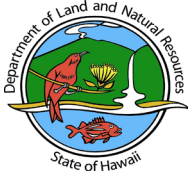


DAVID Y. IGE
GOVERNOR OF HAWAII



**HISTORIC PRESERVATION DIVISION
DEPARTMENT OF LAND AND NATURAL RESOURCES**

601 Kamokila Boulevard, Suite 555
Kapolei, HI 96807

**AGENDA
MAUI LĀNA‘I ISLANDS BURIAL COUNCIL MEETING**

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

DATE: Wednesday, January 19, 2022

TIME: 9:00 AM

LOCATION: Online Via Zoom

I. CALL TO ORDER

[9:06] Chair Maxwell calls the MLIBC to order

II. ROLL CALL

[9:07]

Dane Maxwell
Kahele Dukelow
Kyle Nakanelua
Iris Pe‘elua
Scott Fisher
Everett Dowling

[9:09]
SHPD Staff
Ku‘upua

[9:08]
Dr. Janet Six

III. APPROVAL OF MINUTES

[9:10] Kealana – Item Q, Dec. 15, 2021, is prepared for this meeting

[9:11] Dane – Wants to vote on them next meeting as he terms out in March and Kahele terms out in April.

[9:11] Scott Fisher makes a motion:

“I motion to accept the meeting minutes for Dec. 15, 2021.”

[9:11] Seconded by Everett, all in favor, none opposed, motion carries [9:11]

- A. January 15, 2020
- B. June 17, 2020
- C. July 15, 2020
- D. August 26, 2020
- E. September 30, 2020 – Closed Session
- F. October 8, 2020 – Closed Session
- G. October 28, 2020 – Closed Session
- H. February 24, 2021 – Closed Session
- I. April 21, 2021
- J. May 19, 2021
- K. May 19, 2021 – Closed Session
- L. July 28, 2021
- M. July 28, 2021 – Closed Session
- N. September 29, 2021
- O. October 20, 2021
- P. October 20, 2021 – Closed Session
- Q. December 15, 2021

IV. BUSINESS

A. Draft Burial Treatment Plan for Unidentified Human Skeletal Remains at the Pu'uone Kau Hale Project, Wailuku Ahupua'a, Pū'ali Komohana District, Island of Maui, TMK: (2) 3-8-037: 047.

[9:12] Chair Maxwell opens this agenda item

[9:12] [Mike Dega - Buffer zones at the 3 meter mark. Interim construction fencing is still there. Foster Ampong, Vernon Kalanikau, and Dr. Scott Fisher did a site inspection. Their comments on preservation will be taken into consideration once comments are returned.

[9:15] Scott Fisher addresses the council: a structure is probably less than 2 feet from the corner of the interim buffer going into the dune. This is unacceptable. Scott also questions how something could be cut into the sand dune when there is a burial roughly 3 feet away.

[9:16] Mike Dega shows a picture of this structure.

[9:18] Dane Maxwell addresses a question to Member Fisher regarding the structure's location.

[9:20] Scott – he will comment in an email. He wants to hear more from descendants

[9:20] Vice Chair Dukelow opens public testimony

[9:22] Johanna Kamaunu – public works took an interest in this a few years ago and they had pictures of the area prior to the work being done on this site. Lots of work, no permit.

[9:23] Kaniloa Kamaunu – he has been involved for almost two years. Brought to attention of Public Works. He was digging trees. The area caught on fire after burning. No archaeology. After two years Mike Dega is here. They never came to 'Aha Moku, only recognized descendants. General public especially recognized groups like 'Aha Moku may also comment. They never reached out.

[9:26] Vernon Kalanikau – He says to Kaniloa and Johanna: Regardless of descendancy he always has them in mind. He cared for the pohaku until the time to take it back occurs. He is not disrespecting anyone from Wailuku or the kupuna. Pictures tell the whole story. That place is kapulu.

[9:29] Noelani Ahia – this project has been disturbing for a while. It is under an acre so no permit was required so no oversight. Wants MLIBC to get inspectors out there if possible. Likely to be more kupuna. AIS 2006.

[9:31] Ke‘eaumoku Kapu –A lot of people tried to get descendancy so they are not considered trespassing. If they are not recognized then the land owner will call the police. Kaniloa is right – archaeology companies should reach out to the community not just the recognized descendants.

[9:34] Vice Chair Dukelow closes public testimony

[9:35] Scott – what is being asked of the council today? The BTP is not yet ready

[1:30] Mike Dega wants to discuss two things today: 1) Preserve in place or relocate and 2) approval of the BTP. The building is temporary and will be cleared soon.

[9:36] Kahele – no barrier around the burial site was evident in the picture.

