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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

MINUTES  
MAUI/LANAI ISLANDS BURIAL COUNCIL MEETING

DATE: February 28, 2008  
TIME: 9:04 A.M.  
PLACE: PLANNING DEPARTMENT  
KALANA PAKUI BUILDING, 1<sup>ST</sup> FLOOR  
250 S. HIGH STREET  
WAILUKU, HI 96793

OPENING REMARK

Pule by Pua Paoa and self-introduction of members Scott Fisher, Bill Frampton, Pua Paoa, Charlie Maxwell, Lynn Takiguchi and James Ballao. Members Keeaumoku Kapu and Ed Kaahui walk in at 9:16. Newest member James Ballao introduces himself as the Wailuku representative. Mr. Ballao has a M.A. in Education and has taught Hawaiian Studies at Baldwin High School for 12 years. He currently works at an Alternative Learning Center.

Staff members present were: Kawika Farm, Hinano Rodrigues and Jenny Pickett.

Guests present were: Mike Dega, Kenneth Apo, Katherine Smith, Kenneth Hiraoka, Steven Hookano, Lisa Hazuka, Les Kuloloio, Gary Kawano, Leiane Paci, Steve Miller and Dana Naone-Hall.

Election of Vice-Chair

Motion to nominate Scott Fisher by Bill Frampton. Seconded by Lynn Takiguchi. Motion to nominate Keeaumoku Kapu by Ed Kaahui. Seconded by James Ballao.

Secret ballot taken resulting in a tie: 3 for Fisher and 3 for Kapu. Vote retaken resulting in a tie again: 3 for Fisher and 3 for Kapu. SHPD staff Hinano Rodrigues recommended getting an opinion from A.G. Vince Kanemoto at next meeting. Chairman Maxwell states he has prerogative to have two Vice-Chairs, Scott Fisher and Keeaumoku Kapu.

I. Business

**A. Lineal Recognition of Kenneth J. Apo to Burial of Sara “Kale” Kaniaulono Davis, Site 50-50-10-5636 in Kapalua, Honokahua Ahupua’a, Lahaina District, Island of Maui, TMK: 4-2-004: 037 & 4-2-004: portion of 24. Information/Recommendation/Recognition:** Discussion on recommendation by SHPD for Recognition by the Burial Council of Lineal Descendancy.

Mr. Kenneth J. Apo approached the podium to answer questions. Member Kapu asked Rodrigues if Mr. Apo is aware of his right to invoke confidentiality. Rodrigues informed council that Mr. Apo waived that right in his application. Mr. Mike Dega gave council a brief history of case since Mr. Dega performed the AIS. SHPD made the recommendation to the council to recognize Mr. Apo as lineal descendant of Sara Davis. Motion to recognize Mr. Apo as lineal descendant of Sara Davis made by member Fisher with a second by member Kapu. Motion passed unanimous.

Member Kema Kanakaole walks in at 9:27.

**B. Burial Treatment Plan For Site 50-50-16-5421 Feature 10, Niumalu Ahupuaa,, Kaupo District, Island of Maui, TMK: 1-7-03: 16. Information/Recommendation:** Discussion of Burial Treatment Plan.

Extended discussion ensued on this version (6). Comments made by members regarding encumbrance reflected on deed, using the existing rock walls as a natural buffer, a summary of the entire preservation area, and the posting of signs. Mr. Dega will return for final determination that will address the concerns brought up by the council.

### **C. CASE UPDATES / OTHER INADVERTENT DISCOVERIES**

**Human Skeletal Remains Inadvertently Discovered at The Residences at Kapalua Bay, Site of the Former Kapalua Bay Hotel, Napili 2-3 Ahupuaa, Lahaina District, Island of Maui, TMK: 4-2-04: 27, 28 and 29.**

**Information:** Discussion of inadvertent burial discoveries. Item to be discussed later on agenda.

- **Human Skeletal Remains Inadvertently discovered at Pihanaakalani Heiau, Wailuku Ahupua’a, Wailuku District, Island of Maui.**
- **Information:** Discussion on inadvertent burial discovery.

Item to be discussed later on agenda.

- **Human Skeletal Remains Inadvertently Discovered at Maui Lani, Phase 6, Wailuku Ahupua’a, Wailuku District, Island of Maui, TMK: 3-8-07: 131 portion.**
- **Information:** Discussion and update of inadvertent burial discoveries.

