

RECEIVED

Date: March 21, 2022

2023 MAR 22 AM 7: 57

To: Council Chairperson, Alice Lee, Maui County Council  
Council Vice Chairperson, Yuki Lei Sugimura, Maui County Council  
Council Member, Tasha Kama, Maui County Council  
Council Member, Tom Cook, Maui County Council  
Council Member, Nohelani U'u-Hodgins, Maui County Council  
Council Member, Shane Sinesi, Maui County Council  
Council Member, Tamara Paltin, Maui County Council  
Council Member, Keani Rawlins-Fernandez

OFFICE OF THE  
COUNTY CLERK

From: Michele Hoopii  
[moeuhane@hawaii.rr.com](mailto:moeuhane@hawaii.rr.com)  
(808) 281-6784

Subject: **OPPOSING Resolution No. 23-98**  
Nominating and Approving the Appointment of Keeaumoku Kapu to the Maui  
County Cultural Resources Commission

Aloha County Council Chairperson, Alice Lee, County Council Vice Chairperson, Yuki Lei Sugimura, County Council Member, Tasha Kama, County Council Member, Tom Cook, County Council Member, Nohelani U'u-Hodgins, County Council Member, Shane Sinesi, County Council Member, Tamara Paltin, and County Council Member, Keani Rawlins-Fernandez,

I **OPPOSE** Resolution No. 23-98

On May 18, 2022 at a Maui-Lana'i Island Burial Council meeting, the nominee, along with other community members, made blatant false accusations about a family member in an attempt to sway the burial council members to deny a cultural descendantcy recognition application for the Ahupua'a of Waihe'e. This is extremely concerning!!

As a Maui County Cultural Resource Commission member honesty, integrity, ethics, transparency and moral values are vitally important to the decision-making processes of the commission. I do not have confidence that this will be maintained should the nominee be approved to the Maui County Cultural Resource Commission.

Deeply concerned,



Michele Hoopii  
Waieh'u Ahupua'a

**CC: Honorable, Richard Bissen, Maui County Mayor,  
Managing Director, Kekuhaupio "Keku" Akana, Maui County  
Planning Director, Kathleen Aoki, Maui County**

June 5, 2022

TO: Maui-Lana'i Island Burial Council  
DLNR Maui Office  
130 Mahalani Street  
Wailuku, HI 96793

FROM: Michele Hoopii  
58 Hoola Hou Street  
Wailuku, HI 96793  
(808) 281-6784  
[moeuhane@hawaii.rr.com](mailto:moeuhane@hawaii.rr.com)

SUBJECT: Concerns Regarding Maui Lana'i Island Burial Council Meeting, May 18, 2022

Aloha Council members,

After listening to the audio recording of the May 18<sup>th</sup> MLIBC meeting, I am compelled, as a family member to Foster Among, to address concerns regarding comments made by burial council member, Kyle Nakanelua and the opposing public testifiers Keeaumoku Kapu, Kaniloa Kamaunu, Sandra Apolo, Jennifer Ahia, and Mikiala Freitas:

1. Kyle Nakanelua's description of "collateral" is UNACCEPTABLE! As the chairperson for MLIBC, I was appalled to hear Kyle Nakanelua's description of collateral as "throwing a grenade" and "killing SHPD"!! Kyle Nakanelua's choice to specifically focus on a description towards "killing SHPD" is shocking, extremely disturbing and highly unprofessional!! Collateral in context of filing for recognition to iwi is:  
*Collateral*: Belonging to the same ancestral stock but not in a direct line of descent
2. Several testifiers, in opposition to Foster Among's cultural descendantcy application to the Ahupua'a of Waihe'e, made erroneous statements in their testimonies. I reject Keeaumoku Kapu's, Kaniloa Kamaunu's, Sandra Apolo's and Jennifer Ahia's testimonies as follows:
  - a. **Keeaumoku Kapu**: Keeaumoku is not privy to the cultural descendantcy application filed by Foster Among therefore has no legal or factual basis to oppose Foster Among's application. Keeaumoku Kapu defamed Foster Among by lying that Foster Among is employed with West Maui Construction Company, is affiliated with Josh Dean and Peter Martin and further slanders Foster Among stating, "*Foster bargains with the developers for the benefit of the private sector*" and "*Foster has a conflict of interest with Josh Dean to bargain with the bones*". Foster Among is **NOT** employed by West Maui Construction Company, has no affiliation to Josh Dean nor Peter Martin or any of their affiliates.
  - b. **Kaniloa Kamaunu**: Kaniloa Kamaunu is not privy to the cultural descendantcy application filed by Foster Among therefore has no legal or factual basis to oppose Foster Among's application. Kaniloa Kamaunu defamed Foster Among by lying that Foster Among "*has had dealings with the construction company*" referenced by Keeaumoku Kapu as West Maui Construction Company operated by Josh Dean and Peter Martin. Kaniloa Kamaunu further slanders Foster by asking council member, Vernon Kalanikau, to "recuse himself because



Vernon Kalanikau has a personal relationship with Foster Ampong” which implies that Foster Ampong and Vernon Kalanikau has a financial conflict of interest. Foster Ampong is **NOT** employed by West Maui Construction Company, has no affiliation to Josh Dean nor Peter Martin or any of their affiliates.

- c. **Sandra Apolo:** Sandra Apolo is not privy to the cultural descendant application filed by Foster Ampong therefore has no legal or factual basis to oppose Foster Ampong’s application. Sandra Apolo defamed Foster Ampong by lying when Sandra Apolo stated “*I am fighting with Foster Ampong them because of the construction happening at the site*” Foster Ampong is **NOT** employed by West Maui Construction Company and has no affiliation to Josh Dean nor Peter Martin or their affiliates therefore it is impossible for Sandra Apolo to be blocking Foster Ampong from the construction site because Foster Ampong is **NOT** employed by West Maui Construction Company.
  - d. **Jennifer Ahia:** Jennifer Ahia is not privy to the cultural descendant application filed by Foster Ampong therefore has no legal or factual basis to oppose Foster Ampong’s application. Jennifer Ahia defamed Foster Ampong by lying that Foster has been “*slandering her for years on social media*” Jennifer Ahia was blocked from Foster Ampong’s social media accounts since 2017. Foster Ampong does **NOT** have any verbal or physical contact with Jennifer Ahia, other than the consultation meetings that are moderated by the landowner’s representative.
  - e. **Mikiala Freitas** testified that she did not know Foster Ampong and that Foster Ampong did not reach out to Mikiala Freitas’ family. Mikiala Freitas is not aware that an elder from Mikiala’s family contacted Foster Ampong’s cousin to get Foster Ampong’s contact information. Mikiala Freitas’s elder of their family spoke to Foster Ampong directly regarding the May 18<sup>th</sup> MLIBC meeting and currently has an open dialogue with Foster Ampong.
3. The purpose of a claimant’s recognition is to allow the claimant to be involved in the decision-making process to care for iwi in a culturally appropriate manner with the landowner, not another recognized cultural descendant. Foster Ampong’s application was deferred due to public opposition. The council stated “the spirit of the law” should be given weight towards Foster Ampong’s application because of the overwhelming public contention but HAR 13-300-35 does not state that public testimony is a requirement for a claimant’s application recognition. The claimant must adhere to a vetting process overseen by SHPD. Public testimony does not go through a screening process to determine if the statements given by the testifier(s) is factual or accurate as was clearly demonstrated by false testimonies given by Keeaumoku Kapu, Kaniloa Kamaunu, Jennifer Ahia and Sandra Apolo in which they lied about Foster Ampong’s employment and affiliation to West Maui Construction Company.

HAR §13-300-24 Duties and responsibilities of the burial council states:

- (g) In accordance with section 13-300-35, the council shall decide whether to recognize a claimant as a lineal or cultural descendant **based on a written assessment provided by the department.**

HAR §13-300-35 Recognition of lineal and cultural descendants.

- (a) In order to establish lineal or cultural descent to human skeletal remains, a person shall submit a claim to the department together with any of the following information:
  - (1) The name of the deceased individual;
  - (2) Family genealogy;
  - (3) Birth certificates;



- (4) Death certificates;
- (5) Obituaries;
- (6) Marriage certificates;
- (7) Probate records;
- (8) Church records;
- (9) Census records;
- (10) Tax records;
- (11) Land conveyance documents including, but not limited to, deeds and land commission awards;
- (12) Oral family history; or
- (13) Any other applicable information or records that help establish a lineal connection

Public testimony should be allowed for the public to express their concerns, but the burial council must be accountable to ensure the decision to accept or deny an applicant's claim is based on facts not defamatory statements. Testifier Johanna Kamaunu demonstrated this in her testimony where Johanna Kamaunu expressed concerns without lying about Foster Ampong's employment and affiliation with West Maui Construction Company and slandering Foster Ampong's character.

- 4. On October 20, 2021, MLIBC voted to recognize Foster as a cultural descendant to unidentified human skeletal remains at the Hawaii Island Land Trust property located in the Ahupua'a of Waihe'e TMK (2)3-2-010:001 which verifies that Foster has already proven a descendency connection to the Ahupua'a of Waihe'e.
- 5. On September 30, 2020 the MLIBC voted to recognize Foster as a lineal descendant to identified human skeletal remains at Kahoma Valley, Site #s 50-50-03-0887 and 50-50-03-08808. Keeaumoku Kapu testified that "Foster is bargaining with the bones" and that Foster should not be allowed to handle iwi. What Keeaumoku Kapu concealed is:
  - a. Keeaumoku Kapu and his affiliates are involved in a land title dispute to the land adjacent to Foster Ampong's family burials.
  - b. Keeaumoku Kapu, and numerous affiliates, are physically blocking Foster Ampong from accessing Foster Ampong's family burials with personal bodies, large boulders, fencing, gates, vehicles, dogs, and verbal assaults.
  - c. Keeaumoku Kapu stated "Foster is bargaining with the bones" but Keeaumoku Kapu contradicts his actions by using Foster Ampong's family burials to navigate a land title dispute. HEWA!!

In closing, the parties above have shown a blatant disregard for civil discourse by demonstrating a premeditated gang attack against Foster Ampong with defamatory and slanderous statements simply because Foster Ampong submitted a cultural descendency application for the Ahupua'a of Waihe'e. This type of behavior elicits a hostile environment that should not be condoned by the burial council. Furthermore, the unwarranted actions against Foster Ampong is a safety concern to me for Foster, my family and friends, and anyone we associate with.

Again, for the record, Foster Ampong is **NOT** employed by West Maui Construction Company, is **NOT** affiliated with Josh Dean, is **NOT** affiliated with Peter Martin, is **NOT** affiliated with West Maui Land Company and/or any other related affiliates. In addition, Foster Ampong has **NO** physical or verbal

contact with Keeaumoku Kapu, Kaniloa Kamaunu, Johanna Kamaunu, Jennifer Ahia, other than consultations with landowners, Sandra Apolo or Mikiala Freitas.

Deeply concerned,



Michele Hoopii

cc: Hinano Rodrigues, Branch Chief  
State Historic Preservation Division

RECEIVED

Date: March 21, 2022

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To: Council Chairperson, Alice Lee, Maui County Council  
Council Vice Chairperson, Yuki Lei Sugimura, Maui County Council  
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Council Member, Tamara Paltin, Maui County Council  
Council Member, Keani Rawlins-Fernandez

OFFICE OF THE  
COUNTY CLERK

From: Foster Ampong  
Phone: (808) 281-3894  
Email: kekahunakeaweii@yahoo.com

Subject: **OPPOSING Resolution No. 23-98**  
Nominating and Approving the Appointment of Keeaumoku Kapu to the Maui  
County Cultural Resources Commission

Aloha County Council Chairperson, Alice Lee, County Council Vice Chairperson, Yuki Lei Sugimura, County Council Member, Tasha Kama, County Council Member, Tom Cook, County Council Member, Nohelani U'u-Hodgins, County Council Member, Shane Sinesi, County Council Member, Tamara Paltin, County Council Member, Keani Rawlins-Fernandez.

I oppose Resolution No. 23-98. The Nominee is violating one of the most fundamental tenets of our Hawaiian Culture by participating in barricading and blocking an access easement to family burials in Kahoma Valley, Lahaina.

On October 26, 2020, I was recognized by the Maui-Lana'i Island Burial Council as a Lineal Descendant to these burials and have made numerous attempts to access the burial site and to remedy a collapsed burial.

The Nominee contradicts himself in his Facebook posting below, in which he cites Hawaii State Constitution Article XII, Section 7, yet violates my access rights under Hawaii State Constitution Article XII, Section 7, Traditional and Customary Rights:





Keeaumoku Kapu

April 8, 2019

...

For those who have been following this journey from the beginning. Last 2 week ago the Public Notice went out to all County State and Federal Agencies, Association, LLC's, all banks, Trust, and I hope OHA paying attention too.

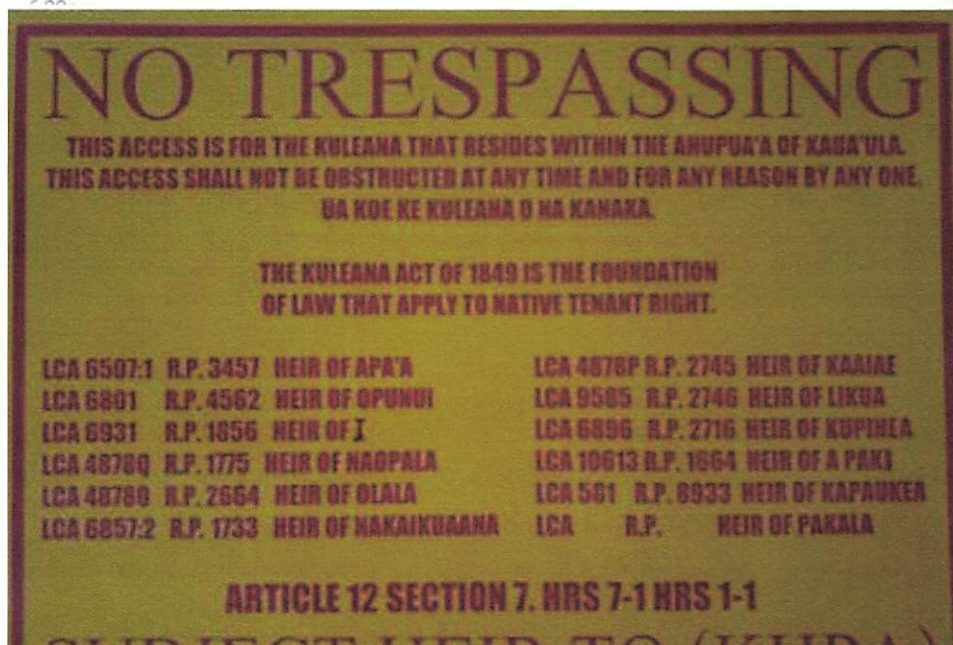
This sign is of families that reside in Kaua'ula valley, Olowalu has a few including the Naho'oikaika ohana thru LCA belonging to Kikau. Kahoma/kanaha get six heirs, total 21 ohana. If you can show that you belong to any of these heirs, or if you know of kupuna aina your ohana knew of, come and join us Thursday, 6:00pm at 562a Front Street. Attention to the mole, stop asking stupid questions because you never going understand unless you listen before you judge. If you going judge then no come.

Everybody invited, even the real-estate people out there. Time for you to STOP or you may lose your license some how and some way, come and I will show you why.

You guys work for these companies you welcome to come too. Time to over flow the cup and bring forward the truth about Title.

Before I check out!

2 years ago these heirs came together and made an oath, to defend our genealogical tie to the aina that was entrusted to the next successor. We up everybody, and we going home. If you claim to own it then we are prepared to litigate. 21 claims so far 10 waiting for final notice. O'ahu, Moku o Keawe, Lana'i Moloka'i, Kaua'i, Ni'ihau, Maui, set it up, I come to you.



As recent as today, Tuesday, March 21, 2023 while testifying via video link before the Hawaii State Commission on Water Resource Management, the Nominee again cited his and his Associates rights under Hawaii State Constitution Article XII, Section 7...

I am gravely concerned that the Nominee will not be objective and impartial to perform the duties and responsibilities required of the Maui County Cultural Resource Commission, and therefore firmly oppose Resolution 23-98

Mahalo



Foster Ampong

CC: Honorable, Richard Bissen, Maui County Mayor,  
Managing Director, Kekuhaupio "Keku" Akana, Maui County  
Planning Director, Kathleen Aoki, Maui County

## **ATTACHMENTS**

For

Written Testimony OPPOSING Resolution 23-98

- A. **February 20, 2021 – Video** showing Nominee and his Associates  
Barricading and Blocking Access to Burials.

**File Name: Kahoma\_20Feb2020**

- B. **December 20, 2022 – Correspondence to the Maui-Lana'i Island  
Burial Council – See accompanying pdf file – Supplement  
OPPOSING Resolution No. 23-98**

- C. **February 28, 2023 – Video** showing Nominee's Associate  
Barricading and Blocking Easement Access to Burials.

**File Name: Kahoma\_28Feb2023**

**2:10 Time Mark** - Wahine in video standing behind Nominee's  
Associate apparently reading text message, looks up from her  
cellphone then mentions to the police officer to contact "Uncle  
Keeaumoku Kapu..." – "...he owns the land."