[9:36] Mike Dega – the burial is 2-3 feet away on the left of the frame

[9:36] Dane – requests that someone motion them into closed session. Asks who they are consulting with presently

[9:37] Mike - This is the third time presenting this at the burial council. They have consulted with Scott, Vernon, and Foster. Johanna was invited but couldn't come. He is happy to talk to Kaniloa and Aha Moku and Noelani Ahia and anyone else who wants to consult.

[9:37] Scott makes a motion:

“I motion that the MLIBC go into closed session in order to discuss more precisely the location of burials in proximity to other activities.”

[9:37] Everett seconds, all in favor, none opposed, motion carries [9:38]

[9:38] Council continues to discuss who should be included in the breakout room and the details

[9:38] Council motions to go into closed session

[9:53] Dane returns the council to the main session

[9:53] Mike - no request as of yet has been made to the council to approve the BTP

[9:54] Kyle – based on the picture, those structures should be removed and the area should be closed. People should not be allowed to live there. Council should get the county involved.

[9:55] Dane – Former Councilmember Johanna Kamaunu had discussed expanding the preservation buffer. The interim buffer area should show reverence to the iwi.

[9:56] Scott – was there a permit pursued or needed to carve into the dune? It may have fallen into a gray area for grading and grubbing permits. Need to make a motion to Maui County to revise regulations for limited grubbing and grading for areas known to have a high density of burials.

[9:58] Dane - Jeopardizes the integrity of the dune. Asks Dr. Janet Six if she has comments

[9:58] Dr. Janet Six – you can do a request for services for Public Works on the county website. They are working on these things to trigger higher review and not covered by blanket exemptions. She will raise these concerns

[10:00] Dane asks if landowner Kevin Collins wishes to comment. He does not think they will accept the BTP today

[10:00] Kevin Collins – he apologizes for the disarray of the property. He needs a security person. He apologizes for the temporary structure close to the iwi. They will be removed. The location by the burial was a previous topographic indentation documented so no disturbances done to create the flat spot with

the temporary structure. Someone staying there without his prior knowledge or permission too a shovel to the area and that person is no longer there.

[10:04] Dane – thanks him for removing the individual who encroached on the iwi.

[10:04] Kevin – his primary goal is to create a BTP.

[10:06] Dane – please establish contact with the descendants, Kevin. He would like to approve or deny in the next two months while the council has quorum.

[10:06] Scott makes a preliminary motion to preserve in place; no vote occurs

[10:07] Dane asks Kevin for plan for the area

[10:08] Kevin is trying to find a sustainable and respectful way to develop the property. Pu‘uone Kauhale – originally the intent was to create a small apartment facility for kupuna or workforce housing.

[10:09] Kahele - She wants to see more complete mapping of other burials in the area in the BTP to inform decision making regarding land use.

[10:10] Dane – the old AIS is dated. Burial sites locations will information will help the landowner.

10:11 Janet Six – she can share the HICRIS map with adjacent burial preserves to the parcel in closed session. She doesn't see this burial in HICRIS.

[10:11] Dane – asks SHPD staff to take note of this – can you add this iwi to HICRIS?

[10:12] Kyle wants to see this map

[10:12] Dane makes a motion:

“I motion to move the council into closed session”

[10:12] Kahele seconds; all in favor, none opposed, council moves into closed session [10:12]

[10:19] Return to main meeting

[10:19] Kyle – map helped with perspective. There are lots of burials in the area

[10:20] Dane – as a developer you are likely to encounter iwi after looking at cultural overlay.

[10:21] Scott – first motion will be to have preservation in plan.

[10:21] Dane says this is a separate agenda item. This is Business Item A.

[10:22] Scott makes a motion:

“MLIBC recommends that the iwi kupuna at the Pu‘uone Kau Hale Project, Wailuku Ahupua‘a, Pū‘ali Komohana District, Island of Maui, TMK: (2) 3-8-037: 047 be preserved in place.”

[10:22] Seconded by Everett, all in favor none opposed, motion carries [10:22]

[10:23] Dane: please forward this draft motion and we can re-agendize in the future and vote on it. As far as comments, there is a long way to go before approving the BTP. Consultation must include ‘Aha Moku Wailuku.

[10:25] Mike Dega – they will get an orange construction fence up and also work on the BTP.

Ten minute break [10:26, recess until 10:32]

B. Descendancy Claim Application of Ke‘eumoku Kapu to Unidentified Human Skeletal Remains at the West Maui Waterline Project, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK: (2) 4- 6- 015: 001.

[10:33] Dane Maxwell notes that SHPD recommends recognition

[10:32] Kahele opens public testimony.

[10:34] Kahele closes public testimony.