Mr. Leslie Kuloloio gave as history of this working relationship with the council and Maui Lani. Lisa Rotunna-Hazuka, contracted archaeologist gave an updated summary of burials: 24 in situ or partial in situ, 25 localities of scattered remains representing 12 individuals-some scatter may belong to in situ or partial insitu.

There was some discussion on the possibility of discovering burials prior to construction, but ground-penetrating radar is limited.

- **Human Skeletal Remains at Kuikahi Extension within Maui Lani Development, Wailuku Ahupua'a, Wailuku District, Island of Maui, TMK: 3-8-07: 151 (pors).**

**Information/Recommendation:** Discussion and update of inadvertent burial discoveries and result of site visit by various members of burial council.

Leiane Paci of Maui Lani Partners provided an update of Kuikahi Drive extension. She stated that 5 council members (Chairperson Charlie Maxwell, Bill Frampton, Lynn Takiguchi, Scott Fisher, and Keeaumoku Kapu) went out to the site. Ms. Paci also provided information on how the road was initially moved to resolve prior discoveries. Ms. Paci also provided information on how the plans have been changed to keep as many burials in place as well as the attempt to relocate burials to an area as close as possible to its origin.

An extended discussion ensued on the importance of the responsibility of protecting the burials, how much encounters do we tolerate, the sensitivity of having burials under the road, and the difficulty of the decision.

Dana Naone-Hall provided public testimony on the difficulty of the situation and the importance of the council's recommendation. The council makes a recommendation, SHPD makes the determination. Ms. Hall also mentioned that Maui Lani has an obligation to provide a roadway and the county will probably not relieve Maui Lani of that obligation.

Uilani Kapu provided public testimony stating that this case is like the Lahaina By-Pass. Ms. Kapu visited the site and can't see the importance of the roadway. Stated we don't need bypasses, highways, we need to protect what we have now.

Steve Ho'okano provided public testimony stating that we need to treat the iwi with utmost respect.

Members voiced their individual opinions as such: Takiguchi-keep in place; Kaahui-wants a better picture of relocation, but may agree to relocate if there are no other alternatives; Kapu-everyone knows my thoughts (preserve in place); Maxwell-leave in place; Kanakaole-leave in place; Paoa-keep in place; Frampton-there might be another way, but sees what Kaahui is saying; Fisher-leave in place.

**Human Skeletal Remains at Maui Lani Parkway within Maui Lani Development, Wailuku Ahupua'a, Wailuku District, Island Of Maui, TMK: 3-8-07: 151 (pors).**

**Information/Recommendation:** Discussion on inadvertent burial discoveries.

Maui Lani development background information provided by Leiane Paci. Discussion on how the history go far back and how the situation may be similar to Kuikahi Extension.

Recess taken at 11:52-12:00 noon.

- **Human Skeletal Remains Inadvertently Discovered at The Residences at Kapalua Bay, Site of the Former Kapalua Bay Hotel, Napili 2-3 Ahupuaa, Lahaina District, Island of Maui, TMK: 4-2-04: 27, 28 and 29.**

Report by Mr. Mike Dega, Ph.D. of SCS of a discovery of human skeletal remains on February 6, 2008 in the path of a vehicular traffic tunnel. There were no artifacts or funerary objects. 85% of the burial was in-situ. There is a possibility of moving the tunnel to keep burials in place.

- **Human Skeletal Remains Inadvertently discovered at Pihanaakalani Heiau, Wailuku Ahupua'a, Wailuku District, Island of Maui.****Information:** Discussion on inadvertent burial discovery.

Report by SHPD of human skeletal remains found at Pihanaakalani Heiau, the discovery resulting from erosion. Remains covered and secured by SHPD Cultural Historian Hinano Rodrigues. Member Kapu informed all those present that a revitalization program is possible.

- **Human Skeletal Remains at Makena Bay Beach Club, Maluaka Ahupuaa, Honua'ula District, Island of Maui, TMK: 2-01-06:56.****Information/Recommendation:** Discussion on inadvertent burial discoveries.

No discussion as this item was previously discussed in October 2007.

**IV. ANNOUNCEMENTS**

**V. ADJOURNMENT**-Meeting adjourned at 12:14 p.m.