**Supplement to Written Testimony submitted by Foster Ampong, dated  
March 21, 2023**

**OPPOSING Resolution No. 23-98**

**Nominating and Approving the Appointment of Keeaumoku Kapu to  
the Maui County Cultural Resources Commission**

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**Letter to Maui-Lana'i Island Burial Council, Dated, December 20, 2022**

December 20, 2022

To: **Maui-Lana'i Island Burial Council**  
DLNR Maui Office  
130 Mahalani Street  
Wailuku, Hawai'i 96793  
TEL: (808) 243-1285  
FAX: (808) 243-5838

cc: Hinano Rodrigues,  
Branch Chief, Culture & History

**Attention:**

Chairperson, Kyle Nakanelua  
Council Member, Scott Fischer  
Council Member, Everette Dowling  
Council Member, Iris Pe'elua  
Council Member, Vernon Kalanikau  
Council Member, Michele Hoopii

From: Foster, Ampong  
58 Ho'ola Hou Street  
Wailuku, HI 96793  
Phone: (808) 281-3894  
Email: [kekahunakeaweii@yahoo.com](mailto:kekahunakeaweii@yahoo.com)

**Subject:** **For the Record: Violation of Traditional and Customary Rights - Hawaii State Constitution Article XII- 7, - Blocking Access to Registered Family Burials, Site#'s 50-50-03-08807 and 50-50-03-08808.**

**Location:** Kahoma Valley, Ahupua'a of Kuholilea, District of Lahaina, Island of Maui, TMK: (2) 4-5-017:001

**Perpetrators:** Jonah Ke'eaumoku Kapu  
Kennard Kaipo Kekona  
Kaulana Kapu  
J. Kapali Keahi  
Jacelyn Hacha Haunani Barrozo  
Jeremy Adam Kekoa Konohia  
Suzzette Felicilda  
Kahikilani Niles  
Tammy Evangelista  
David Bucholz  
Rose Riley  
Kamana Ng  
Numerous Unknown Affiliates

Aloha Council Members,

**Please be informed:**

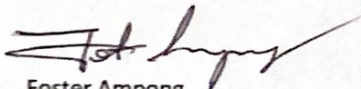
As a recognized Lineal Descendant to family burials at Site #'s 50-50-03-08807 and 50-50-03-08808 in Kahoma Valley, Lahaina, please be advised, one of the burials is collapsing risking exposure to the elements and feral animals.

I have made attempts for the past year or so to remedy this situation but are being physically blocked with iron gates, boulders, wooden barricades, dogs, verbal threats and abuse, as well as groups of persons. With an approaching Kona storm, on my last attempt to tend to the burials, I was forced to cross Kahoma Stream to lay covering to protect the burial.

As a matter of law, under Hawaii State Constitution Article XII- Section 7, Jonah Ke'eaumoku Kapu; Kennard Kaipo Kekona; Kaulana Kapu; J. Kapali Keahi; Jacelyn Hacha Haunani Barrozo; Jeremy Adam Kekoa Konohia; Suzette Felicilda; Kahikilani Niles; Tammy Evangelista; David Bucholz; Rose Riley; Kamana Ng; and other Affiliates are violating my traditional and customary rights

Reference Attached: F. Among Letter to MLIBC dated June 14, 2022

Mahalo.



Foster Among  
Recognized Lineal Descendant  
LOG NO: 2020.02522  
DOC NO: 2010AKP11



June 14, 2022

To: Maui-Lana'i Island Burial Council  
Attn: Kyle Nakanelua, Chairperson  
DLNR Maui Office  
130 Mahalani Street  
Wailuku, Hawai'i 96793  
TEL: (808) 243-1285  
FAX: (808) 243-5838

cc: Hinano Rodrigues, Branch Chief  
State Historic Preservation Div.

From: Foster, Ampong  
58 Ho'ola Hou Street  
Wailuku, HI 96793  
Phone: (808) 281-3894  
Email: [kekahunakeaweiji@yahoo.com](mailto:kekahunakeaweiji@yahoo.com)

Subject: **Written Response to Testimonies Opposing Agenda Item IV – E: Descendancy Claim Application of Foster Ampong Unidentified Human Skeletal Remains, at 2644 Kahekili Hwy, Kapuna Seaside Subdivision, Ahupua'a of Waihe'e, Wailuku District, Island of Maui, TMK: (2) 3-2-002: 041**

Re: **Applicant's Written Response to Testimonies Given on Agenda Item IV – E**

References: **Audio Recording** <https://drive.google.com/drive/folders/1BE6pzkuotSZWw2O40S-dH8ZCEVXRWKYV?usp=sharing>

AGENDA (May 18, 2022) MAUI LĀNA'I ISLANDS BURIAL COUNCIL MEETING

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**Aloha:** **Chairperson, Kyle Nakanelua**, District Representative-Hana  
**Council Member, Dr. Scott Fisher**, Landowner/Developer Representative  
**Council Member, Everett Dowling**, Landowner/Developer Representative  
**Council Member, Iris Peelua**, Landowner/Developer Representative  
**Council Member, Vernon Kalanikau**, District Representative- Honua'ula

It was brought to my attention - Testimonies Opposing Agenda Item IV – E: Descendancy Claim Application of Foster Ampong Unidentified Human Skeletal Remains in the Waihe'e Ahupua'a were publicly voiced.

Having not been present at the Maui-Lana'i Island Burial Council Meeting on May 18, 2022, I hereby submit my response regarding Agenda Item IV – E of the MLIBC May 18<sup>th</sup> Meeting and demonstrate to council members the importance, both "legally" e.g., Hawaii Administrative Rules Title §13-300-35

Aloha Council Members,

**Please be informed:**

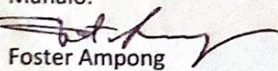
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I have made attempts for the past year or so to remedy this situation but are being physically blocked with iron gates, boulders, wooden barricades, dogs, verbal threats and abuse, as well as groups of persons. With an approaching Kona storm, on my last attempt to tend to the burials, I was forced to cross Kahoma Stream to lay covering to protect the burial.

As a matter of law, under Hawaii State Constitution Article XII- Section 7, Jonah Ke'eaumoku Kapu; Kennard Kaipo Kekona; Kaulana Kapu; J. Kapali Keahi; Jacelyn Hacha Haunani Barrozo; Jeremy Adam Kekoa Konohia; Suzette Felicilda; Kahikilani Niles; Tammy Evangelista; David Bucholz; Rose Riley; Kamana Ng; and other Affiliates are violating my traditional and customary rights

Reference Attached: F. Ampong Letter to MLIBC dated June 14, 2022  
M. Hoopii Letter to MLIBC dated June 5, 2022

Mahalo.

  
Foster Ampong

Recognized Lineal Descendant

LOG NO: 2020.02522

DOC NO: 2010AKP11

Recognition of lineal and cultural descendants; and as a Kanaka in the ‘Spirit of the Law’ to factcheck and verify testifier’s oral history that is presented before the council to ensure the integrity of the process is fair, just, and legal.

**Audio Recording** <https://drive.google.com/drive/folders/1BE6pzkuotSZWw2O40S-dH8ZCEVXRWKYV?usp=sharing>

Audio Recording  
Time Mark:

Testifiers:

<u>44:25</u>	Keeaumoku Kapu
<u>49:56</u>	Miki’ala Puaa-Freitas
<u>51:53</u>	Kaniloa Kanaumu
<u>55:33</u>	Sandra Lene Kealoha Apolo
<u>59:32</u>	Jennifer Ahia

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**46:43**                      **Testifier:    Keeaumoku Kapu**

**Time Mark:**

**Testimony**

**46:43**

- a) “I get one a pickle to pick with everybody and I think this company that hit this burial is the company that hit the burial in Lahaina where I live. That’s West Maui Construction”
- b) “I ‘m here to test the validity of the claim of Foster Ampong”
- c) The reasons why because he has an “affiliation with this company”
- d) “and my recommendation to this body is to not give him any descendancy recognition”
- e) to “tighten up what is required by law”
- f) “This individual has multiple claims”
- g) “Only to allow that individual to bargain with the bones”.
- h) “I came in front this council many times before (???) and the Kuleana of careship of iwi kupuna is great”
- i) “-sometimes individuals gotta literally jump in the hole to stop desecration that’s happening and happening in Lahaina
- j) “And the conflict interest of Foster Ampong working with individual companies namely the owner of West Maui Construction, Josh Dean”
- k) “I want all this that I’ve said placed on the minutes to make sure that we rectify the illegalities that is happening by individuals claiming cultural descendancy so they can bargain” – “so they can bargain on a process to make sure that everything goes for the betterment of the private sector – “I’m totally against that”
- l) “Now people claiming to be stepping forward to malama the iwi kupuna and they have a direct lineal descendancy and cultural descendancy ties”
- m) “It’s good to see the young generations step up because we getting old already”



46:40

n) (??Inaudible??) “Things are getting really complicated..” (??Inaudible??) “seeing that these things happen”...“a collateral damage that is placed on descendants that are of that area from descendants that are not from that area so I highly recommend that this body to look more into this application of this cultural descendancy because he get descendancy claims all over – Hana, Lahaina, Kahana, Kahoma Valley, a lot of um over here too”

47:09

o) “The only reason why I question the validity of these claims is because it gives him an opportunity to negotiate with the private sector and not the Ohana that is trying to protect the iwi kupuna”

47:22

p) End of Testifier, Keeaumoku Kapu’s testimony to the burial council.

47:31

q) Council Member, Kalanikau addresses Testifier, Keeaumoku Kapu – stating “I cannot accept yu testimony. He was never bought out or even thinking of being bought out or working for Josh Dean.” - “But what you saying I cannot accept that testimony”

48:18

r) Keeaumoku Kapu responds “You entitled to that” ... “I just wanna make sure this body knows that this same company - This same company desecrated many burials in Lahaina and have a close affiliation to Foster Ampong because his family purchased property from Josh Dean in Kahoma Valley – purchased property – that’s what the conflict is – The conflict is his interrelationship with this company – that’s where my conflict is – If I gotta take this thing to higher level... challenge this council, on a contested case, yeah I’m gonna do it.”

49:13

s) “And all I’m asking for is reconsider his application for descendancy claim..”

t) “What I’m getting at is the family that lives there don’t even know who he is.”

u) that “Foster Ampong works for Josh Dean and all those guys...”.

#### My Response:

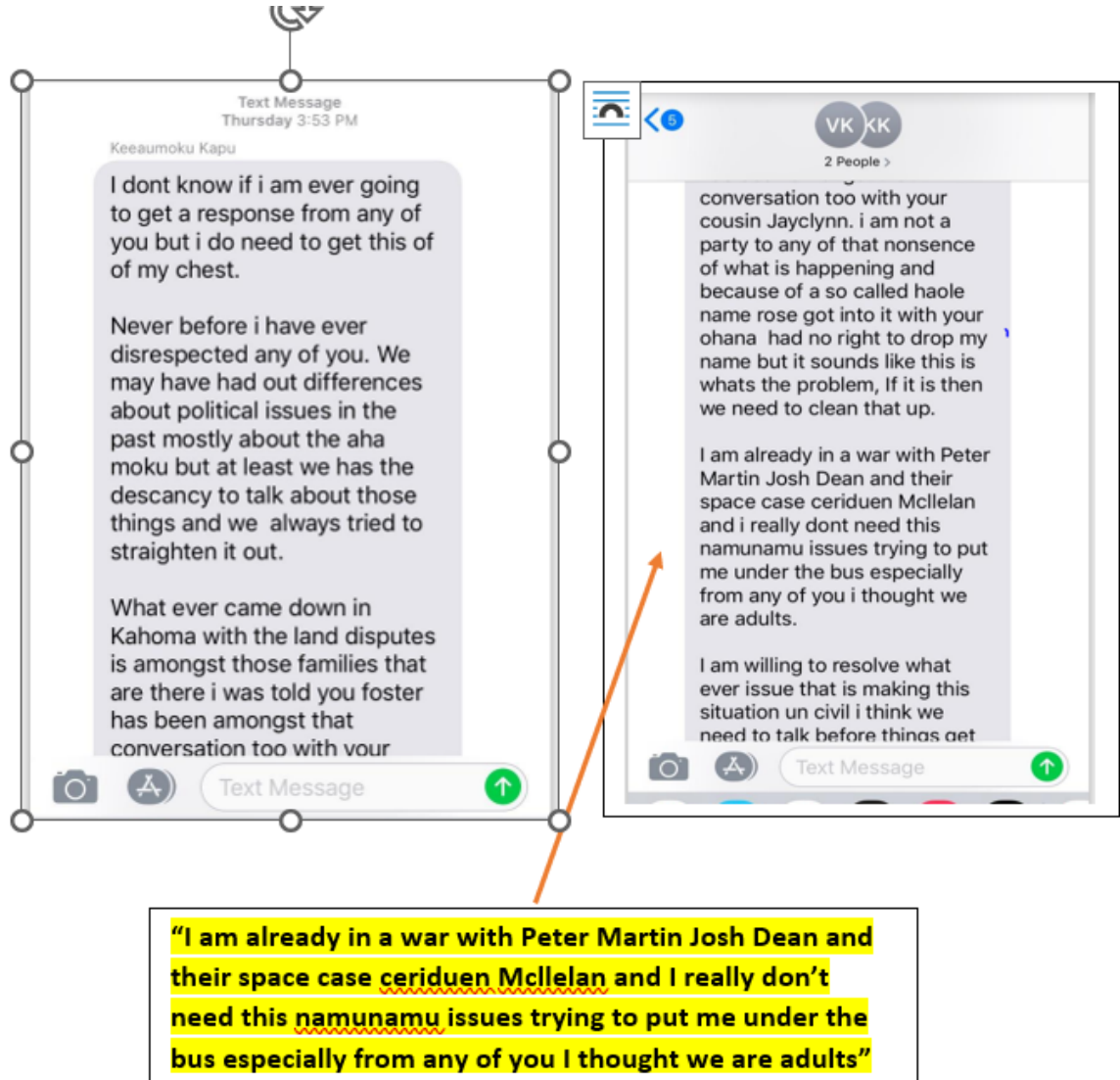
1. My descendancy application is confidential and the information is not privy to the public. Keeaumoku Kapu lacks sufficient oral and written history of my family.
2. Keeaumoku Kapu’s accusations (*sections a, c*) that Cultural Descendant Applicant has and “affiliation to Josh Dean” and works for “West Maui Constructions” is an outright lie to personally attack and assassinate my character. I am not affiliated nor worked for Josh Dean and West Maui Construction at any time in the past nor present.

Note: Burial Council Members can factcheck Keeaumoku Kapu’s story simply by reaching out to Josh Dean, yourselves.

After hearing the Audio Recording, I made a few quick inquires and obtained Josh Deans contact number: (808) 357-3593 –

3. Photos and screenshots below were shared by ohana.
4. Keeaumoku Kapu came to the Maui-Lana’i Island Burial Council with the premeditated intent of fabricating a slanderous story to persuade the council into denying my descendancy application and to manipulate public opinion against me.

5. The following text message from Keeaumoku Kapu back in December of 2020 demonstrates – Keeaumoku Kapu is at “war” with Peter Martin, Josh Dean, Ceriden McLellan (Kahi) and has now included me in his personal vendetta.