[10:35] Scott makes a motion:

“The Maui/Lāna’i Island Burial Council recognizes Ke‘eumoku Kapu as a cultural descendent to Unidentified Human Skeletal Remains at the West Maui Waterline Project, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK: (2)4-6-015: 001”

[10:35] Seconded by Everett; all in favor, none opposed, motion carries [10:35]

C. Descendancy Claim Application of Jacob Kapu to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4- 6- 013: 042.

[10:36] Kealana Phillips – For Items B through M: he made a mistake on language for the last meeting for the ahupua‘a on recognition application. All are recommended to be reconized by SHPD

10:37 Kahele opens public testimony

10:37 closes public testimony

[10:38] Kahele asks clarification if this is a cultural or lineal application – she says recommendation from SHPD is cultural. Discussion of the council ensues. The SHPD letter reads cultural. Scott revises his motion

[10:40] Scott makes a motion:

“The Maui/Lāna’i Island Burial Council recognizes Jacob Kapu as a cultural descendent to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.”

[10:40] Seconded by Everett, all in favor, none opposed, motion carries [10:40]

D. Descendancy Claim Application of Jonah Kapu to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4- 6-034: 057, and (2) 4-6- 013: 042.

[10:42] Kahele opens public testimony

[10:42] Kahele closes public testimony

[10:42] Scott makes a motion:

“The Maui/Lāna’i Island Burial Council recognizes Jonah Kapu as a cultural descendent to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.”

[10:42] Everett seconds the motion, all in favor, none opposed, motion carries [10:42]

E. Descendancy Claim Application of Rachel Kapu to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.

[10:43] Kahele opens public testimony

[10:44] Kahele closes public testimony

[10:44] Scott makes a motion:

“The Maui/Lāna’i Island Burial Council recognizes Rachel Kapu as a cultural descendent to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.”

[10:44] Seconded by Everett, all in favor, none opposed, motion carries [10:45]

F. Descendancy Claim Application of Jesse Kapu to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.

[10:45] Kahele opens public testimony

[10:45] Ke‘eaumoku Kapu: mahalo for your consideration of this descendancy application

[10:46] Kahele closes public testimony

[10:46] Scott makes a motion:

“The Maui/Lāna’i Island Burial Council recognizes Jesse Kapu as a cultural descendent to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.”

[10:47] Seconded by Everett, all in favor, none opposed, motion carries [10:47]

G. Descendancy Claim Application of Charlene Rowland to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102,

Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.

[10:47] Kahele opens public testimony

[10:48] Kahele closes public testimony

[10:48] Scott makes a motion:

“The Maui/Lāna‘i Island Burial Council recognizes Charlene Rowland as a cultural descendent to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.”

[10:49] Seconded by Kahele, all in favor, none opposed, motion carries [10:49]

H. Descendancy Claim Application of Maelani Lee to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.

10:50 Kahele opens public testimony

10:50 Kahele closes public testimony

[10:50] Scott makes a motion:

“The Maui/Lāna‘i Island Burial Council recognizes Maelani Lee as a cultural descendent to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.”

[10:51] Seconded by Everett, all in favor, none opposed, motion carries [10:51]

I. Descendancy Claim Application of Charmaine Nee to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.

[10:52] Kahele opens public testimony

[10:52] Charlene Nee: clarifies that her name is pronounced Nee not Ne‘e

[10:52] Kahele closes public testimony

[10:52] Scott makes a motion:

“The Maui/Lāna‘i Island Burial Council recognizes Charmaine Nee as a cultural descendent to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.”

[10:53] Seconded by Everett, all in favor, none opposed, motion carries [10:53]

J. Descendancy Claim Application of Caroldeen Cummings to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.

[10:54] Kahele opens public testimony

[10:54] Kahele closes public testimony

[10:54] Scott makes a motion:

“The Maui/Lāna‘i Island Burial Council recognizes Caroldeen Cummings as a cultural descendent to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.”

[10:55] Seconded by Everett, all in favor, none opposed, motion carries [10:55]

K. Descendancy Claim Application of Virginia Block to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.

[10:56] Kahele opens public testimony

[10:56] Kahele closes public testimony

[10:57] Scott makes a motion:

“The Maui/Lāna‘i Island Burial Council recognizes Virginia Block as a cultural descendent to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.”

[10:57] Seconded by Everett, all in favor, none opposed, motion carries [10:57]

L. Descendancy Claim Application of Virginia Block to Unidentified Human Skeletal Remains at the West Maui Waterline Project, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK: (2) 4-6-015: 001.

[10:58] Kahele opens public testimony

[10:58] Kahele closes public testimony

[10:59] Scott makes a motion:

“The Maui/Lāna‘i Island Burial Council recognizes Virginia Block as a cultural descendent to Unidentified Human Skeletal Remains at the West Maui Waterline Project, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK: (2) 4-6-015: 001.”

