive review of all of the evidence and then you move forward with your work. Our purpose here is to protect burials and if there is any way they can do that before it's hit with a shovel or anything, that is their ultimate kuleana.

Scott - you may be on a collision course and if we can take measures to examine further it may be saving them from having a more difficult time

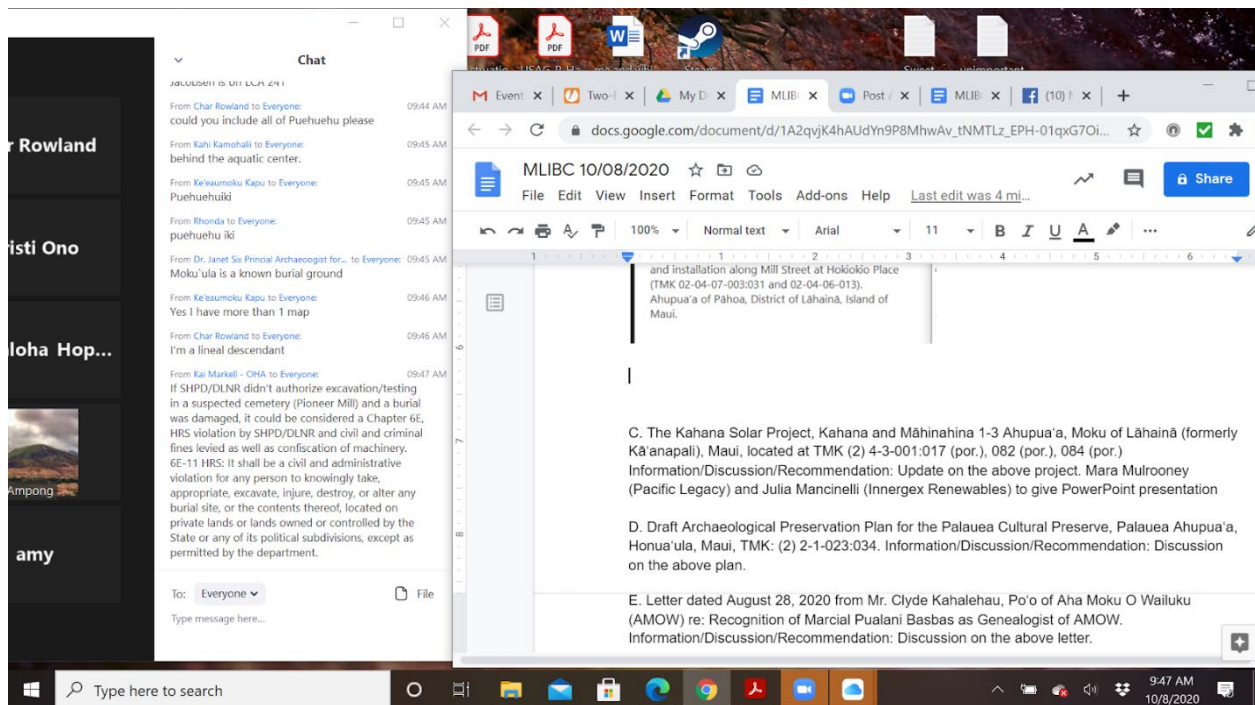
Chair - Josh do you folks have any more construction in the near future in the vicinity of the Pioneer Cemetery?

In the future they do, maybe a year from now, if it were to proceed it would trigger grading permits or other permits.

Scott tailored the motions further:

Scott proposes a motion: The Maui/Lanai Island Burial Council recommends the immediate cessation of all utility installation work in the area of the Pioneer Mill cemetery in order to avoid burial sites and cemeteries associated with this Cemetery, based on testimony from lineal and cultural descendants, and maps, which indicate the presence of iwi kupuna in the proposed utility installation route within an area containing known historic Burial Grounds on Kauaula Road (TMK: 02-04-06-015) and installation along Mill Street at Hokiokio Place (TMK 02-04-07-003:031 and 02-04-06-013). Ahupuaa of Pahoa, District of Lahaina, Island of Maui.

None opposed, motion carries



Scott offers revised motion: The Maui/Lanai island Burial Council recommends the immediate cessation of all utility installation work in the area of Pioneer Mill Cemetery, Jacobson Cemetery and Puehuhuiki Cemetery in order to avoid burial sites and cemeteries associated from this area, based on testimony from lineal and cultural descendants, and maps, which indicate the presence of iwi kupuna in the proposed utility installation route within an area containing known historic Burial Grounds on Kauaula Road (TMK: 02-04-06-015) and installation along Mill Street at Hokiokio Place (TMK 02-04-07-003:031 and 02-04-06-013). Ahupuaa of Pahoa, District of Lahaina, Island of Maui.

Chair asks Andrew - are any of these cemeteries recorded with the Department of Health? If so were they contacted? Helps to understand jurisdiction.

Janet Six - she doesn't know but she can check and maybe Andrew knows but she can't answer right now.

Andrew says this is something that is typically looked at during the AIS but he can check with Dept of Health to see if it's an actual cemetery registered but Project proponent said they looked at the land records but he could definitely follow up.

Keeaumoku sends some CRC minutes with SHPD testimony about burials in this pipeline

This motion is related to who we want to have review it - wants SHPD to review

Puehuhuiki - county cemetery still open for burial according to Tanya Lee Greig

None opposed, motion carries

Scott offers a motion: The Maui/Lanai Island Burial Council recommends that SHPD, Principal Archaeologist for the County of Maui, Dr. Janet Six, and the MLIBC conduct an agendize site visit to the project area at Kauaula Road (TMK: 02-04-06-015) and installation along Mill Street Hokiokio Place (TMK 02-04-07-003:031 and 02-04-06-013). Ahupuaa of Pahoa, District of Lahaina, Island of Maui.

None opposed, motion carries

Moving back to updates A

C. The Kahana Solar Project, Kahana and Māhinahina 1-3 Ahupua‘a, Moku of Lāhainā (formerly Kā‘anapali), Maui, located at TMK (2) 4-3-001:017 (por.), 082 (por.), 084 (por.)

Information/Discussion/Recommendation: Update on the above project. Mara Mulrooney (Pacific Legacy) and Julia Mancinelli (Innergex Renewables) to give PowerPoint presentation

D. Draft Archaeological Preservation Plan for the Palauea Cultural Preserve, Palauea Ahupua‘a, Honua‘ula, Maui, TMK: (2) 2-1-023:034. Information/Discussion/Recommendation: Discussion on the above plan.

E. 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.

VI. TRAINING A. 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.

VII. ANNOUNCEMENTS A. Next meeting is scheduled for Wednesday, October 21, 2020