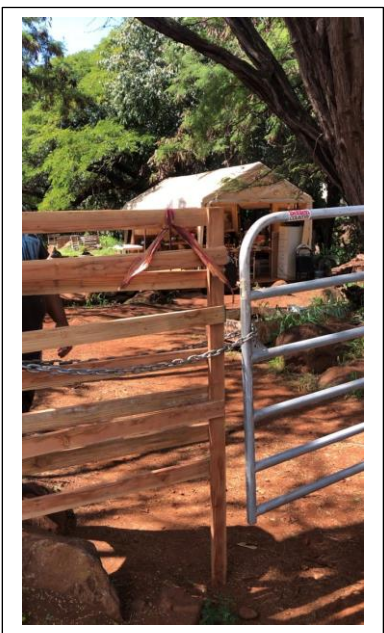
- 4 Keeaumoku Kapu did not tell the council that he and his subordinates have been physically blocking my family and I, from accessing our family burials that I registered with SHPD and obtained lineal descandancy recognition from MLIBC.
- 5 **Events at Kahoma Valley:** (Photo contribution by Applicant's Ohana)

On September 30, 2020, Keeaumoku Kapu and his subordinates (*pages 5 -* ) have erected metal/wire fencing, wood planks, iron gate with lock; and on numerous

occasions with their bodies, physically **blocked me and my family from accessing the burials that are located on the adjacent parcel.**



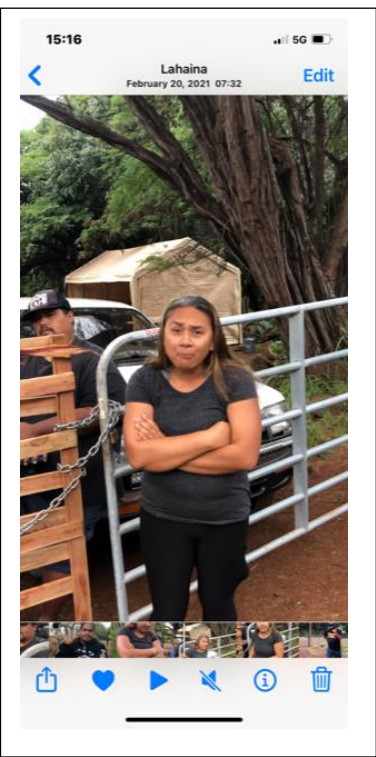
**Access to Burials - Blocked**



**Access to Burials - Blocked**

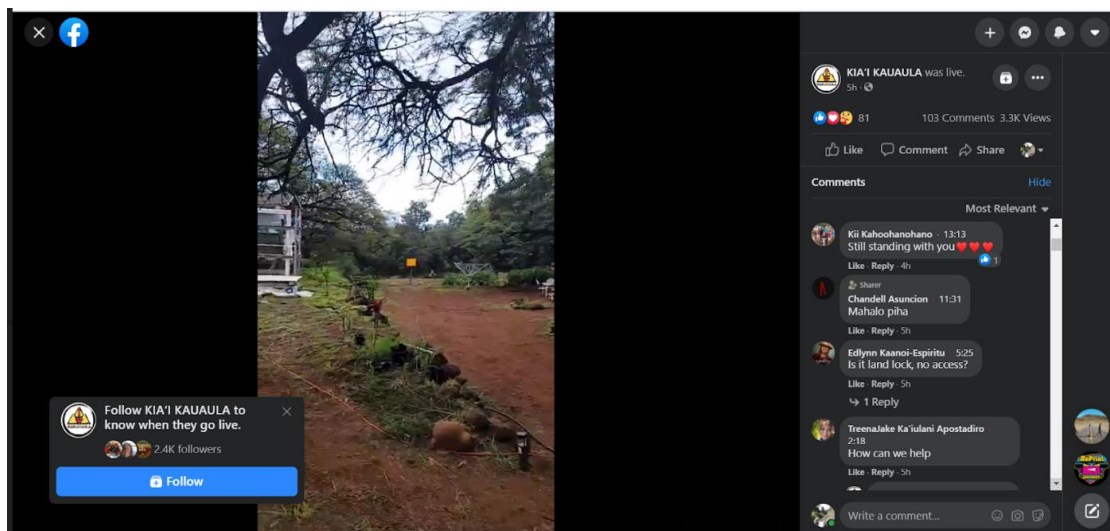
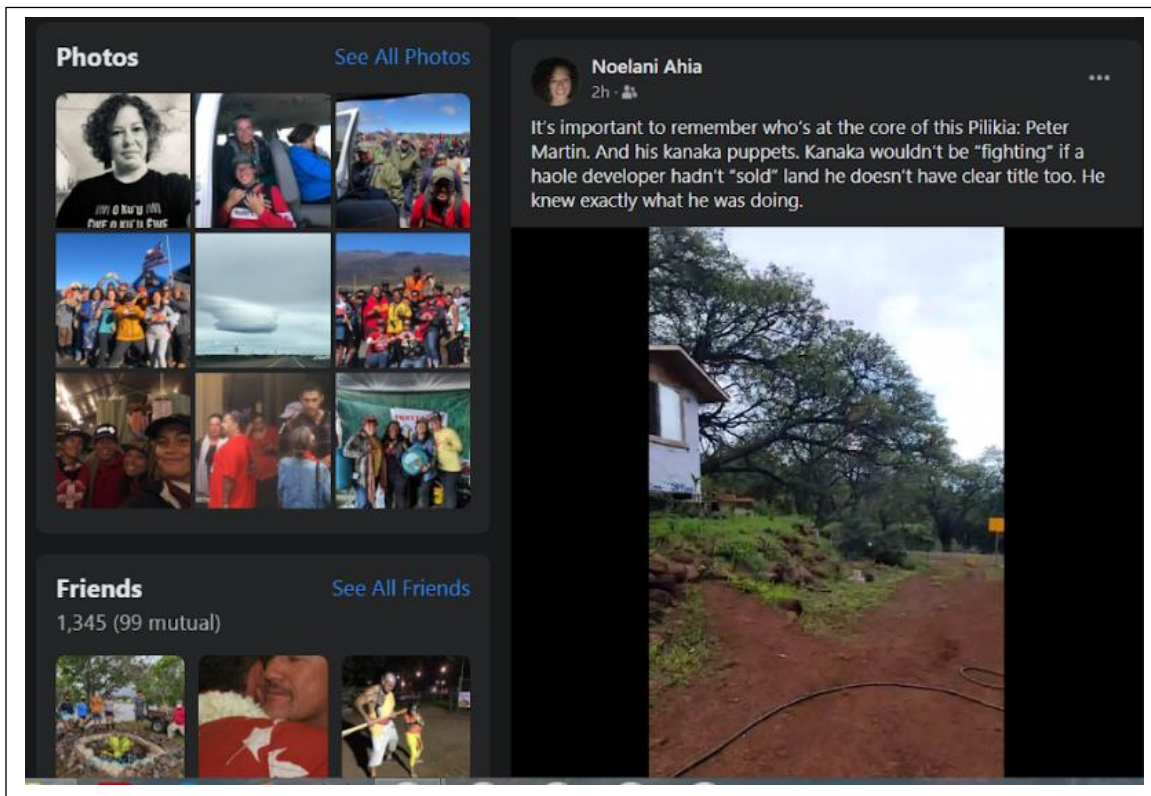


**Keeaumoku Kapu**



**Jacelyn Barrozo**

## Jennifer Noelani Ahia – Facebook Posting on Kiai Kauaula Group Page



Jennifer Ahia does not have written and oral history of my mother's family burials and lands in Kahoma.





**Sitting: Kaipo kekona  
Standing: Keeaumoku Kapu**



**Foreground: Kapali Keahi, Suzette  
Felicilda with camera in hand**



**Jesse Kaulana Kapu**



**Kaipo Kekona**



**Kapali Keahi**



**Jesse Kaulana Kapu**



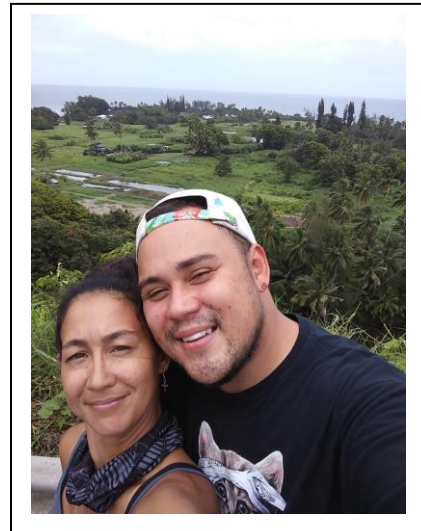
Suzette Felicilda



Rose Riley



Tammie Evangelista



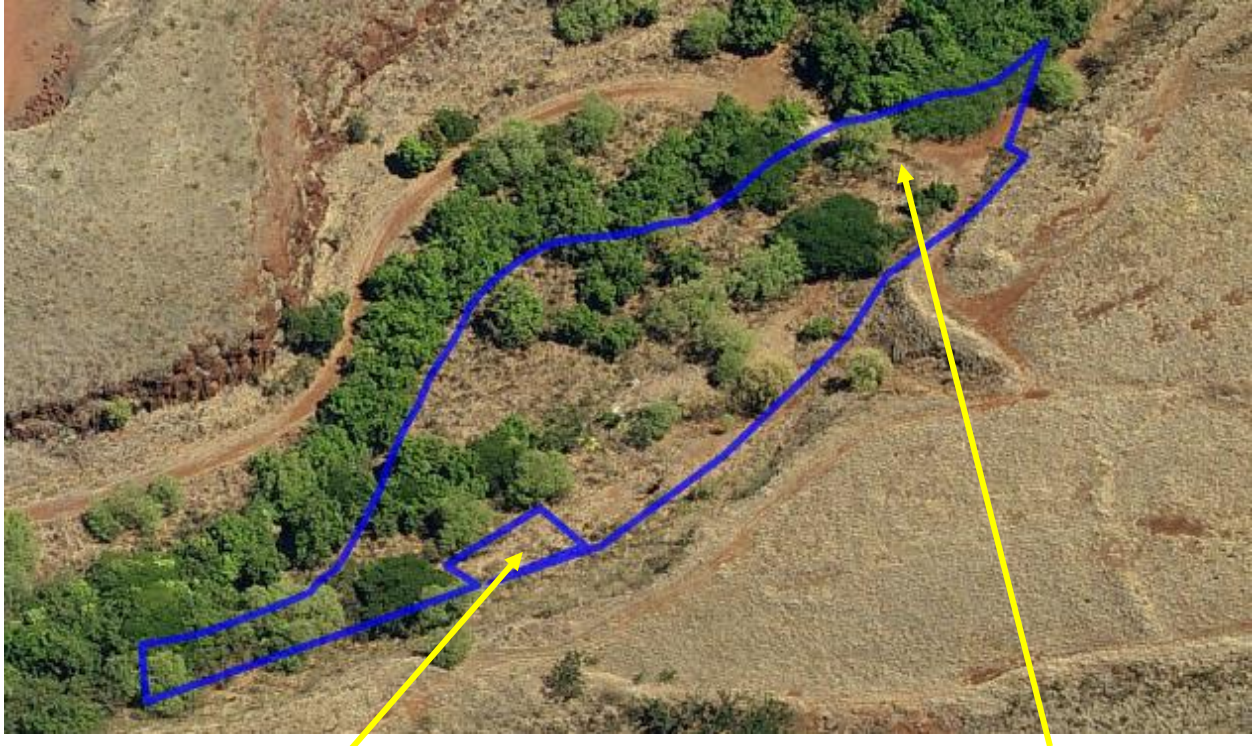
Tammie Evangelista – David Bucholz



David Bucholz



## 6. Descendancy Applicants's Burials at Kahoma Valley

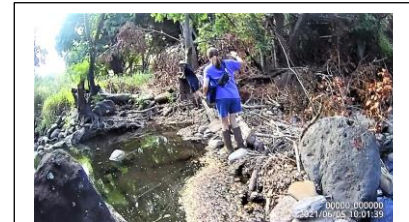


TMK: 45017001000 – Family Burials

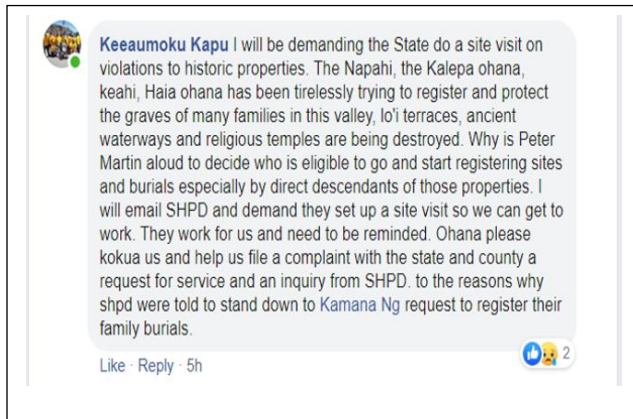
TMK: 45017002000 – Privately Owned Land adjacent to Burials where blocking access to Burials by Keeaumoku Kapu and Subordinates are taking place.



Having to cautiously navigate boulders and loose rocks, because of access to burials were blocked by Keeaumoku Kapu and his Subordinates - Applicant's Ohana was able to place protective covering over collapsing burial ahead of a coming Storm in May/June of 2021



## 7. Keeaumoku Kapu and Kamana Ng



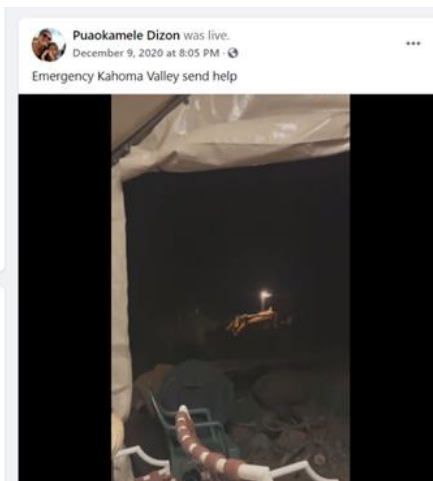
**Kamana Ng**, one of many subordinates of Keeaumoku Kapu, squatting on the disputed land adjacent to applicant's family burials made the following comments at the burial site in August of 2020-

- admitted to me (Witnesses present) he had 'no ties to my family burials'
- – "and was just helping the families (Kალალuhi Ohana) take care the burials.
- in August 2020, at the burial site, stated he was given permission from a Lineal Descendant to be on the adjacent land.



**Kaci-Cheree Puaokamele Dizon** – another Subordinate of Keeaumoku Kapu, along with her husband and children were amongst the first squatters blocking access to applicant's family Burials in 2020 – Kaci-Cheree Puaokamele Dizon and her family have no "Kuleana" ties to these family burials and the adjacent land.

Facebook Post – August 2020 **"...you are my enemy..."**

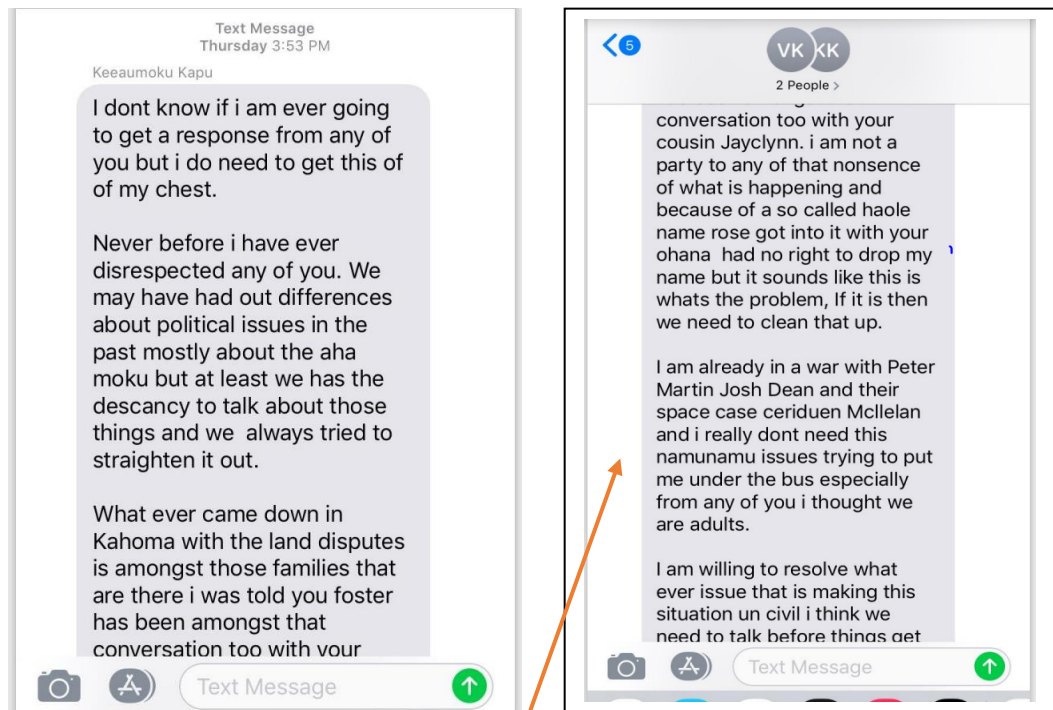


On or about December 9, 2020, two adult males were physically beaten in their Lahaina home in front of children because of a posting calling for help – The caller alleged she and her children were in danger because of the driver operating the Backhoe Dozer (Photo at left).

Note:

What is not seen in this photo is, between the Backhoe Dozer and camera's position beneath a tent is Kahoma Stream – separating the two at approximately 70- 80 yards.





**"I am already in a war with Peter Martin Josh Dean and their space case ceriduen McIllelan and I really don't need this namunamu issues trying to put me under the bus especially from any of you I thought we are adults"**

8. Several of Keeaumoku Kapu's subordinates who are squatting on the adjacent property, have made claims to the burials to fabricate the illusion they are "iwi protectors".
9. Under Hawaii Administrative Rules Title §13-300-35 Recognition of lineal and cultural descendants, applications for Descendant Recognition, when approved by the burial council(s) establishes "legal standing" in the consultation process with the landowner where iwi kupuna is disturbed and to work together in the best interest of the iwi kupuna, not for the interest and/or agenda of anyone else.
10. I do not and have never worked for Josh Dean and/or West Maui Construction.
11. I was born in 1958 and like my mother, my siblings and I were raised in Kahoma Ahupua'a and Waihe'e Ahupua'a. Keeaumoku Kapu was not born during this time.

**Keeaumoku Kapu's testimony is not credible** - without properly administering HAR §13-300-35 Recognition of lineal and cultural descendants the burial council risk the ramification of liability and lose of public confidence.

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**49:56**

**Testifier: Miki'ala Pua'a-Freitas**

**Time Mark:**

**Testimony:**

**49:56**

a) "Okay. Aloha again everybody. Um, yeah, I'm just here to speak o behalf of my Ohana again.

**50:04**

b) "I don't know Mr. Foster Ampong. I never met him – um - and um..."

**50:30**

c) "...and we have big ohana and when it comes the iwi and the development that is happening around us – like we're keeping it within our ohana and trying to navigate it."

**50:33**

d) "He's never reached out to us um – I've never – I've never met him..."

**51:28**

e) **"I've never met him, but from what I've heard"** – and being part of the process

**My Response:**

1. From the Audio Recording of the Maui-Lana'i Island Burial Council, May 18, 2022, meeting, Miki'ala Pua'a Freitas stated "I don't know Mr. Foster Ampong" and "I never met him." *Paragraph [b]*
2. Had **Miki'ala Pua'a-Freitas** checked with her family elders, first before hastily giving testimony, she would have been properly informed of my relationship to Waihe'e.