[10:59] Seconded by Everett, none opposed, motion carries [10:59]

[11:18] Kahele – recommends deferring Agenda Item L. Need to be re-agendized due to a typographical error on the agenda for the TMK

M. Descendancy Claim Application of Kahikilani Niles to Identified Human Skeletal Remains in the Ahupua‘a(s) of Keoihuihu and Kahoma, Lāhainā District, Island of Maui, TMK: (2) 4-5- 017: 001.

[11:00] Kahele opens public testimony

[11:00] Kahele closes public testimony

[11:04] Scott makes preliminary motion:

“MLIBC Dev/Lg Property Landowner: The Maui/Lāna’i Island Burial Council recognizes Kahikilani Niles as a lineal descendent to Identified Human Skeletal Remains in the Ahupua‘a(s) of Keoihuihu and Kahoma, Lāhainā District, Island of Maui, TMK: (2) 4-5-017: 001.”

[11:00] Everett seconds, all in favor, none opposed, motion carries [11:01]

[11:04] Dane re-opens public testimony due to issues regarding lineal vs. cultural descendancy in the draft motion

[11:05] Kahikilani Niles: mahalo to everyone for your consideration and recognition. Mahalo

[11:06] Kahele: Jan 18th recommendation from SHPD reads different than the agenda.

[11:06] Dane officially closes public testimony

[11:07] Kahele – letter lists a different TMK and different ahupua‘a

[11:09] Kealana - Applicant provided a certain ahupua‘a but under Kīpuka is showed up as Paunau when searching the TMK; discussion ensues on how SHPD determines TML and ahupua‘a; Kealana recommends moving forward with the next agenda item while he figures out the discrepancy

[11:17] Kealana - the correct TMK for letter M was on the recommendation letter not the Agenda, discussion ensues

[11:18] Dane– to defer Agenda Item M. Kahele notes the same for L for the next meeting. Need to be re-agendized

N. Descendancy Claim Application of Kahikilani Niles to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4- 6-034: 057, and (2) 4- 6-013: 042.

[11:02] Kahele and the council discuss if this is notes that this is cultural, and the next is lineal.

[11:03] Kealana Phillips clarifies that Agenda Item M was for lineal descendancy, and so Item N is for cultural

[11:13] Kahele opens public testimony

[11:14] Kahele closes public testimony

[11:02] Kahikilani Niles – mahalo

[11:14] Scott makes a motion:

“The Maui/Lāna’i Island Burial Council recognizes Kahikilani Niles as a cultural descendent to Three Previously Identified Human Skeletal Remains, SIHP #50-50-03-5239, SIHP #50-50-03-6473, and SIHP #50-50-03-7102, Ahupua‘a of Paunau, Lāhainā District, Island of Maui, TMK(s): (2) 4-6-015: 001, (2) 4-6-034: 057, and (2) 4-6-013: 042.”

[11:14] Seconded by Everett, all in favor none opposed, motion carries [11:15]

[11:15] Iris notes that letter l has a TMK discrepancy

[11:16] Dane - Under Sunshine Law, a property owner must be given due notice on a process that might impact their property so if there is an incorrect TMK number it must be re-agendized

O. Descendancy Claim Application of Vernon Kalanikau to Unidentified Human Skeletal Remains at the Maui Lani Subdivision, Phase VI, Increment 4 and Maui Lani Phase IX, Ahupua‘a of Wailuku, Wailuku District, Island of Maui, TMK: (2) 3-8-099: 999 pors., and TMK: (2) 3-8- 007: 153.

[11:20] Kealana – SHPD recommends recognition as cultural descendant for the applicant

[11:21] Iris recuses herself

[11:22] Kahele opens public testimony

[11:22] Kahele closes public testimony

[11:23] Scott makes a motion:

“The Maui/Lāna’i Island Burial Council recognizes Vernon Kalanikau as a cultural descendent to Unidentified Human Skeletal Remains at the Maui Lani Subdivision, Phase VI, Increment 4 and Maui Lani Phase IX, Ahupua‘a of Wailuku, Wailuku District, Island of Maui, TMK: (2) 3-8-099: 999 pors., and TMK: (2) 3-8-007: 153.”

[11:23] Seconded by Everett; all in favor, none opposed, motion carries [11:24]

P. Descendancy Claim Application of Vernon Kalanikau to Unidentified Human Skeletal Remains at the Pu‘uone Kau Hale Project, Ahupua‘a of Wailuku, Wailuku District, Island of Maui, TMK: (2) 3-8- 037: 047.

[11:24] Kealana - SHPD recommends cultural descendancy for the applicant

[11:25] Kahele opens public testimony

[11:25] Kahele closes public testimony

[11:25] Scott makes a motion:

“The Maui/Lāna‘i Island Burial Council recognizes Vernon Kalanikau as a cultural descendent to Unidentified Human Skeletal Remains at the Pu‘uone Kau Hale Project, Ahupua‘a of Wailuku, Wailuku District, Island of Maui, TMK: (2) 3-8-037: 047.”

[11:26] Everett seconds the motion; all in favor, none opposed, motion carries [11:26]

Q. Descendancy Claim Application of Marcial Pualani Basbas to Identified Human Skeletal Remains at the Waihe‘e Preserve, Waihe‘e Coastal Dunes and Wetlands Refuge, Ahupua‘a of Waihe‘e, Wailuku District, Island of Maui, TMK: (2) 3-2-010: 001.

[11:27] Kealana - SHPD recommends recognition for lineal descendancy for the applicant

[11:28] Scott recuses himself

[11:29] Kyle asks for clarification on the ahupua‘a

[11:30] Kahele opens public testimony

[11:30] Kaniloa Kamaunu –Thank you council for his sister’s application

[11:31] Marcial Pualani Basbas – she sees thank you to Kealana for agendizing this and to mahalo the chair. She is thankful to be recognized as a lineal descendant.

[11:33] Kahele closes public testimony

[11:33] Kyle makes a motion:

“The Maui/Lāna‘i Island Burial Council recognizes Marcial Pualani Basbas as a lineal descendent to Identified Human Skeletal Remains at the Waihe‘e Preserve, Waihe‘e Coastal Dunes and Wetlands Refuge, Ahupua‘a of Waihe‘e, Wailuku District, Island of Maui, TMK: (2) 3-2-010: 001”

[11:33] Seconded by Everett; all in favor, none opposed, motion carries [11:33]

R. Descendancy Claim Application of Kaniloa Kamaunu to Identified Human Skeletal Remains at the Waihe‘e Preserve, Waihe‘e Coastal Dunes and Wetlands Refuge, Ahupua‘a of Waihe‘e, Wailuku District, Island of Maui, TMK: (2) 3-2-010: 001.

[11:35] Kealana recommends lineal descendancy recognition for the applicant

[11:35] Scott recuses himself

[11:36] Kahele opens public testimony

[11:36] Kaniloa Kamaunu: thanks, Kealana and the council.

[11:36] Noelani Ahia – mahalo. She offers support for Uncle Kani and Aunty Pua.

[11:36] Kahele closes public testimony

[11:37] Kyle makes a motion:

“The Maui/Lāna‘i Island Burial Council recognizes Kaniloa Kamaunu as a lineal descendent to Identified Human Skeletal Remains at the Waihe‘e Preserve, Waihe‘e Coastal Dunes and Wetlands Refuge, Ahupua‘a of Waihe‘e, Wailuku District, Island of Maui, TMK: (2) 3-2-010: 001.”

[11:37] Seconded by Everett, all in favor, none opposed, motion carries [11:38]

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

[11:38] [2:26:41 of the video] Sharron Paris – as reported, in process of investigating location of rerouting of roadway to avoid burials in settlement of lawsuit. Have only identified non-concerning anomalies. Work not complete yet. Marcus Olheiser is here to provide update on construction.

[11:41] Noelani Ahia – still waiting on ground truthing and she wants to point out that the proposed BTP for some of the burials will be irrelevant if the settlement is rerouted. But SHPD approved it and consultation wasn’t finished. No BTP for all the burials in the preservation area or parcel. Houses are going up on Haleakala side of burial preserve and the houses are close to the burial preserve.

[11:44] Kahele – can the developer answer Noelani’s question of what lots are being built near burial preserve?

[11:44] Marcus Olheiser – there is an approved BTP for where they are building. Total of 16 homes in various stages and one more to be built at a later date

[11:47] Kealana – one accepted burial site component was indeed accepted Sept. 14th for several features. A second BSCPP accepted Nov. 19, 2021 for feature a number of features [2:35:31 of recording for exact numbers]. To his knowledge all consultation was incorporated into the plans

[11:48] Kahele - the draft burial site component of preservation plan [BSCPP] lists the consultation that occurred

[11:51] Kaniloa Kamaunu – said he was never consulted on any BTP or any other project. In his opinion, not ‘Aha Moku’s opinion, the company has committed criminal acts. He keeps advocating but it keeps happening. Trying to preserve their people in place is hard here. He would like to see SHPD enforce fines.