3. My descendency application is confidential and the information is not privy to the public. Miki'ala Pua' a-Freitas lacks sufficient oral and written history of my family.
4. I was born in 1958 and like my mother, my siblings and I were raised in Kahoma Ahupua'a and Waihe'e Ahupua'a. Miki'ala Pua' a-Freitas was not born during this time.
5. Under Hawaii Administrative Rules Title §13-300-35 Recognition of lineal and cultural descendants' applications for Descendant Recognition, when approved by the burial council(s) establishes "legal standing" in the consultation process with the landowner where iwi kupuna is disturbed and to work together in the best interest of the iwi. I am not there for another descendant's interest and/or agenda.

**Miki'ala Pua'a-Freitas' testimony is not credible** - without properly administering HAR §13-300-35 Recognition of lineal and cultural descendants the burial council risk the ramification of liability and lose of public confidence.

**51:53**

**Testifier: Kaniloa Kanaumu**

**Time Mark:**

**Testimony:**

**53:21**

a) "But...the thing is...coming to Foster now...I going be honest...we do have kind of a rough relationship as of late..."

**53:32**

b) "I do agree with Keeaumoku..."

**53:42**

c) "The thing you have to consider is the relationship between the two parties, right... um..."

**53:55**

d) "...and in the areas that he's asked to be recognized as a cultural descendant should be looked at..." - Now, that's gonna be your discern(??) to decide whether or not he qualifies"

**54:05**

e) "But I think there is an underlying portion that needs to be taken into consideration and that he has had dealings with this company. Which is the one that is on this side now."

**54:16**

f) "So that needs to be clearly looked into – even though if SHPD made – go to the root of what is there – If they're gonna do that then I understand why."

**54:19**

g) "You know – That's another concern..."

h) "...Vernon and I we grew up together." – "But I think at this point- um – that he's come forward that he actually recuses himself from the process because of their personal relationship."

**My Response:**

1. My descendency application is confidential and the information is not privy to the general public, Kaniloa Kanaumu lacks sufficient oral and written history of my family.
2. Kaniloa Kanaumu states in *paragraph [b]* "I do agree with Keeaumoku..." and *paragraph [e]* "But I think there is an underlying portion that needs to be taken into consideration and that he has had dealings with this company. Which is the one that is on this side now." – **therefore**, Kaniloa Kanaumu supports the attack and assassination of my character by Keeaumoku Kapu. Kaniloa Kanaumu joins Keeaumoku to slander and defame me.



3. Under Hawaii Administrative Rules Title §13-300-35 Recognition of lineal and cultural descendants' applications for Descendant Recognition, when approved by the burial council(s) establishes "legal standing" in the consultation process with the landowner where iwi kupuna is disturbed; and to work together in the best interest of the iwi. I am not there for another descendant's interest and/or agenda.
4. I do not and have never worked for Josh Dean and/or West Maui Construction.
5. I was born in 1958 and like my mother, my siblings and I were raised in Kahoma Ahupua'a and Waihe'e Ahupua'a. Kaniloa Kanaumu was not born during this time.

**Kaniloa Kanaumu's testimony is not credible** - without properly administering HAR §13-300-35 Recognition of lineal and cultural descendants the burial council risk the ramification of liability and lose of public confidence.

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**55:33**

**Testifier: Sandra Lene Kealoha Apolo**

**Time Mark:**

**Testimony:**

**55:33**

**a)** "Aloha. My name is Sandra Lene Kealoha Apolo. I am a lineal descendant from that Molu in Kapuna – It's actually known as Kapuna – It's not know as Waihe'e"

**56:27**

**b)** "I'm here because I'm learning this process – because I am in this process right now..."

**56:30**

**c)** "I am fighting with Foster Among them... (?) – the construction that is happening at our site"

**56:42**

**d)** "...in fact, we are directly blocking them from coming into our property." – "We have stopped them from coming into our property."

**56:55**

**e)** "....and I'm so glad that you made clear Mo'olelo stands..."

**57:32**

**f)** "...all I ask is if this person is claiming descendant, please think real hard because like said, we don't know him..."

### My Response:

1. My descendancy application is confidential and the information is not privy to the public. Sandra Lene Kealoha Apolo lacks sufficient oral and written history of my family.
2. Under Hawaii Administrative Rules Title §13-300-35 Recognition of lineal and cultural descendants' applications for Descendant Recognition, when approved by the burial council(s), establishes "legal standing" in the consultation process with the landowner where iwi kupuna is disturbed and to work together in the best interest of the iwi. I am not there for another descendant's interest and/or agenda.
3. Sandra Lene Kealoha Apolo stated, in paragraph [f] "we don't know him" yet before making that statement in paragraph [c] she claims "I am fighting with Foster Among them... (?) – the construction that is happening at our site"
4. Had Sandra Lene Kealoha Apolo checked with her family, first before hastily giving testimony, she would have been properly informed of my relationship to Waihe'e.
5. I do not and have never worked for Josh Dean and/or West Maui Construction.
6. I was born in 1958 and like my mother, my siblings and I were raised in Kahoma Ahupua'a and Waihe'e Ahupua'a. Sandra Lene Kealoha Apolo was not born during this time.

**Sandra Lene Kealoha Apolo testimony is not credible** - without properly administering HAR §13-300-35 Recognition of lineal and cultural descendants the burial council risk the ramification of liability and lose of public confidence

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**59:32**

**Jennifer Ahia**

**Time Mark:**

**Testimony:**

**59:50**

"...this particular individual has made my life very, very challenging."

**1:00:03**

"As co-descendant on other projects, this person has slandered my name for years on social media as well with no evidence whatsoever"

**1:00:13**

"I'm sorry to say Mr. Kalanikau you have done that to me as well"

**1:00:45**

...we had (inaudible) ...recently at Waiko (inaudible) ...assessment of the iwi that we have (inaudible) ...we have to wrap them

1:00:53

“...and the kupuna woke me up the night before telling me I have to pule about Foster so I could be pono when I went there (inaudible)...I wouldn’t have pilikia in the room when I went there”

1:01:04

“ (inaudible)...I couldn’t sleep all night...to make pono inside myself”

1:01:14

“I went up to him to aloha him and he crossed his arms, and snubbed his nose, and walked away.” – “I felt like how can you be like this in front of our kupuna”

### **My Response**

1. My descendant application is confidential and the information is not privy to the public. Jennifer Ahia lacks sufficient oral and written history of my family, and her testimony addressed her personal issues outside of the parameters of Hawaii Administrative Rules Title §13-300-35 Recognition of lineal and cultural descendants.
2. My Descendant Application is to have legal standing to engage in the consultation process with the landowner – NOT to entertain people.
3. Under Hawaii Administrative Rules Title §13-300-35 Recognition of lineal and cultural descendant’s application for Descendant Recognition, when approved by the burial council(s) establishes “legal standing” in the consultation process with the landowner where iwi kupuna are disturbed; and to work together in the best interest of the iwi. I am not there for another descendant’s interest and/or agenda.
4. Jennifer Ahia’s perception regarding how to care for iwi is her own personal preference and process. I have my own process, beliefs, way of communing with the iwi which doesn’t include being a follower. Jennifer Ahia has never accompanied/participated with me in how I care for iwi kupuna at Hanakao’o Ahupua’a, Honokowai Ahupua’a, Moali’i Ahupua’a, Kuholilea (Kahoma Valley) Ahupua’a, Waikapu Ahupua’a, Wailuku Ahupua’a, Waiehu Ahupua’a, Pulehu Nui Ahupua’a, Ka’ono’ulu Ahupua’a.
5. I will note here for the council, the week after the May 18<sup>th</sup> MLIBC meeting Jennifer Ahia, Vernon Kalanikau, and myself met with Leilani Pulmano for our weekly Waiko updates. Cultural Descendant, Vernon Kalanikau brought up Jennifer Ahia’s testimony for discussion. However, without any emotions and a firm response, Jennifer Ahia stated, “This is not the appropriate place to discuss it.”
6. **Two occurrences took place whereupon factual and historical contradictions were made by Jennifer Ahia 1) January 16, 2019, and 2) January 19, 2022. Both incidents raise serious credibility issues when oral testimony is accepted by the burial council without adhering to HAR §13-300-35 Recognition of lineal and cultural descendants:**

1. On January 16, 2019:

- **In Open Session (see meeting minutes)**, Jennifer Ahia gave Testimony before the Maui-Lana'i Island Burial Council in support of her descendancy application to unidentified human skeletal remains at Maui Lani Phases VI & IX.
- **Jennifer Ahia claimed** unidentified human skeletal remains at Maui Lani are her ancestors – her “family” *paragraph [a], [b], [h], [l], [m]* of the Alapa and Piipii Regiments of Kalaniopuu from Hawaii Island ---
  - “who were slain at the Battle of Kakanilua” *paragraph [b], [h]*...
  - ...and “buried” in Wailuku. *paragraph [a], [b], [n]*
  - “Mo’olelo states in Kamakau, “they slew the Alapa on the sandhills at the southeast of Kalua. There the dead lay in heaps, strewn like kukui branches; the corpses lay heaped in death; they were slain like fish, enclosed in a net.” - *paragraph [e]*

**Contradiction:** According to Hawaiian Scholar, Samuel Kamakau cited by Jennifer Ahia in *paragraph [e]* her ancestors of the Alapa and Piipii Regiments of Kalaniopuu from Hawaii Island were slain at the battle of Kakanilua “lay in heaps, strewn like kukui branches; the corpses lay heaped in death; they were slain like fish, enclosed in a net.” – **not “buried”, as she claimed in** *paragraph [b], [n]*; therefore, her

**Meeting Minutes for January 16, 2019, attached below:**

Excerpt (page 2 – 4)

- [a] “- Ms. Ahia stated that she is present before council to demonstrate that she has ancestors that are buried in the district of Wailuku.”
- [b] “- Ms. Ahia explained that her genealogical connections to ancestors who are buried in district of Wailuku comes from descendancy from Keawe line and warriors of the Alapa and Pi’ipi’i regiments who were slain in the battle of Kakanilua.”
- [c] - Per Ms. Ahia, according to Desha, page 33 of Kamehameha and His Warrior Kekuhaupi’o, “those chiefly armies named the Alapa and Pi’ipi’i were composed of persons who were related in some way to Chief Kalani’ōpu’u and also some brave, fearless lesser chiefs. Most of the Alapa and Pi’ipi’i were ‘ohana in the Keawe line.”
- [d] - Ms. Ahia stated she is a direct descendant of Keawe’īkekaiali’iokamoku, his son, Kalaninuiiamamao and his son, Kalani’ōpu’u. Some warriors that are mentioned by name in the mo’olelo that fought in the battle that the applicant has direct genealogical ties to, besides Kalani’ōpu’u, is Keaweokahikona and Keawemauhili per Ms. Ahia.



- [e] - Mo'olelo states in Kamakau, "they slew the Alapa on the sandhills at the southeast of Kalua. There the dead lay in heaps, strewn like kukui branches; the corpses lay heaped in death; they were slain like fish, enclosed in a net."
- [f] - Per Ms. Ahia, In the Archaeological Assessment Report for Well Sites 5, 6, and 7, portions of residential sites in Phase 9 by Hazuka and Pantaleo 2007, it states in reference to the district, "District of Wailuku contains the ahupua'a of Waiehu, Waihe'e and Kahakuloa to the north and Waikapu and Pulehu Nui to the south."
- [g] - Intention for being here is not for recognition of battle, we all know it took place. Same Archaeological Assessment for Maui Lani, states, "another battle, the battle of Kakanilua, was fought on the Wailuku Sandhills during the 1700's when Kalaniopu'u was defeated and O'ahu and Maui warriors."
- [h] - Ms. Ahia stated she is here because her na'au wants recognition to these iwi kupuna. My ancestors, on the losing side, whose mana still rests in Wailuku. Battle was the just the event that brought them to this place. Where they took their last breath and perished in the sand per Ms. Ahia.
- [i] - Ms. Ahia explained that she was told that SHPD cannot support claim at this time. There has also been comments about oral history not being accurate. Techniques used now vastly different then memory recollections. Peoples lives were dependent on accurate preservation of stories. Author of book Memory Code, researcher Lynne Kelly PhD., states that "aboriginal people demonstrated that oral traditions not only highly detailed and complex, it can survive accurately for tens of thousands of years." Mo'olelo valuable. If we as lāhui cannot accept mo'olelo, painstakingly preserved in detail for our benefit, what does that say about us asked Ms. Ahia.
- [j] - Ms. Ahia stated that there are very detailed accounts of the battle from Kamakau, historians of kingdom, served as judge in Wailuku. From Kalākaua, chief and latter mō'i, Desha, historian prolific contributor to Hawaiian language newspapers. Even Lorrin Thurston. Ms. Ahia explained that Hawaiian literacy was made manifest less than 50 years after when battle took place. Surely people alive with direct accounts. Much of mo'olelo put into written form by scholars, such as Kamakau. Published in newspaper and eventually in book format. Ms. Ahia would like to point out one source that translated and shared battle of Kakanilua, Desha book, Kamehameha and His Warrior Kekuhaupi'o. First published in newspapers between 1920-1924. Book says in introduction, as did his predecessors, Desha records oral traditions gathered both from immediate peers and preceding generation. Sum of the latter, one only shortly after the events described. The translation compilation into book form included efforts on many fronts, including SHPD involved. SHPD commissioned work to be published.
- [k] - Ms. Ahia stated she comes here proudly, not to praise ancestors of bravery in battle, but to acknowledge them. Ancestor, Keaweokahikona, echoed holoa'e (plea) to Kalani'ōpu'u (other ancestor) to change strategy; Kalani'ōpu'u chose to ignore his Kahuna. Sometimes ancestors make choices we can never understand per Ms. Ahia. Will stand here advocate for right to rest in peace, as all of our ancestors have right to do. Coming from the losing side of battle. Space where ancestors fell; sacred.

- [l] - Ms. Ahia wants to clarify that she is not suggesting she knows where exactly battle took place within district of Wailuku. Not saying took place in Maui Lani Phase 9 or 6. For Cultural descendantcy, only need to establish it took place in district of Wailuku and ancestors perished there. However, applicants must list which projects to have a voice in individually, at this time Maui Lani Phase 6, 9 as listed on application.
  - [m] - Ms. Ahia stated that she showed her genealogical connection to the battle; Alapa and Pi'ipi'i regimens who perished. Over 800 on first day of battle. All family, all from Keawe line, all from Ms. Ahia genealogy. 4
  - [n] - Ms. Ahia explained that she has made the connection between the battle where ancestors buried and the district in which took place (Wailuku).
  - [o] - Ms. Ahia thanked the council for hearing descendantcy claim application.
  - [p] - Councilmember Scott Fisher asked Ms. Ahia if she is claiming direct descendantcy to Keaweokahikona? He perished in battle?
  - [q] - Ms. Ahia replied that he did not pass in the battle. He was at battle. Alapa and Pi'ipi'i regimen all from Keawe line. Nearly every single warrior that perished was Keawe line, Ms. Ahia 'ohana, as stated in mo'olelo.
  - [r] - Councilmember Fisher mentioned two survivors of battle. Likely family haven't found names yet per Ms. Ahia. Don't know direct ancestors who perished; don't have identified skeletal remain (burial) stated Councilmember Fisher.
  - [s] - Councilmember Fisher asked in family history, passed down thru generations, was there any recognition that ancestors died at battle of Kakanilua.?
  - [t] - Ms. Ahia replied specifically no. If look at genealogy, shared one particular line that came from family letter. Have more genealogy explained Ms. Ahia. Ms. Ahia stated that Ahia Kalani-kumaikiekie I married both Kalani'ōpu'u and Kalaninuiiamamao. Spreads out like spiderweb as most ali'i genealogy does. Everyone interrelated.
  - [u] - Council Chair Antonio open item up for public testimony."
- Jennifer Ahia's Descendantcy Application to unidentified human skeletal remains at Maui Lani Phase VI & Phase IX were approved by the MLIBC over SHPD's nonsupport (paragraph (ii) of her application
  - Oral history given in testimony by Jennifer Ahia to the burial council was not factchecked for its validity – nonetheless, the burial council approved Jennifer Ahia's Descendantcy's Application for recognition to unidentified human skeletal remains at Maui Lani Phases VI & IX
  - See HAR §13-300-35 Recognition of lineal and cultural descendants.

§13-300-35 Recognition of lineal and cultural descendants. (a) In order to establish lineal or cultural descent to human skeletal remains, a person shall submit a claim to the department together with any of the following information:

- (1) The name of the deceased individual;
- (2) Family genealogy;
- (3) Birth certificates;
- (4) Death certificates;
- (5) Obituaries;
- (6) Marriage certificates;
- (7) Probate records;
- (8) Church records;
- (9) Census records;
- (10) Tax records;
- (11) Land conveyance documents including, but not limited to, deeds and land commission awards;
- (12) Oral family history; or
- (13) Any other applicable information or records that help establish a lineal connection between the claimant and the human skeletal remains.

(b) The department shall review all submitted information and assess whether direct or collateral genealogical connections can be demonstrated between the claimant and certain human skeletal remains.

(c) The department shall obtain a written statement from the claimant concerning the confidentiality of any information submitted. No information shall be duplicated by the department without prior written consent.

(d) Where possible, the department shall compare submitted information with records found at appropriate repositories including:

- (1) State archives;
  - (2) State bureau of conveyances;
  - (3) Office of health status monitoring, department of health;
  - (4) Family History Centers of the Church of Jesus Christ of Latter-Day Saints;
- or
- (5) Any other appropriate repository or source.

(e) The department shall have no longer than thirty days from receipt of a written claim to review and assess the information submitted. Upon completion, the department shall return all information, unless the claimant indicates otherwise.

(f) With regard to Native Hawaiian skeletal remains, the department shall provide the council with a written assessment of the information submitted and a recommendation regarding recognition of the claimant as a known lineal descendant. It shall be the decision of the council to recognize the claimant as a known lineal descendant. The council shall give preference for proper treatment of previously identified Native Hawaiian skeletal remains and any burial goods to known lineal descendants.

(g) With regard to non Native Hawaiian skeletal remains, the department shall provide the claimant with a written assessment of the information submitted. It shall be the decision of the department to recognize a non Native Hawaiian claimant as a known lineal descendant. The department shall give preference for proper treatment of previously identified non Native Hawaiian skeletal remains and any burial goods to known lineal descendants.

(h) Where the submitted information fails to establish lineal descent, but establishes genealogical connections between the claimant and Native Hawaiian ancestors who once resided or are buried or both, in the same ahupua`a or district in which certain Native Hawaiian skeletal remains and any burial goods are located or originated from, the department shall provide the council with a written assessment and a recommendation regarding recognition of the claimant as a cultural descendant. In the event the department does not recommend recognition as a cultural descendant, the recommendation shall be deferral pending submission of additional information. It shall be the decision of the council whether to recognize the claimant as a cultural descendant. Testimony by a recognized cultural descendant concerning proper treatment of Native Hawaiian skeletal remains and any burial goods, shall be duly considered and given appropriate weight by the council.

(i) Where the submitted information fails to establish lineal descent but establishes that the non Native Hawaiian claimant is the same ethnicity as the human skeletal remains, the department shall provide the claimant with a written assessment and a decision regarding recognition as a cultural descendant. In the event the department does not determine to recognize the claimant as a cultural descendant, the department shall defer the matter pending submission of additional information. Testimony by a recognized cultural descendant concerning the proper treatment of non Native Hawaiian skeletal remains and any burial goods shall be duly considered and given appropriate weight by the department. [Eff SEP 28 1996 ] (Auth: HRS §§6E-43.5, 92-1) (Imp: HRS §§6E-43, 6E-43.5, 6E-43.6)

- April 17, 2019: In Close Session for Descendancy Application of Foster Ampong, being vetted by the burial council, MLIBC Council Member, Wailuku District Representative, Johanna Kanaumu after hearing applicant's oral history, stated, "I cannot accept your oral history without documentation."

Documentation was provided by applicant and reviewed by all council members present -

Kapulani Antonio – Chairperson

Dane Maxwell – Vice Chairperson  
Kaheleonalani Dukelow  
Scott Fisher  
Johanna Kamaunu  
Leiane Paci

See Written Complaint (Public Record) was submitted to State Historic Preservation Division and Maui-Lana'i Island Burial Council, August 12, 2019, by this Applicant.

**2. On January 19, 2022: Misrepresenting Facts**

Waiko Light Industrial Project Weekly Update Meeting (Zoom) Recognized Cultural Descendant, Jennifer Ahia misled the meeting attendees by misrepresenting facts regarding who requested and authorized use of Ground Penetrating Radar (GPR).

Jennifer Ahia stated SHPD requested and authorized use of Ground Penetrating Radar (GPR).

For the record, Jennifer Ahia's credibility has been in question for quite some time and factchecking her statement was initiated - See attached correspondence and documentations.

Discovery:

- SHPD did not request GPR.
- County of Maui and Waiko Industrial Investment, LLC made the requested for GPR to be performed to SHPD.
- Malama Kakanilua initiated the request for GPR to the County of Maui and Waiko Industrial Investment, LLC.

Conclusion: Jennifer Ahia misrepresented facts and misled recognized cultural descendants; henceforth, her words cannot be trusted.

**Jennifer Ahia's testimony is disingenuous and not credible** - without properly administering HAR §13-300-35 Recognition of lineal and cultural descendants the burial council risk the ramification of liability and lose of public confidence.

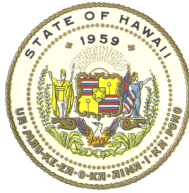
In closing the testimonies against my descendancy application was a premeditated attack to persuade the burial council to deny my descendancy application – regardless of meeting all requirements under Hawaii Administrative Rules Title §13-300-35 Recognition of lineal and cultural descendant.

Mahalo

  
Foster Ampong



DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**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  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

DATE: January 16, 2019  
TIME: 9:00 AM  
PLACE: County of Maui, Planning Commission  
Conference Room  
Kalana Paku'i Building, 1<sup>st</sup> Floor  
250 S. High Street  
Wailuku, Maui, HI 96793

**I. CALL TO ORDER**

The Burial Council Chair Kapulani Antonio called the meeting to order at 9:03 AM

**II. ATTENDANCE:**

Members: Kapulani Antonio – Chairperson  
Dane Maxwell – Vice Chairperson  
Kaheleonalani Dukelow  
Scott Fisher  
Kalani Ho-Nikaido  
Johanna Kamaunu

Excused: Leiane Paci

SHPD Staff: Kealana Phillips, Burial Sites Specialist  
Ikaika Nakahashi, Cultural Historian

Guests: Noelani Ahia  
Clare Apana  
Lala Johnson  
Amy Halas  
Kaniloa Kamaunu  
Francis Maddela  
Lisa Rotunno-Hazuka  
Nico Fuentes  
Jocelyn Costa  
Yana Dashevsky  
Kurt Watanabe

### **III. APPROVAL OF MINUTES**

#### **A. September 19, 2018**

- Councilmember Scott Fisher made a motion to accept minutes
- Councilmember Kahele Dukelow second motion
- All aye; no nay
- Minutes accepted

#### **B. October 17, 2018**

- Councilmember Scott Fisher made a motion to accept both the meeting minutes & executive minutes
- Councilmember Kahele Dukelow second motion to accept both
- All aye; no nay
- Meeting and executive minutes accepted

### **IV. BUSINESS**

#### **A. Cultural Descendancy Recognition of Jennifer Noelani Ahia to Unidentified Human Skeletal Remains, at Maui Lani Phase VI and Maui Lani Phase IX, Wailuku Ahupua'a, Moku of Wailuku, Island of Maui, TMK(s): (2) 3-8-099 and (2) 3-8-007:153**

**Discussion/Determination:** Discussion and determination whether to recognize the above individual as a cultural descendant to unidentified human skeletal remains at the above location.

- Burial Specialist Kealana Phillips read aloud SHPD leader of recommendation.
- Applicant Noelani Ahia address council.
- Ms. Ahia recite her genealogy for council.
- Ms. Ahia referenced HAR 13-300-2, definition of cultural descendant, "with respect to Native Hawaiian skeletal remains, a claimant recognized by the council after establishing genealogical connections to Native Hawaiian ancestors who once resided or are buried, or both, in the same ahupua'a or district in which certain Native Hawaiian skeletal remains are located or originated from."
- Ms. Ahia stated that she is present before council to demonstrate that she has ancestors that are buried in the district of Wailuku.
- Ms. Ahia explained that her genealogical connections to ancestors who are buried in district of Wailuku comes from descendancy from Keawe line and warriors of the Alapa and Pi'ipi'i regiments who were slain in the battle of Kakanilua.
- Per Ms. Ahia, according to Desha, page 33 of Kamehameha and His Warrior Kekuhaupi'o, "those chiefly armies named the Alapa and Pi'ipi'i were composed of persons who were related in some way to Chief Kalani'ōpu'u and also some brave, fearless lesser chiefs. Most of the Alapa and Pi'ipi'i were 'ohana in the Keawe line."
- Ms. Ahia stated she is a direct descendant of Keawe'ikekaiali'iokamoku, his son, Kalaninuiiamamao and his son, Kalani'ōpu'u. Some warriors that are mentioned by name in the mo'olelo that fought in the battle that the applicant has direct genealogical ties to, besides Kalani'ōpu'u, is Keaweokahikona and Keawemauhili per Ms. Ahia.

- Mo'olelo states in Kamakau, "they slew the Alapa on the sandhills at the southeast of Kalua. There the dead lay in heaps, strewn like kukui branches; the corpses lay heaped in death; they were slain like fish, enclosed in a net."
- Per Ms. Ahia, In the Archaeological Assessment Report for Well Sites 5, 6, and 7, portions of residential sites in Phase 9 by Hazuka and Pantaleo 2007, it states in reference to the district, "District of Wailuku contains the ahupua'a of Waiehu, Waihe'e and Kahakuloa to the north and Waikapu and Pulehu Nui to the south."
- Intention for being here is not for recognition of battle, we all know it took place. Same Archaeological Assessment for Maui Lani, states, "another battle, the battle of Kakanilua, was fought on the Wailuku Sandhills during the 1700's when Kalaniopu'u was defeated and O'ahu and Maui warriors."
- Ms. Ahia stated she is here because her na'au wants recognition to these iwi kupuna. My ancestors, on the losing side, whose mana still rests in Wailuku. Battle was the just the event that brought them to this place. Where they took their last breath and perished in the sand per Ms. Ahia.
- Ms. Ahia explained that she was told that SHPD cannot support claim at this time. There has also been comments about oral history not being accurate. Techniques used now vastly different then memory recollections. Peoples lives were dependent on accurate preservation of stories. Author of book Memory Code, researcher Lynne Kelly PhD., states that "aboriginal people demonstrated that oral traditions not only highly detailed and complex, it can survive accurately for tens of thousands of years." Mo'olelo valuable. If we as lāhui cannot accept mo'olelo, painstakingly preserved in detail for our benefit, what does that say about us asked Ms. Ahia.
- Ms. Ahia stated that there are very detailed accounts of the battle from Kamakau, historians of kingdom, served as judge in Wailuku. From Kalākaua, chief and latter mō'i, Desha, historian prolific contributor to Hawaiian language newspapers. Even Lorrin Thurston. Ms. Ahia explained that Hawaiian literacy was made manifest less than 50 years after when battle took place. Surely people alive with direct accounts. Much of mo'olelo put into written form by scholars, such as Kamakau. Published in newspaper and eventually in book format. Ms. Ahia would like to point out one source that translated and shared battle of Kakanilua, Desha book, Kamehameha and His Warrior Kekuhaupi'o. First published in newspapers between 1920-1924. Book says in introduction, as did his predecessors, Desha records oral traditions gathered both from immediate peers and preceding generation. Sum of the latter, one only shortly after the events described. The translation compilation into book form included efforts on many fronts, including SHPD involved. SHPD commissioned work to be published.
- Ms. Ahia stated she comes here proudly, not to praise ancestors of bravery in battle, but to acknowledge them. Ancestor, Keaweokahikona, echoed *holoa'e* (plea) to Kalani'ōpu'u (other ancestor) to change strategy; Kalani'ōpu'u chose to ignore his Kahuna. Sometimes ancestors make choices we can never understand per Ms. Ahia. Will stand here advocate for right to rest in peace, as all of our ancestors have right to do. Coming from the losing side of battle. Space where ancestors fell; sacred.
- Ms. Ahia wants to clarify that she is not suggesting she knows where exactly battle took place within district of Wailuku. Not saying took place in Maui Lani Phase 9 or 6. For Cultural descendancy, only need to establish it took place in district of Wailuku and ancestors perished there. However, applicants must list which projects to have a voice in individually, at this time Maui Lani Phase 6, 9 as listed on application.
- Ms. Ahia stated that she showed her genealogical connection to the battle; Alapa and Pi'ipi'i regimens who perished. Over 800 on first day of battle. All family, all from Keawe line, all from Ms. Ahia genealogy.

- Ms. Ahia explained that she has made the connection between the battle where ancestors buried and the district in which took place (Wailuku).
- Ms. Ahia thanked the council for hearing descendantcy claim application.
- Councilmember Scott Fisher asked Ms. Ahia if she is claiming direct descendantcy to Keaweokahikona? He perished in battle?
- Ms. Ahia replied that he did not pass in the battle. He was at battle. Alapa and Pi'ipi'i regimen all from Keawe line. Nearly every single warrior that perished was Keawe line, Ms. Ahia 'ohana, as stated in mo'olelo.
- Councilmember Fisher mentioned two survivors of battle. Likely family haven't found names yet per Ms. Ahia. Don't know direct ancestors who perished; don't have identified skeletal remain (burial) stated Councilmember Fisher.
- Councilmember Fisher asked in family history, passed down thru generations, was there any recognition that ancestors died at battle of Kakanilua.?
- Ms. Ahia replied specifically no. If look at genealogy, shared one particular line that came from family letter. Have more genealogy explained Ms. Ahia. Ms. Ahia stated that Ahia Kalani-kumaikiekie I married both Kalani'ōpu'u and Kalaninuiiamamao. Spreads out like spiderweb as most ali'i genealogy does. Everyone interrelated.
- Council Chair Antonio open item up for public testimony.
- Clare Apana address council in support of applicants descendantcy claim. Support burial council recognition of very important battle that happened in sand dunes of Waikapu, Wailuku and started all the way from Mā'alaea to Keone'ōio. First want to go from western side, seem to be always stuck there per Ms. Apana. As kind of a parent of this group, who advocates for our kupuna, wish younger generation are able to have better advocacy than elder generations were able to achieve in this burial. Hinges upon who we are. Hinges upon burial council recognizing history. Long followed battle per Ms. Apana. Applied for descendantcy 10 years ago. Told by DLNR impossible. Stand before council as kākā. As a resident of Kalua and now after all these years, ascended to kupuna years. In support of Noelani Ahia. First talked about battle, kupuna being forgotten by history. Direct connection to warriors, battle, all who left bones, blood and spirit here in sand dunes. Ms. Apana says she feels them. Noelani Ahia will be excellent representative for the protection of not only history and battle, but for all iwi kupuna who have left remains here on island. Ms. Apana stated she has much more information re: what DLNR ask group to do over the years; to prove battle. Archaeologist haven't found proof of battle. Ms. Apana says they have found evidence. Skeletal remains from battle. Ms. Apana stated can provide info to council.
- Lala Johnson address council in support of applicants descendantcy claim. Ms. Johnson stated she is from Moku of Wailuku, brought up in Waiehu. Come from Keawe line. How do we connect to the iwi? For Ms. Johnson and Noelani, may not really direct. Related through grandchild. Ms. Johnson explained that Noelani sister is daughter-in-law. Child, who passed away, iwi is what connects Ms. Johnson to Noelani. Understanding of how we are all related. Asking question how related to iwi in sand dunes? Ms. Johnson can say that from Waiehu, been there many generations. Sand dunes in Waiehu, connected to dunes in Wailuku. Connection, link to the iwi that's there. Iwi dug up in Waiehu (all part of 'ohana). Connection in Wailuku too.
- Ms. Johnson mentioned to council that when deciding on whether to allow Ms. Ahia to have position, cultural descendantcy, Ms. Johnson hope council understands still exist connection to iwi. All in someway connected. Keawe line, all 'ohana explained Ms. Johnson.
- Amy Halas address council in support of applicants descendantcy claim. Ms. Halas stated that several archaeologist mention to her that if osteological analysis, DNA retrieval from iwi were allowed, living descendants who wanted to, could very well be

connected to ancestors. Ms. Halas realize that 6E burial laws, Administrative Rules drafted after Honokahua. Right now, last remaining open spaces, throughout State of Hawai'i being mass graded, excavated. Real critical time for kanaka maoli to do everything can to protect, respect, recognize and acknowledge ancestors.

- Councilmember Dukelow asked what is SHPD plan for application. Did SHPD identify areas where more documentation needed? Has SHPD met with applicant and identified areas where connection need to be strengthened?

- Burial Specialist Phillips explained that it is more, bigger picture.

- Mr. Phillips reiterated the letter of recommendation that SHPD drafted to council. Mr. Phillips explained that in the Administrative Rules, it is required that the applicant provide evidence that they have genealogical connections to an ancestor who once resided or is buried, or both in ahupua'a of Wailuku. The purpose of this rule is to ensure that there is some kind of association between the unidentified human skeletal remains, to the applicable ahupua'a where it was discovered per Mr. Phillips. If the applicant is connecting to a family member from an invading party, does that meet the requirements of the administrative rules?

- Aside from the issue of the applicant's ancestor having ties to the ahupua'a, Mr. Phillips addressed the question of what is a burial? Definition of burial is action or practice of interring a dead body. If someone were to be slain on a battle field and presumably left there (sand blown over and covered individual) is that considered a burial?

- Councilmember Fisher offered his take on situation, interpretation of rules/law. Councilmember Fisher explained that it is known that roughly 800 who perished in Pi'ipi'i, Alapa battalions. Law clearly says resided OR buried in moku. Buried meaning covered by earth. Per Councilmember Fisher, Ms. Ahia has clearly shown that she comes from the Keawe line. Definition of ancestor is someone with a genealogical connection. Not really descended from. Keawe line died in massive numbers in battle of Kakanilua. Extremely high likelihood, that someone in battle, because of descendancy from line has a genealogical connection.

- Councilmember Dukelow asked SHPD if applicant establish genealogical connection to the Keawe line. Did applicant provide evidence of accepted, Keawe descendancy? Connected with *palapala* to that line?

- Burial Specialist Phillips replied yes. Applicant was able to connect to the Keawe with the submittal of written testimony in association with oral testimony provided.