[11:56] Kahele notes burial site components of a preservation plan were approved by SHPD

[11:57] Dane – he sees Johanna was consulted. Since you all are on the agenda every month this would be a relevant topic for discussion

[11:57] Sharron – final BSCPP is what you want? Final consultation occurs with SHPD not during the burial council. She notes Johanna Kamaunu and Ms. Noelani Ahia were both listed as consulting parties

[11:59] Dane recommends if there is a burial sites component of preservation plan, he wants to the MLIBC to have an opportunity to review it. Since this is agendized every month he wants to have a chance as a council to review a BSCPP.

[11:59] Noelani – clarifies the BSCPP might be irrelevant due to the redesign due to the settlement as kupuna will be preserved in place. It is the other one. She thought they would discuss with attorneys and continue consultation. But she found out it was finalized without more discussion even though they had discussed more consultation. She did not do a site visit for this one. She wants a copy. She says SHPD is supposed to initiate consultation but the MLIBC needs to be involved whether it is the developer or SHPD who initiates consultation.

[12:02] Dane – If a BSCPP is being put together, please discuss it under this agenda item for the MLIBC to weigh in on this. Dane wants a meeting on this issue prior to the next meeting and see it agendized. No Wailuku rep at the moment. Maybe Scott and Kahele since he is terming out

[12:03] Scott – opens public testimony

[12:04] Clare Apana - Many problems with this project since 2017. MLIBC made a motion Malama Ka Kanilua should be consulted but they never have been. Attempts to talk to Town Realty and Maui Lani Phase 6 – no fruitful discussions to get consultation. Holomua.

[12:06] Kahele closes public testimony

[12:07] Kahele – trying to see when drafts were sent to them and meeting with Andrew and Hinano to see when it was approved

[12:08] Dane wants Marcus or Sharon to comment on construction relative to features in BSCPP

[12:09] Sharron - approved BSCPP – a lot of features within these. She needs time to go through each one and then comment after correlating that to construction

[12:09] Kahele - which sites are being built upon and idea of proximity

[12:10] Sharon – she thinks 205, 206, 207 are the closest ones probably but she can’t confirm that without Marcus

[12:11] Marcus – Lots 205, 206, and 207 are near the preserve. These houses are in the framing stage. Foundations are in place. Initial portion of ground disturbing has happened. Still have to tie in utilities and finish grading. Nothing going in behind or between houses and rear property line – nothing planned for that area. Houses will be sold with intention of nothing allowed to be built with ground disturbance in those areas. There is no retaining wall on the dune. Only on the north side which was put in place 2017 or 2018.

[12:13] Dane – asks Kealana to coordinate site visit with yourself, Sharon, Kahele and Scott

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

[12:14] Chair Maxwell defers this item

V. COMMUNICATION/CORRESPONDENCE

A. County of Maui Permit Application SMX 2020/0172 Grand Wailea Grease Pretreatment System Project, Ahupua‘a of Paehua, Kula District, Island of Maui, TMK: (2) 2-1-008: 109 (por.)

[12:15] Two documents in Google docs. MLIBC being asked to comment on the permit application

[12:17] Kahele opens public testimony

[12:19] Lucienne de Naie – reviewed archaeological field notes and reports for many years and in recent contested case hearing. No AIS – from 1987 to 1991 new things kept being found. 25 sets of human remains uncovered. Day after day field notes show improper excavation of iwi – little context for what was left behind or what is still there. Need a completely new AIS based on the field notes. Natural stream channels ending in wetlands often have cultural use and often burials overlooking the slopes of kahawai. Public and researchers believe proposed actions have high likelihood of finding iwi.

[12:25] Clare – started at same time as Honokahua. Grease trap – began writing to planning department about grease trap in contested case. Not part of the application for the AMP that SHPD gave approval for. Shown no consideration that iwi quite possibly still exist there. 25 burials where they tried to make the grease trap last time. Workers said burials were found in large numbers before recordation. Burials taken off property and not able to get Grand Wailea to tell them where their ancestors are. She wants Section 106 consultation and after she said this, they stopped talking to her. Trying to get County Planning Department, SHPD to hear iwi were buried here in large concentrations. Brand new burial pits have been found.

[12:29] Carol Lee Kamekona – recognized cultural descendant. She is asking for a new AIS for anything in Grand Wailea Expansion. Ran simultaneously and in tandem with Honokahua. OHA said don't mention anything. She read all the field notes and archaeologist at the time state there are fragments in fill and you will find more iwi. Iwi found and put into preservation – Humuhumunukunua'ua Restaurant – plenty iwi kupuna in this area. Field notes say iwi taken to Makena cemetery, Nipoa street during blasting for Pi'ilani Highway – no knowledge where they are. They asked Grand Wailea to find them and bring them back but to no avail.