- Councilmember Fisher clarified that SHPD is not refuting her descendancy from Keawe line. Mr. Phillips replied that is correct

- Councilmember Dukelow explained that if applicant was able to connect herself to the genealogical line in question, SHPD not disputing that, only thing that SHPD disputing is the idea that, whether or not that someone killed in battle, left there, equates to a burial, councilmember Dukelow feels that applications satisfies cultural descendancy. If applicant can establish connection to genealogical line, that we all know of, perished, left there, that's cultural descendancy stated councilmember Dukelow.

- Councilmember Fisher provided example of similar situation for his family. Family member travelled on boat from Hilo to Lahaina, got sick, died and was buried in Lahaina. No genealogical connection to the moku of Lahaina, although buried there. Can definitely relate. Again, if look at all criteria, councilmember Fisher is surprised that SHPD did not recommend descendancy because of admission of Keawe line connection (almost all Alapa, Pi'ipi'i perished in battle). Don't understand the lack of connection to land reasoning by SHPD per councilmember Fisher. Talking about iwi. Anything that gives greater protection to iwi is a good thing, not necessarily a liability



per councilmember Fisher. Councilmember Dukelow reminded that the rule states resided OR buried. Lived on the land or iwi per councilmember Fisher.

- Council Chair Antonio asked SHPD if the reason for recommendation of deferral by SHDP was because applicant applied for descendant recognition for iwi in both subdivision properties (ML VI, IX). Burial Sites Specialist Phillips replied no.

- Councilmember Fisher wanted clarity on SHPD decision to recommend deferral. Mr. Phillips stated that it was the question of association of the unidentified human skeletal remains to the land as well as the question of what is a burial? Does it satisfy requirements of the administrative rules?

- Council Vice Chair Maxwell asked SHPD about the rationale about no connection to land; no customary practices? Mr. Phillips explained that the interpretation is that if someone resided in an area, they would create a relationship with the land i.e. cultivating, utilizing, etc.

- **Councilmember Kahele Dukelow make a motion that the council recognize Jennifer Noelani Ahia as a Cultural Descendancy to Unidentified Human Skeletal Remains, at Maui Lani Phase VI and Maui Lani Phase IX, Wailuku Ahupua'a, based on her establishing her genealogical connection through the Keawe line to the Alapa that died in the battle in the Ahupua'a, Moku.**

- **Councilmember Fisher second motion**

- **All in favor; no opposed**

- **Motion Carries.**

**B. Lineal Descendancy Recognition of Francis Maddela to Identified Human Skeletal Remains at 2175 Hana Highway – Maliko Point, Ha'ikū Ahupua'a, Hāmākualoa District, island of Maui, Hawai'i, TMK [2] 2-7-004:028**

**Discussion/Determination:** Discussion and determination whether to recognize the above individual as a lineal descendant to identified human skeletal remains at the above location.

- Francis Maddela address the council.

- Mr. Maddela stated family, including himself, parents along with other family members came before council 20 years ago speaking on behalf of the Kalawai'a burials at Maliko Point. Did not know, understand the descendant recognition process at the time.

- Mr. Maddela stated that he is present in front of current council seeking lineal descendant for himself, his niece Lianne Maddela and son Isaiah Maddela.

- Mr. Maddela explained that much has gone on in the past 20 years. Fifth generation to Nakiaha Kalawai'a (one of the individuals buried on property). Mr. Maddela mentioned that his son and niece are sixth generation; eight total that tie back to Nakiaha.

- Biggest concern at this time is to ensure that not only will this current generation have access to burials, but future generations as well per Mr. Maddela.

- Mr. Maddela mentioned his Grand Uncle took care of place. No other ohana knew of place. Grand Uncle passed in 1986/1987. Not even own kids knew of place. Found in 1993. Area has four graves. 2 headstones and two burials delineated with pohaku on surface per Mr. Maddela. 2000 property sold to Sky Lewis. Numerous other graves found on site. According to Mr. Maddela, it was noted in archaeological studies that this place is a very historical, cultural significant site.

- Took care of place for many years. Mr. Maddela mentioned that his Grand Uncle grave (Kimeona) is sinking. Sometimes happening. Pipes below ground, leaking???

- Mr. Maddela stated that it is very concerning to the family that the ground where the grave is located appears to be sinking.

- Mr. Maddela mentioned that his family is actively cleaning the site. The landowner has not been. First concern will always be kupuna. Be the eyes, voice, and the ears. Mr. Maddela mentioned that some in the family, the kupuna speaks to them.
- Mr. Maddela thanked the council for there time. Mr. Maddela stated that Council Vice Chair Dane Maxwell's Papa, Uncle Charlie Maxwell, was a big supporter/help to family.
- Burial Sites Specialist Kealana Phillips read aloud the departments letter of recommendation to recognize Francis Maddela, Lianne Maddela and Isaiah Maddela as Lineal Descendants to the identified human skeletal remains located at the above location.
- Additionally, Burial Sites Specialist Phillips explained that he included both the Burial Treatment Plan and Archaeological Preservation Plan in each of the burial council members packets to review if needed for discussion.
- Councilmember Kamaunu asked Chair Antonio if council relegated to only deciding on descendancy at this time as Mr. Maddela has expressed concerns about the maintenance of preserve? Council Chair Antonio answered yes. Council Chair Antonio stated that the department is actively looking into the issue. Burial Specialist Phillips confirmed that he has been in contact with both the family and the representatives of the estate.
- Mr. Maddela stated that he has heard that the house is going under foreclosure. What happens to the BTP asked Mr. Maddela.
- Both plans (BTP and Arch Preservation) runs with the land stated Chair Antonio. Nothing can affect, change the fact that the landowner is obligated to follow approved stipulations in plan.
- Need to make sure Bureau of Conveyances has these plans recorded.
- Burial Specialist Phillips stated that the plans were submitted to council for approval. Once approved my council, it becomes pa'a.
- Councilmember Fisher mentioned deed search should show up whether or not there is an encumbrance on it and if encumbrance should be able to click on it, pop right up.
- Burial Specialist mentioned that the SIHP number associated with the preserve should be registered with the BOC. Whether or not the plans are recorded, Mr. Phillips stated he is unsure.
- For today's purposes, focus just on Lineal Descendancy Recognition per Council Chair Antonio. Just know, all working together to kākō'o the ohana per Chair Antonio.
- **Councilmember Scott Fisher makes a motion:**
- **The MLIBC recognizes Francis Maddela, Isaiah Maddela and Lianne Maddela as a lineal descendancy to recognized human skeletal remains at 2175 Hana Highway – Maliko Point, Ha'ikū Ahupua'a, Hāmākualoa District, island of Maui, Hawai'i, TMK [2] 2-7-004:028**
- **Councilmember Kahele Dukelow second motion**
- **All aye; No Opposed**
- **Motion Carries**

**C. Lineal Descendancy Recognition of Lianne Maddela to Identified Human Skeletal Remains at 2175 Hana Highway – Maliko Point, Ha'ikū Ahupua'a, Hāmākualoa District, island of Maui, Hawai'i, TMK [2] 2-7-004:028**

**Discussion/Determination:** Discussion and determination whether to recognize the above individual as a lineal descendant to identified human skeletal remains at the above location.

- **Councilmember Scott Fisher makes a motion:**

- The MLIBC recognizes Francis Maddela, Isaiah Maddela and Lianne Maddela as a lineal descendancy to recognized human skeletal remains at 2175 Hana Highway – Maliko Point, Ha‘ikū Ahupua‘a, Hāmākualoa District, island of Maui, Hawai‘i, TMK [2] 2-7-004:028
- Councilmember Kahele Dukelow second motion
- All aye; No Opposed
- Motion Carries

**D. Lineal Descendancy Recognition of Isaiah Maddela to Identified Human Skeletal Remains at 2175 Hana Highway – Maliko Point, Ha‘ikū Ahupua‘a, Hāmākualoa District, island of Maui, Hawai‘i, TMK [2] 2-7-004:028**

**Discussion/Determination:** Discussion and determination whether to recognize the above individual as a lineal descendant to identified human skeletal remains at the above location.

- Councilmember Scott Fisher makes a motion:
- The MLIBC recognizes Francis Maddela, Isaiah Maddela and Lianne Maddela as a lineal descendancy to recognized human skeletal remains at 2175 Hana Highway – Maliko Point, Ha‘ikū Ahupua‘a, Hāmākualoa District, island of Maui, Hawai‘i, TMK [2] 2-7-004:028
- Councilmember Kahele Dukelow second motion
- All aye; No Opposed
- Motion Carries

**V. SHPD INADVERTENT DISCOVERIES/CORRESPONDENCE**

**A. Update on Maui Lani Subdivision Phase VI, increment 4, Ahupua‘a of Wailuku, District of Wailuku, TMK: (2) 3-5-099:225**

**Information/Discussion/Recommendation:** Discussion about the above item.

- Lisa Rotunno-Hazuka from ASH address council.
- Ms. Hazuka wanted to make clarification from last meeting. Four maps passed out at Dec MLIBC meeting. 2 of the same per Ms. Hazuka. End of meeting, little confusion on two burial preserves. 3-acre burial preserve in golf course Site 2797 (Neller burial site). To the north of current green preservation area in Phase 6. Two preservation areas at this time. Phase 6, 1.9/2 acres. 3-acre preservation area in golf course per Ms. Hazuka.
- Nico Fuentes from Atlas Archaeology address council.
- Recap of last meeting, discussing GPR and findings. Two areas want to discuss, two roads. Road A, 16 anomalies inside road, generated from GPR. Discussing ground truthing at last meeting to correlate, assess imagery with actual findings. Investigated 11 of 16. No human skeletal remains detected. Suggest GPR did not fail in ability to collect info per Mr. Fuentes.
- Two different kinds of anomalies, one type is considered inclusion (pile of something), second is stratigraphic shift, two distinct stratigraphy’s interfacing (trigger for GPR).
- Of the 11 investigated, pile of wood, fill, natural strata. At this point, continue to investigate remaining 5, under the guise, trying to find a way to correlate GPR data imagery with subsurface anomalies, features, etc. Post investigation, hearing from contracted GPR firm. Initial testing. Still need to examine results.
- Mr. Fuentes hand council map for Road B. Two things make note of, dots and lines. All dots burials. Different colors for different things. Some pits, some partial in situ,

some primary in situ. Pink line running through burials, proposed plan for sewer line, per general contractor and developer. Proposed sewer line at depth where never encountered burials. Doesn't mean they don't exist at that depth; just never found any.

- Oblong shape in road, slated to be median preservation area. General larger preservation area, towards the south. Preserve in median would essentially act as an extension to that in the road way per Mr. Fuentes. Couple things to note, when investigated area since July found graves all along same line. Per developer and general contractor, can't go over around; asking to go under for proposed sewer line. Can give information re: how finds found, stratigraphy, but at moment, this is what proposed per Mr. Fuentes.

- Current proposal is redesign. Mr. Fuentes stated this may be from two sessions ago; haven't devised how get around it. This is same augering, horizontal drilling. Depth of sewer line proposed to be 18 feet.

- Depth of burials in preservation median asked council vice chair Maxwell. Mr. Fuentes replied they are all above the grade of road, above surface. Mr. Fuentes referred to the map (green dot) is one of the anomalies.

- Councilmember Ho-Nikaido asked how much more work in area need to be done?

- Mr. Fuentes replied there will be more work as development increases on adjacent lots. This is just the work for the just the utility corridor. Utility corridor done before any work, development of lots. Work will continue in perpetuity in area per Mr. Fuentes.

- Councilmember Ho-Nikaido stated that lot grading, road putting in utility lines at this time, basically for this phase of development; this is the substantial work? Correctly replied Mr. Fuentes. All surround area will eventually be dug to some extent, footings, other utilities etc. Provided, they are generally at higher elevation; doesn't negate fact may or may not find anything per Mr. Fuentes.

- As far as discussion, not quite sure how to proceed. Generally, come before council when stuff found. Sensitivity in area so profound, Mr. Fuentes stated he is here in front of council just to provide update.

- Councilmember Dukelow asked if all burials indicated on map preserved in place. Mr. Fuentes replied yes.

- Samples for GPR, scanned all existing dots (burials) asked council vice chair Maxwell.

- Mr. Fuentes replied that they did not scan all dots (burials). Did run three controls just to see what data would get from GPR.

- Council Vice Chair Maxwell wants to discuss Road A. Tested 11 out of 16 anomalies. When test site, does have to get approval from SHPD? Fall under category of excavation of corridor explained Mr. Fuentes. If asking about procedures used for testing, data came back with two forms of information: top of anomaly and base of anomaly. Knowing that, mechanically went through top of surface until 1 foot of top of anomaly. Switch to manual investigation at that point. Intent was, not know what going to find. Took it carefully down. Each instance, found something, just not burial.

- Procedure entails, run GPR across corridor for Road A, test within foot, take down manually until see top of anomaly, document, wrote it up, picture. At that point, proceed down to the base of anomaly to confirm that anomaly is what it is (document).

- GPR able to detect how deep asked councilmember Dukelow. Mr. Fuentes stated GPR can reach as far as 12 feet; most reliable in the 9-foot range. Anything below that not really going to pick up.

- Councilmembers question the effectiveness of using GPR on Road B for horizontal trenching 18 feet deep of sewer line, if max depth of GPR is 12 feet.

- Real question is what will be buffer of things do know. Three forms of info per Mr. Fuentes: Known, unknown, unknowable. Know something on top, know where they want to put pipe, don't know what's in between, at 18 feet. Do have other information.

Stratigraphy particular form of sand; sandstone. Never encountered grave where lithified sand formed on top. Suggested reason for that is time.

- Mr. Fuentes stated over the years of Maui Lani Parkway, areas excavated at depths deeper than (18 feet). Deepest depth of burial found asked council vice chair Maxwell. 16 feet replied Mr. Fuentes.

- Towne doing home construction of lots 9-12 asked councilmember Ho-Nikaido. Yes, Towne will be building homes on those lots replied Mr. Fuentes, Ms. Hazuka once utilities are in.

- Still connected with project while homes going up confirmed councilmember Ho-Nikaido.

- Look at proximity of 2797, don't know when fittings going in for all lots. Will be coming back if find additional burials. Preserve in place? Properties re-design, lots in preservation. Look at aerial view, high probability of expanding preservation area per councilmember Ho-Nikaido.

- Ms. Hazuka stated on one of the maps passed out to council, dotted lines are a proposed lot that is currently slated for preservation (lot had more than 2/3 burials).

- Councilmember Dukelow referenced Dec 2017 MLIBC meeting, council made a motion, paragraph in motion stated **no further decisions be made re: iwi kupuna until comprehensive inventory of burials is compiled for Maui Lani Phase 6 and adjacent lots.**

- Consistently asking for inventory of all burials. Reason for that is so every single time look at something and council going to make a decision, have an accurate idea of where every single burial is. Just wanted to remind council of that per councilmember Dukelow. Would like to see that before deciding on any type of redesign, stated councilmember Dukelow.

- Ms. Hazuka stated that at the December 2018, a map was presented of all burials at Maui Lani Phase 6. Ms. Hazuka stated councilmember Dukelow was not there; can get copy to her.

- Every time talking about area, should provide map per councilmember Dukelow.

- Council Vice Chair Maxwell is concerned about the horizontal drilling. Hoping for alternatives. Doesn't seem like there is much at this point. Comes down to going top, around, underneath stated Mr. Fuentes. Line is pretty concentrated, consistent.

- Doesn't matter which way move, no safe place. Thing that is bothering council is the fact it is a sewer line reiterated all councilmembers.

- Towne issue is getting sewer line in. Council issue is determining whether allow a sewer line to be installed, below, above around iwi kupuna. Councilmember Dukelow question the ability to go around. Mr. Fuentes concur. If go into golf course, another preservation area exists.

- Discussion ensued among council members re: drafting of a motion.

- Mr. Fuentes explained Sewer line in Road B connects with sewer line in Road A. Line goes up in elevation as it approaches Road A.

- Ms. Hazuka clarified that do understand this is a tough area; highly concentrated. Re-designed a couple of times. Area where burials identified in black (dots) on map, that was location of most recent re-design of sewer line. At this point, no relocate any burials. Only option to go deep, horizontal drilling.

- How much investigation done in lots 9-12 asked councilmember Ho-Nikaido. Reason for asking is if put sewer line in now, 9 months from now when digging footings for homes in lots 9-12 and come across iwi, lots included in preserve, then what. It's a pattern, goes linear. It's a pattern concurred councilmembers and Ms. Hazuka.