[12:32] Kahele closes public testimony. She asks for the original number of burials and estimated number from her research.

[12:33] Clare – burial council said can't open hotel till burials reinterred – at that time a minimum number of 300 people. During the 2015, 2006, 2007, 2008 – keep running into burials. She has no exact number for what happened before the 300 iwi collected by Rosenthal archaeology crew. According to workmen, they took out burials in cardboard boxes and in one place it was babies and children and took them out to make the waterline and taken off property. Where hotel exists now, a pyramid of bones taken out and moved and not recorded. Before Rosendahl study came to the property. Workers who worked during construction of hotel with archaeologists they talked about taking bones out in white buckets. She would venture a guess from reports of workmen before Rosendahl's did archaeology, there were at least twice as many as are being claimed. Remains came up in fill which went all over the property.

[12:36] Dane – he thought the permit was already issued. He wants to re-agendize to discuss in greater detail. Would have been helpful if Trevor were here.

[12:37] Kealana – he does not know if the permit has been issued. He has not yet been involved

[12:37] Andrew McAllister – two specific projects for this property – renovations and grease interceptor, two different SMA permits. Original SMX was reviewed prior to SHPD, and they requested monitoring for the renovations project. After that determination was made, consultation with Lucienne and others about developing AMP. Cultural Surveys Hawaii produced that AMP for renovations. Later grease trap project was reviewed, same determination, would like project to proceed under previously accepted AMP. The county is now asking them to review the grading or building permits under department of public works. Usually, same effect determination for different permits for same project. Currently he hasn't reviewed or written letter yet.

[12:40] Dane– when do you have to respond to review? He wants to re-agendize Grand Wailea and have time to comment.

[12:40] Andrew – it is likely the two SMA permits have been issued but department of public works comment is here in SHPD intake still. SHPD rarely hits the 45-day comment period for these types of project. He is prioritizing affordable housing, infrastructure, and education reviews, so things like this project can wait a long time. Trevor who is with Cultural Surveys – they have exited the project and don't plan on returning. Bob Rechman from ASM and Affiliates – he is picking up the project and implementing the AMP. Try to get Bob Rechman with ASM and Affiliates and the project proponent.

[12:42] Iris – new AMP submitted and approved?

[12:42] Andrew-if County is asking them to review Dept. Public Works permits, if SHPD reviewed AMP and accepted, then they carry over the project. If you want to do consultation on implementation of monitoring plan, he can't go back to the county and say we are changing our determination unless the county asks them to come back and review it again. He encourages people to read the AMP. He is not aware of any burial sites in direct project area but potential for fragments.

[12:45] Dane – we will have a meeting tomorrow about this and re-agendize.

B. Status of Internment Process of Burials Located at the Home Maid Bakery, Ahupua'a of Wailuku, District of Wailuku, Island of Maui, TMK: (2) 3-8- 037:049.

[12:46] Kealana – SHPD History and Culture and landowner have no new updates at this time. Trying to reinter iwi but covid is an issue.

[12:47] Kahele opens public testimony

[12:47] Noelani – SHPD and Homemade Bakery are trying to re-inter. Homemade Bakery wants to re-inter after construction of new building but no permit yet and it could be years. Iwi on shelves since the 1990s. Their BTP never got put forward. There is an agreed upon location and a lineal descendant. Tanya came out on a site visit and did a GPS and in that spot, there is a pu‘uone and lower shelf, which will need a stabilization wall due to erosion. Did their construction plans include a retaining wall at that site? Working with Mark, son of person they were working with. Can you write a motion encouraging landowner to reinter kupuna as soon as possible, not after final construction?

[12:50] Foster Among – Kahele, there is a lineal descendant for this burial? Has anyone consulted with them and found out what they want? He wants to hear from them.

[12:51] Kaniloa Kamaunu – the owners have had enough time to work it out. Contact with lineal descendant is someone on Oahu, the mother who passed on, her son, and a cousin who has been working with the moku on this project for at least 2-3 years. The only hold up is the land owner. Wants to re-inter on an area which isn't on his property so now it is in limbo. His group has been involved for almost 5 years now. Why this guy is not being forced to re-inter?

[12:55] Dane – Jeffrey Mertons is the lineal descendant

[12:55] Jeffrey Mertons – he is in agreement with Noe and Kaniloa that they need to provide a timeline for reinterment. His iwi kupuna have been waiting a long time already. Please help push the landowner to reinter.

[12:56] Kahele closes public testimony

[12:56] Dane

[12:56] Everett – this was before the council when his grandfather was on the council

[12:57] Dane – requests council to stay longer to discuss inadvertents

[12:59] Everett – can we request county to not issue permits until reinterment?