- Would like more testing of lots 9-12, before deciding on sewer line. Road B (sewer corridor) is in between two highly concentrated burial preserves (phase 6 and 2797) per councilmember Ho-Nikaido.
- Has been grading of lots around preservation area. Some have been filled. Need to look into it. Do not want to misrepresent how much grading been done, exploratory testing per Ms. Hazuka.
- Councilmember Ho-Nikaido request that investigative digging be done where footings will go for homes on (lots 9-12). More info so council can better make decisions.
- Mr. Fuentes stated it's bringing up conversation that should be had. In essence, when development occurs per Mr. Fuentes, archaeologist confined to area of excavation per monitoring. Not go through systematic testing.
- Councilmember Ho-Nikaido stated that because Towne realty is involved with building the homes before selling, they have an idea of where homes will be placed, where footing will be dug. Should be proactive now and test. That particular recommendation needs to come from council, can't come from myself explained Mr. Fuentes.
- Councilmember Ho-Nikaido explained that what trying to achieve with motion is if know more about house lots, does sewer line need to go there? What if allow sewer line to be placed in corridor, and 9 months from now, test the lots, find burials, and no more homes built on lots, part of preservation. Then decision on sewer line would be for nothing.
- Good possible of running into challenges with residential lots (9-12) per councilmember Ho-Nikaido. Site 2797, adjacent to lots 14-17.
- Test lots prior to any installation of other utilities asked Mr. Fuentes. Yes. Replied councilmember Ho-Nikaido. Testing of those lots will answer the questions of does section of sewer need to go there? Will need to extend preservation area?
- Ms. Hazuka stated that permits were separated. Do have grading permits for some of the lots per Ms. Hazuka
- Council Vice Chair Maxwell asked if horizontal augering planned for any other type of utility installation. No. Unique application. Has to be below what you know explained Mr. Fuentes.
- Mr. Fuentes wanted clarity re: testing of lots 9-12. Councilmember Ho-Nikaido stated should explore feasibility of building on lots or need to explore possibility of becoming part of preservation area. If some of those lots placed in preservation, sewer line can change. Would not need to go all the way.... potentially, stated councilmember Ho-Nikaido. If preservation modified, flexibility to solve issue of the sewer line. Developable lots; or if part of preservation explained councilmember Ho-Nikaido. Lots 9-12.
- Regarding testing procedure for lots 9-12, should excavate and test to known utilities or test until find something asked Mr. Fuentes.
- Councilmember Ho-Nikaido stated that should test to known limits, protocol of excavation. Testing should occur where the proposed development will take place echoed the council.
- Discussions ensued among council re: motions
- Council Vice Chair Maxwell asked about methodology re: testing Lots 9-12. Is same testing strategy as AIS asked Council Vice Chair Maxwell. Reason being only 4 burials found during AIS. Standard archaeology protocol. Not worried about things not need to know Mr. Fuentes wanted clarified council.
- GPR in area asked councilmember Dukelow. Mr. Fuentes explained that GPR will provide some info. If can detect, blown sand, logs, stratigraphy, should be able to detect burial.

- Recommend preliminary run with GPR. Looking at layout of construction and utilities. Inside of those, come up with strategy, testing procedures in lieu of installing horizontal auger per Mr. Fuentes.
- Discussions ensued among council re: motions
- Councilmember Ho-Nikaido asked about boundaries of Site 2797. What Ms. Hazuka recall, cluster in center and outliers. Went beyond outliers. Old sand burrow pit. Already had excavated hole in area. That's when Ms. Hazuka was with Bishop Museum. Trying to remember. Aki Sinoto and Jeff Pantaleo took job over. Ms. Hazuka recall there was a concentration, some outlier burials found and expanded beyond outliers. Cannot remember how much stated Ms. Hazuka.
- Council Chair Antonio call for recess at 10:43AM
- Council Chair Antonio resume meeting at 10:54AM
- **MLIBC make a motion: MLIBC recommends against the use of horizontal augering during the installation of the proposed sewer line infrastructure at Maui Lani Phase 6.**
- **Councilmember Scott Fisher make motion**
- **Councilmember Kahele Dukelow second motion**
- **All aye; No Opposed**
- **Motion Carried**
- MLIBC recommends additional exploratory archaeological testing, specific to exploratory archaeological testing, including, but not limited to Lots 9-12 of Maui Phase 6.
- Council Chair Antonio open item up for public testimony based on the suggested motion stated above.
- Kaniloa Kamaunu address council.
- Mr. Kamaunu commented about the length of time of the current project. Nothing changed. Inadequate AIS. Only 4 found; number of burials are upward of 180+ per Mr. Kamaunu. When discussing burial Site, just because no iwi, does not mean essence is not there. Human, outer portion and internal. Once deteriorated becomes the sand. "Ashes to ashes, dust to dust" old saying. Return to earth when buried. Any type of movement of sand taken, taking the person. Iwi is just structure of person. 1860 people given right to be buried in area and to remain there. No authority to remove them; should be left. Mr. Kamaunu referenced email response by Ms. Hazuka to various statements made by Ms. Halas. Mr. Kamaunu HAR 13-300-40 (c) section of the rules that state when discovery of inadvertent, department contact medical examiner/coroner and qualified arch. Mr. Kamaunu reminded council that need to contact two parties to satisfy rule, otherwise in violation. Mr. Kamaunu ask council to make a recommendation to ensure rules being followed.
- Jocelyn Costa address council.
- Ms. Costa stated that once said process of minimum requirements is to test 10%. Probably why sitting here today. Because allowed 90% error upon iwi kupuna per Ms. Costa. Intent of council, to bring balance. Because administrative wise, lend no remedy for iwi kupuna or families. Council here not so much to know where pipe need to go, how deep, but if there is an iwi in area where pipe will be. Redirect focus on iwi, instead of pipe. 9 feet GPR stated Ms. Costa. 18 feet sewer line. Deepest find so far 16 feet from the point of what? Before or after grading? sand mining? Where are you measuring asked Ms. Costa?
- Tons of sand being removed. So, called monitor watching sitting up on dune with hard hat and watching shovel come and dig and load up trucks. Now, if coming in after the fact. They've gone well over 30 feet down. Let's start from beginning and make decisions there. 90% error is why here today.

- Ms. Costa mention Maddela testimony from earlier in meeting. Statement about grave sinking. Pipes installed below surface? With respect to the proposed sewer line, what's to guarantee line won't break, leak, rupture. No other choice, re do plan. That's my suggestion stated Ms. Costa.
- Noelani Ahia address council.
- Ms. Ahia stated agree with Ms. Costa. This particular issue re: sewer line is completely inappropriate. Ms. Ahia stated as recognized cultural descendant, firmly object. Ms. Ahia brought up was councilmember Dukelow stated about motion from Dec 2017 MLIBC meeting, overall number asked. Ms. Ahia stated request was for entire project district. Just to clarify, archaeological monitoring report, turned in Spring of 2018, requirement to lift stop work order, in that report for Maui Lani Phase 6, increment 4, 169 burial finds. Available at SHPD. That was before lifted stop work order. Everything come before council since is added to that number. That's just Phase 6, increment 4 per Ms. Ahia. Ms. Ahia referenced a map that was put together using only burial notes that highlights all find sites in the entire Maui Lani project district. Wanted to make aware, in mediation process Malama Kakanilua vs Maui Lani Partners, court appointed Mediation process, mediator asked Maui Lani Partners how much burials in project district. 700 find sites. Find sites multiple burials, only piece of iwi. Iwi is an iwi per Ms. Ahia. Ms. Ahia request a tally, total number put on record by Maui Lani Partners, archaeology that has been working with Maui Lani Partners. Ms. Ahia mentioned at same meeting, request made that landowner meet with community groups, recognized descendants. Never happened per Ms. Ahia. Ms. Ahia stated that as a recognized descendant, Ms. Ahia request SHPD and burial council help facilitate a meeting between community groups, recognized descendants, landowner and archaeologist. Ms. Ahia stated that she was informed by SHPD that Ms. Dana Hall requested outreach by landowner wait until after Dec MLIBC meeting. No communication. Ms. Ahia stated that in regard to Dec meeting, she was unable to attend because meeting was moved up a week earlier. Many people didn't attend because didn't know. Always on third Wednesday of the month. December meeting moved to second. Apologize for not being there.
- Council seek clarity from SHPD re: kuleana when it comes to organizing community meetings. Understanding that it's not SHPD kuleana stated councilmember Dukelow.
- Burial Specialist Phillips stated that SHPD does not typically get involved in facilitating meetings between landowner and other organizations. Mr. Phillips stated he has talked to representatives from Towne Realty encouraging that the facilitation and coordination of meeting should come directly from them with the community. Mr. Phillips stated that Ms. Iris Pe'elua from Towne Realty had reached out to him re: assisting with facilitating a meeting between interested parties and landowner. Mr. Phillips mentioned to Ms. Pe'elua that it would be best if landowner took the lead in setting up meeting. However, Mr. Phillips consulted with MLIBC Wailuku District Rep Ms. Johanna Kamaunu to get her mana'o re: attendees for such meeting. Mr. Phillips received the request by Ms. Kamaunu and forwarded info to Ms. Pe'elua. Mr. Phillips stated he has not heard anything. Will seek an update.
- Councilmember Dukelow mentioned to Ms. Ahia that she recommends Ms. Ahia contact Towne directly to ask for a meeting, in light of recent cultural recognition.
- Yana Dashvesky address council.
- Ms. Dashvesky stated she is not of Hawaiian descent. Been here 5 years, embraced by ancestors. Talk to you. Can connect. Ms. Dashvesky come before council place of love. Ms. Dashvesky thank everyone for being at meeting. Rules in place to protect Hawaiian people. According to Ms. Dashvesky, what's happening is backwards. Noelani shouldn't have to prove descendancy, bones there, battles happened. It's in legislation per Ms. Dashvesky. Should, first and foremost, should be asking kupuna what is okay to

built on these sites. Then from there proceed. Wouldn't have these problems. Same issues, problems, reoccurring. Address kupuna first, ask how to proceed avoid a lot of problems. According to Ms. Dashvesky, developer could make a lot of money developing Hawaiian Homes. How much Hawaiian Homes being built? In law. Need to start asking questions the right way; spiritual background. Connecting to ancestor of the land. Ancestors make land so beautiful; protectors of the land. Ancestors in chants, oral traditions. Inside of everyone, just have to ask per Ms. Dashvesky. Tune in, be open and ask. Synergistic way to make this right for developer and 'āina. Don't have to fight all the time. Not us vs. them. How do we all work together to provide what is best for the land. Ms. Dashvesky mentioned that these issues are ongoing because there are no attorneys willing to do pro-bono work to help the Hawaiian people. In process of applying to law school. Will be back, educated stated Ms. Dashvesky. Need to tune in and ask ancestors. Need to stop project? Maybe! Answers will come. Just ask in peace stated Ms. Dashvesky.

- Amy Halas address council.

- Ms. Halas wanted to apologize to council. Appeals to Dr. Downer, Dr. Susan Lebo, H & C Branch Chief Hinano Rodrigues go unanswered. Understand council prevue limited to HAR, HRS. Appeal to mayor, governor, politicians. Only body can articulate concerns.

- Ms. Halas stated if go to Maui Memorial, excavate there, sheriff come within minutes and take to MCCC. What is discrepancy between desecrating conventional burial site and one that mo'olelo tell exists in pu'u one? Is it because they are not marked, iwi do not matter?

- Ms. Halas referenced article published by Robert Schmitt and Eleanor Nordyke, Death in Hawai'i: The Epidemics of 1848-1849. Estimated 10K persons died of diseases. Who are the people? Who are the ohana in the sand dunes? A & B built dream city. Curious they stopped at the 1,000 acres that has since acquired by Mills. Areas used as training ground during WWII. Private collector, museums, some artifacts may have come from pu'u one. No state archaeologist. Conflict of interest that SHPD rely on archaeologist that is hired by landowner. Need unbiased archaeologist evaluating finds. Who benefits from development asked Ms. Halas. How activity adversely affect na'au of kanaka. Please issue stop work order. Obliteration of cultural landscape. This Wahi Pana. July 12, Hinano Rodrigues lifted Feb 2018 stop work order. Two weeks later infant iwi found. Continued, more iwi found of infant. Next month 3 in situ burials. PB Sullivan mass excavation. How much is to much asked Ms. Halas

- Clare Apana address council.

- Good point about alleged 16 feet being deepest level iwi found. Not exactly reported correctly per Ms. Apana. 16 feet measured from where?

- Ms. Apana referenced conversation with former SHPD archaeologist Jenny Pickett about finding multiple cultural layers.

- Ms. Apana stated it would be good to have information prior to making determination.

- Not able to see updated map. Unable to set up meeting with Towne.

- Ms. Apana referenced motion from Dec 2017 MLIBC. Council recognized area as burial ground. How can developer come forward and propose to put sewer line through burials in a burial ground?

- Council has purview over buffer zones to keep burials safe. Have purview over burial area per Ms. Apana.

- Ms. Apana referenced the burials at Naue, Kaua'i, vertical buffer. Everyone is astounded. Sort of talking about same thing. Vertical buffer to sewer line. Need to take a whole look at what is planned for Phase 6, increment 4. All of the houses, what happened to all burials in area. 2797 established as part of permitting process to go



forward. Need to get all things in line. Where are the facts? Where are the burials? Counted all burials. 700. At least 100 or more per Ms. Apana. Not getting whole story. Ms. Apana stated council can establish boundaries to ensure iwi kupuna is safe.

- Councilmember Fisher re-read the motion.
- **MLIBC recommends additional exploratory archaeological testing, including, but not limited to Lots 9-12 of Maui Phase 6.**
- **Councilmember Scott Fisher make motion**
- **Councilmember Kalani Ho-Nikaido second motion**
- **All aye; No Opposed**
- **Motion Carries**

**\* Councilmember Kahele Dukelow excused from meeting at 11:26AM**

- B. Letter Dated December 5, 2018 from the County of Maui Department of Public Works Engineering Division re: National Historic Preservation Act Initiation of Section 106 Consultation, Old Haleakala Highway Traffic Signal Upgrade at Pukalani Street, District of Makawao, Island of Maui, Maka‘eha Ahupua‘a, Federal-Aid Project No. STP-0367(001), Tax Map Key(s) (2) 2-3-031**  
**Information/Discussion/Recommendation:** Discussion about the above letter.

- Kurt Watanabe, Traffic Engineer, DPW Engineering Division address council
- Project consists of upgrading existing traffic signal at intersection of Old Haleakala Hwy and Pukalani Street per Mr. Watanabe. Work that will occur will involve putting in new signal poles, new controller system and upgrading vehicle detection according to Mr. Watanabe. Other work includes resurfacing the intersection.
- Councilmember Fisher asked about ground disturbance other than taking out old pole and putting new one in same spot?
- Watanabe replied that with the new design standards, pole foundations will be a little bigger, deeper. Depth on average about 15 feet for that type of pole (the one with mass arms). Only of one mass arms, the rest are stand up poles per Mr. Watanabe. Roughly same area as existing poles.
- Councilmember Fisher mentioned that area not a lot of soil; mostly bed rock. Closest burial area that Mr. Fisher knows of is located down the road at Kua‘aina Ridge. Burials in vicinity.
- Archaeological monitors asked Mr. Fisher. Mr. Watanabe replied depends on recommendations made thru consultation process.
- How deep is existing pole? Asked Councilmember Ho-Nikaido. Mr. Watanabe replied old design standards, about 8-10 feet. Additional 5-7 feet needs to be dug.
- Should be safe digging in bedrock, but the potential to hit a lava tube is a possibility. Council recommends having an archaeological monitor present during work.
- **Councilmember Scott Fisher make motion – MLIBC recommends archaeological monitoring during earth moving phase of proposed upgrade of highway traffic signal at Pukalani Street.**
- **Councilmember Kalani Ho-Nikaido second motion**
- **All aye; no nay**
- **Motion Passed**
- Councilmember Kamaunu asked if held public meetings?
- Mr. Watanabe replied no. Just published in newspaper and sent consultation letters to NHO’s and other individuals or organizations with interest in project.

- C. Letter Dated December 12, 2018 from the County of Maui Department of Public Works Engineering Division re: National Historic Preservation Act Section 106 Consultation, Guardrail and Shoulder Improvements, Phase 1 – Hali‘imaile Road (Route 371), Haleakala Highway (Route 37) to Baldwin Avenue (Route 390), District of Makawao, Island of Maui, Hali‘imaile Ahupua‘a, Federal-Aid Project No. STP-A371(003), Tax Map Key(s): (2) 2-5-3**

**Information/Discussion/Recommendation:** Discussion about the above letter.

- Kurt Watanabe, Traffic Engineer, DPW Engineering Division address council
- Third phase of project per Mr. Watanabe. Phase 1 and 2 resurface road. Phase 1 from Haleakala Hwy to Hali‘imaile town. Phase 2 from Hali‘imaile town to Baldwin avenue. In the process, noted needed to be some guardrail improvements. No funding. Separated out guardrail portion of it. Coming back just to replace what is out there per Mr. Watanabe. Basically replace. Where need to be extended, shortened will do so.
- No shoulder; goes right up on bank per Councilmember Fisher. If need to grade, no room.
- Won't be much grading per Mr. Watanabe. Total of 5 locations along Hali‘imaile road.
- No earth -moving equipment, maybe just to clear, cut grass per Mr. Watanabe.
- Council not needing to make recommendation if no/limited earth moving occurring during project.