[12:59] Scott – not unheard to make a request directly to private landowner but it is not typical.

[1:00] Kahele – it is appropriate to make a recommendation to the landowner

[1:01] Kyle – should be mindful of the narrative we deliver to landowners. If they are local born and raised it could make them dig their heels in. With separation from land, if you want to liquidate landholdings, having iwi on your property makes it more difficult. Generationally people like to liquidate property. He agrees we should talk to these people to say this is the humane thing to do. Be aware before delivering a hard message.

[1:03] Dane – he hears Kyle’s words, but he thinks this is not unreasonable. He wants to do a site visit again. Everett and Kyle will do a site visit

[1:10] Scott makes a draft motion:

“MLIBC strongly encourages Home-Maid Bakery to collaborate with descendants to facilitate the return of the iwi kupuna to their property in the Ahupua‘a of Wailuku, District of Wailuku, Island of Maui, TMK: (2) 3-8-037:049 as quickly as possible, with. MLIBC recognizes that the iwi kupuna have remained in storage in excess of 25 years.”

[1:06] Dane – Noe, is there a BSCPP

[1:06] Noe – yes there is a BSCPP but question of buffer zone for the retaining wall

[1:09] Janet– need to design the retaining wall with nominal ground penetration

[1:11] Dane - Meeting adjourned

To be re-agendized:

VI. INADVERTENT

A. Inadvertent Discovery of Human Skeletal Remains at the Wailuku Civic Center Complex Phase 1B project, reported to the Maui Office of the State Historic Preservation Division on October 22, 2021, and November 23, 2021, Ahupua‘a of Wailuku, District of Wailuku, Island of Maui, TMK: (2) 3- 4-013:075.

B. Inadvertent Discovery of Human Skeletal Remains During Screening at the Waiko Light Industrial Project, reported to the Maui Office of the State Historic Preservation Division on October 29, 2021, November 3, 2021, November 4, 2021, January 10, 2022, and January 11, 2022, Ahupua‘a of Wailuku, District of Wailuku, Island of Maui, TMK: (2) 3-4-013:075.

C. Inadvertent Discovery of Human Skeletal Remains at County of Maui Puamana Park, 0 Pualei Drive, reported to the Maui Office of the State Historic Preservation Division on December 7, 2021, Ahupua‘a of Polanui, District of Lāhainā, Island of Maui, TMK: (2)-4- 6-033:001..

D. Inadvertent Discovery of Human Skeletal Remains at Kaulahao Beach a.k.a. Tavares Bay, County of Maui Kū‘au Bay Beach Park, and Hāmākuapoko Beach, reported to the Maui Office of

the State Historic Preservation Division on December 6, 2021, December 19, 2021, and December 27, 2021, Ahupua‘a of Hāmākuapoko, District of Hāmākuapoko, Island of Maui, TMK: (2) 2-6-009:023.

VII. ANNOUNCEMENTS

A. Next meeting is scheduled for Wednesday, February 16, 2022

Pursuant to Hawai‘i Revised Statutes (HRS) §92-3, all interested persons shall be afforded an opportunity to present oral testimony or written testimony on any agenda item. Additionally, pursuant to a policy adopted by the Maui Lāna‘i Islands Burial Council at its August 25, 2005 meeting, oral testimony for items listed on the agenda is limited to three minutes per person per agenda item. Interested persons can submit written testimony in advance of each meeting that will be distributed to Council Members prior to the meeting. Written testimony must be submitted no later than 24 hours prior to the meeting to ensure time for Council Members to review it. Late written testimony will be retained as part of the record, but we cannot assure Council Members will receive it with sufficient time for review prior to decision-making. Submit written testimony to andrew.k.phillips@hawaii.gov. Pursuant to HRS §92-4, §92-5(a)(8), and §6E-43.5, and upon compliance with the procedures set forth in HRS §92-4, the Council may go into a closed meeting to consider information that involves the location or description of a burial site or to discuss confidential genealogy. A request to be placed on a Council meeting agenda must be made in writing with the SHPD History and Culture Branch staff at least two weeks preceding the scheduled meeting date. In addition, the request must be accompanied by all related documents. Failure to comply with this procedure will delay the item to the following month’s agenda. Materials related to items on the agenda are available for review at the Maui State Historic Preservation Division located at 130 Mahalani Street, Wailuku, Maui, Hawai‘i 96793. INDIVIDUALS REQUIRING SPECIAL ASSISTANCE OR AUXILIARY AIDS OR SERVICES (E.G., SIGNLANGUAGE INTERPRETER), PLEASE CONTACT STAFF AT LEAST 72-HOURS PRIOR TO THE MEETING AT(808) 243-1285 SO THAT ARRANGEMENTS CAN BE MADE.