- D. Training for Maui/Lāna‘i Islands Burial Council on membership, roles, and responsibilities.**

**Information/Discussion:** Discussion on the above item.

**(BRING BLACK TRAINING BINDER)**

- Item Deferred

Meeting adjourned at 11:37 AM

December 20, 2022

To: **Maui-Lana'i Island Burial Council**  
DLNR Maui Office  
130 Mahalani Street  
Wailuku, Hawai'i 96793  
TEL: (808) 243-1285  
FAX: (808) 243-5838

cc: Hinano Rodrigues,  
Branch Chief, Culture & History

**Attention:**

Chairperson, Kyle Nakanelua  
Council Member, Scott Fischer  
Council Member, Everette Dowling  
Council Member, Iris Pe'elua  
Council Member, Vernon Kalanikau  
Council Member, Michele Hoopii

From: Foster, Ampong  
58 Ho'ola Hou Street  
Wailuku, HI 96793  
Phone: (808) 281-3894  
Email: [kekahunakeaweii@yahoo.com](mailto:kekahunakeaweii@yahoo.com)

**Subject:** **For the Record: Violation of Traditional and Customary Rights - Hawaii State Constitution Article XII- 7, - Blocking Access to Registered Family Burials, Site#'s 50-50-03-08807 and 50-50-03-08808.**

**Location:** Kahoma Valley, Ahupua'a of Kuholilea, District of Lahaina, Island of Maui, TMK: (2) 4-5-017:001

**Perpetrators:** Jonah Ke'eaumoku Kapu  
Kennard Kaipo Kekona  
Kaulana Kapu  
J. Kapali Keahi  
Jacelyn Hacha Haunani Barrozo  
Jeremy Adam Kekoa Konohia  
Suzzette Felicilda  
Kahikilani Niles  
Tammy Evangelista  
David Bucholz  
Rose Riley  
Kamana Ng  
Numerous Unknown Affiliates

Aloha Council Members,

**Please be informed:**

As a recognized Lineal Descendant to family burials at Site #'s 50-50-03-08807 and 50-50-03-08808 in Kahoma Valley, Lahaina, please be advised, one of the burials is collapsing risking exposure to the elements and feral animals.

I have made attempts for the past year or so to remedy this situation but are being physically blocked with iron gates, boulders, wooden barricades, dogs, verbal threats and abuse, as well as groups of persons. With an approaching Kona storm, on my last attempt to tend to the burials, I was forced to cross Kahoma Stream to lay covering to protect the burial.

As a matter of law, under Hawaii State Constitution Article XII- Section 7, Jonah Ke'eaumoku Kapu; Kennard Kaipo Kekona; Kaulana Kapu; J. Kapali Keahi; Jacelyn Hacha Haunani Barrozo; Jeremy Adam Kekoa Konohia; Suzette Felicilda; Kahikilani Niles; Tammy Evangelista; David Bucholz; Rose Riley; Kamana Ng; and other Affiliates are violating my traditional and customary rights

Reference Attached:     F. Among Letter to MLIBC dated June 14, 2022  
                                   M. Hoopii Letter to MLIBC dated June 5, 2022

Mahalo.

Foster Among  
Recognized Lineal Descendant  
LOG NO: 2020.02522  
DOC NO: 2010AKP11

June 14, 2022

To: Maui-Lana'i Island Burial Council  
Attn: Kyle Nakanelua, Chairperson  
DLNR Maui Office  
130 Mahalani Street  
Wailuku, Hawai'i 96793  
TEL: (808) 243-1285  
FAX: (808) 243-5838

cc: Hinano Rodrigues, Branch Chief  
State Historic Preservation Div.

From: Foster, Ampong  
58 Ho'ola Hou Street  
Wailuku, HI 96793  
Phone: (808) 281-3894  
Email: [kekahunakeaweiji@yahoo.com](mailto:kekahunakeaweiji@yahoo.com)

Subject: **Written Response to Testimonies Opposing Agenda Item IV – E: Descendancy Claim Application of Foster Ampong Unidentified Human Skeletal Remains, at 2644 Kahekili Hwy, Kapuna Seaside Subdivision, Ahupua'a of Waihe'e, Wailuku District, Island of Maui, TMK: (2) 3-2-002: 041**

Re: **Applicant's Written Response to Testimonies Given on Agenda Item IV – E**

References: **Audio Recording** <https://drive.google.com/drive/folders/1BE6pzkuotSZWw2O40S-dH8ZCEVXRWKYV?usp=sharing>

AGENDA (May 18, 2022) MAUI LĀNA'I ISLANDS BURIAL COUNCIL MEETING

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**Aloha:** **Chairperson, Kyle Nakanelua**, District Representative-Hana  
**Council Member, Dr. Scott Fisher**, Landowner/Developer Representative  
**Council Member, Everett Dowling**, Landowner/Developer Representative  
**Council Member, Iris Peelua**, Landowner/Developer Representative  
**Council Member, Vernon Kalanikau**, District Representative- Honua'ula

It was brought to my attention - Testimonies Opposing Agenda Item IV – E: Descendancy Claim Application of Foster Ampong Unidentified Human Skeletal Remains in the Waihe'e Ahupua'a were publicly voiced.

Having not been present at the Maui-Lana'i Island Burial Council Meeting on May 18, 2022, I hereby submit my response regarding Agenda Item IV – E of the MLIBC May 18<sup>th</sup> Meeting and demonstrate to council members the importance, both "legally" e.g., Hawaii Administrative Rules Title §13-300-35



Recognition of lineal and cultural descendants; and as a Kanaka in the ‘Spirit of the Law’ to factcheck and verify testifier’s oral history that is presented before the council to ensure the integrity of the process is fair, just, and legal.

**Audio Recording** <https://drive.google.com/drive/folders/1BE6pzkuotSZWw2O40S-dH8ZCEVXRWKYV?usp=sharing>

Audio Recording  
Time Mark:

Testifiers:

<u>44:25</u>	Keeaumoku Kapu
<u>49:56</u>	Miki’ala Puaa-Freitas
<u>51:53</u>	Kaniloa Kanaumu
<u>55:33</u>	Sandra Lene Kealoha Apolo
<u>59:32</u>	Jennifer Ahia

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**46:43**

**Testifier: Keeaumoku Kapu**

**Time Mark:**

**Testimony**

**46:43**

- a) “I get one a pickle to pick with everybody and I think this company that hit this burial is the company that hit the burial in Lahaina where I live. That’s West Maui Construction”
- b) “I ‘m here to test the validity of the claim of Foster Ampong”
- c) The reasons why because he has an “affiliation with this company”
- d) “and my recommendation to this body is to not give him any descendancy recognition”
- e) to “tighten up what is required by law”
- f) “This individual has multiple claims”
- g) “Only to allow that individual to bargain with the bones”.
- h) “I came in front this council many times before (???) and the Kuleana of careship of iwi kupuna is great”
- i) “-sometimes individuals gotta literally jump in the hole to stop desecration that’s happening and happening in Lahaina
- j) “And the conflict interest of Foster Ampong working with individual companies namely the owner of West Maui Construction, Josh Dean”
- k) “I want all this that I’ve said placed on the minutes to make sure that we rectify the illegalities that is happening by individuals claiming cultural descendancy so they can bargain” – “so they can bargain on a process to make sure that everything goes for the betterment of the private sector – “I’m totally against that”
- l) “Now people claiming to be stepping forward to malama the iwi kupuna and they have a direct lineal descendancy and cultural descendancy ties”
- m) “It’s good to see the young generations step up because we getting old already”

46:40

n) (??Inaudible??) “Things are getting really complicated..” (??Inaudible??) “seeing that these things happen”...“a collateral damage that is placed on descendants that are of that area from descendants that are not from that area so I highly recommend that this body to look more into this application of this cultural descendancy because he get descendancy claims all over – Hana, Lahaina, Kahana, Kahoma Valley, a lot of um over here too”

47:09

o) “The only reason why I question the validity of these claims is because it gives him an opportunity to negotiate with the private sector and not the Ohana that is trying to protect the iwi kupuna”

47:22

p) End of Testifier, Keeaumoku Kapu’s testimony to the burial council.

47:31

q) Council Member, Kalanikau addresses Testifier, Keeaumoku Kapu – stating “I cannot accept yu testimony. He was never bought out or even thinking of being bought out or working for Josh Dean.” - “But what you saying I cannot accept that testimony”

48:18

r) Keeaumoku Kapu responds “You entitled to that” ... “I just wanna make sure this body knows that this same company - This same company desecrated many burials in Lahaina and have a close affiliation to Foster Ampong because his family purchased property from Josh Dean in Kahoma Valley – purchased property – that’s what the conflict is – The conflict is his interrelationship with this company – that’s where my conflict is – If I gotta take this thing to higher level... challenge this council, on a contested case, yeah I’m gonna do it.”

49:13

s) “And all I’m asking for is reconsider his application for descendancy claim..”

t) “What I’m getting at is the family that lives there don’t even know who he is.”

u) that “Foster Ampong works for Josh Dean and all those guys...”.

### My Response:

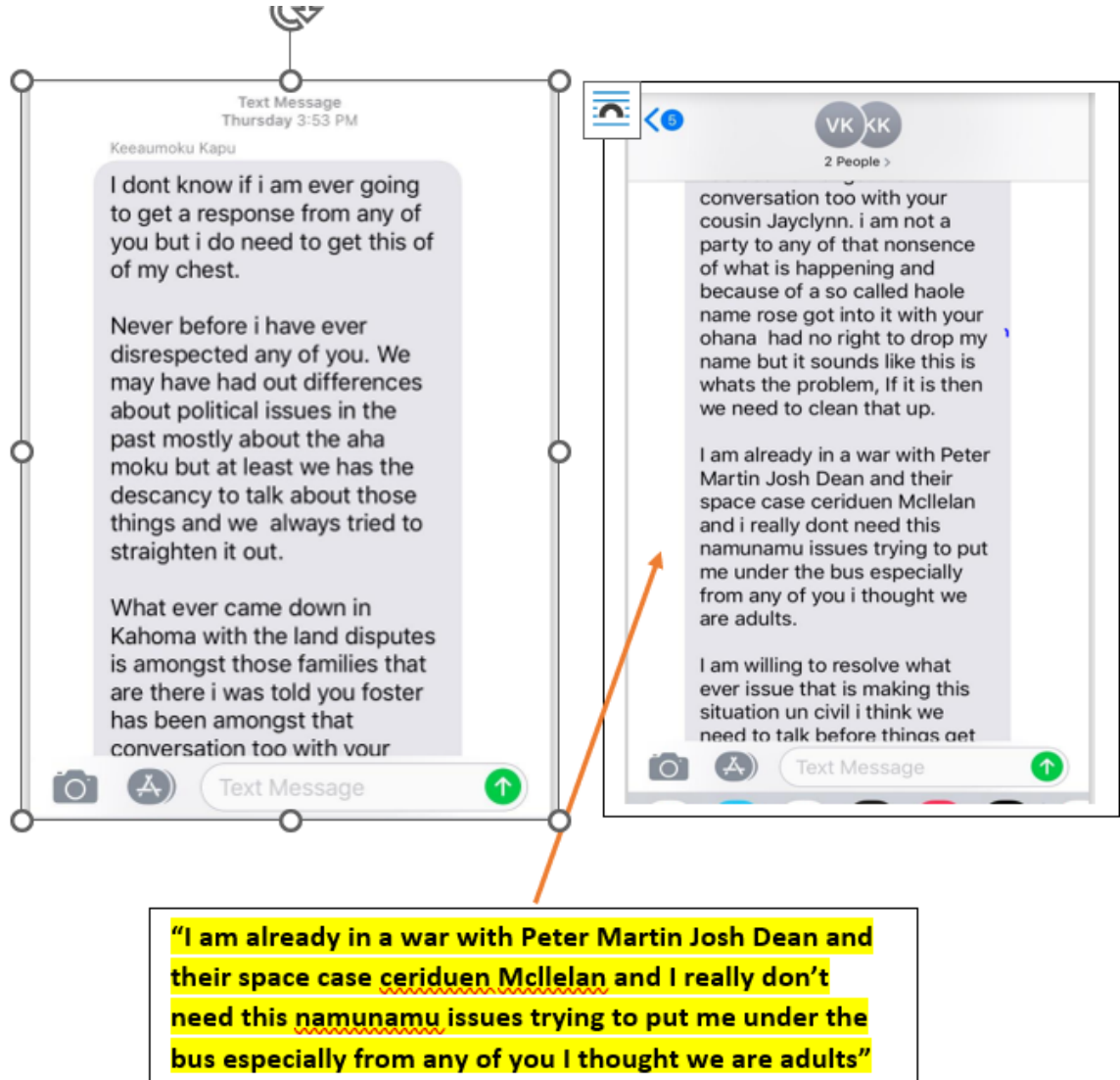
1. My descendancy application is confidential and the information is not privy to the public. Keeaumoku Kapu lacks sufficient oral and written history of my family.
2. Keeaumoku Kapu’s accusations (*sections a, c*) that Cultural Descendant Applicant has and “affiliation to Josh Dean” and works for “West Maui Constructions” is an outright lie to personally attack and assassinate my character. I am not affiliated nor worked for Josh Dean and West Maui Construction at any time in the past nor present.

Note: Burial Council Members can factcheck Keeaumoku Kapu’s story simply by reaching out to Josh Dean, yourselves.

After hearing the Audio Recording, I made a few quick inquires and obtained Josh Deans contact number: (808) 357-3593 –

3. Photos and screenshots below were shared by ohana.
4. Keeaumoku Kapu came to the Maui-Lana’i Island Burial Council with the premeditated intent of fabricating a slanderous story to persuade the council into denying my descendancy application and to manipulate public opinion against me.

5. The following text message from Keeaumoku Kapu back in December of 2020 demonstrates – Keeaumoku Kapu is at “war” with Peter Martin, Josh Dean, Ceriden McLellan (Kahi) and has now included me in his personal vendetta.



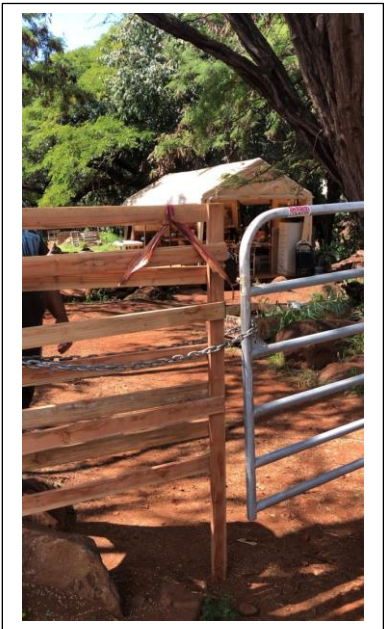
- 4 Keeaumoku Kapu did not tell the council that he and his subordinates have been physically blocking my family and I, from accessing our family burials that I registered with SHPD and obtained lineal descandancy recognition from MLIBC.
- 5 **Events at Kahoma Valley:** (Photo contribution by Applicant's Ohana)

On September 30, 2020, Keeaumoku Kapu and his subordinates (*pages 5 -* ) have erected metal/wire fencing, wood planks, iron gate with lock; and on numerous

occasions with their bodies, physically **blocked me and my family from accessing the burials that are located on the adjacent parcel.**



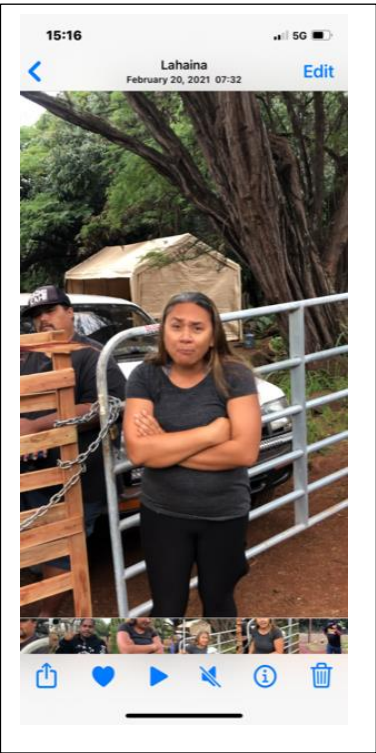
**Access to Burials - Blocked**



**Access to Burials - Blocked**



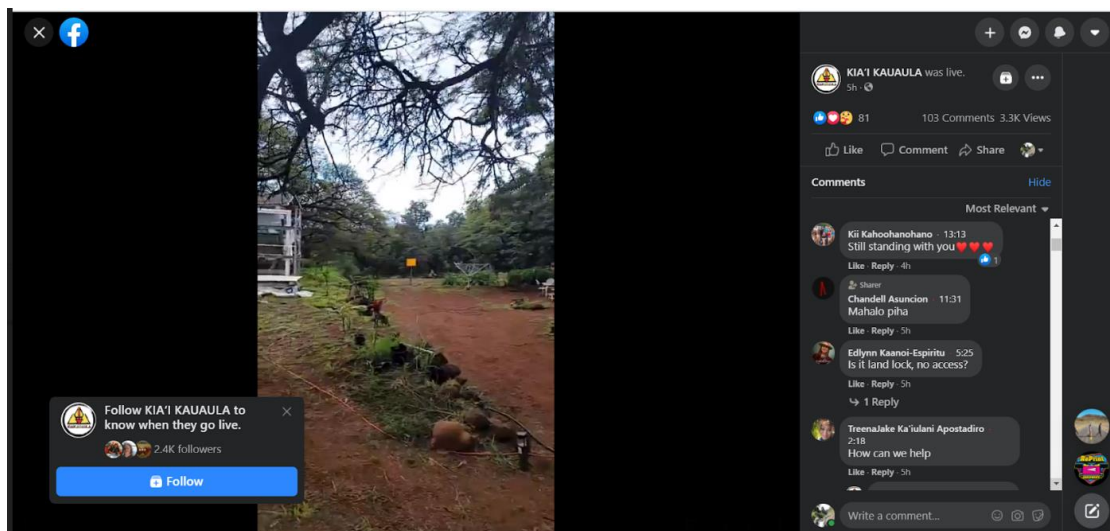
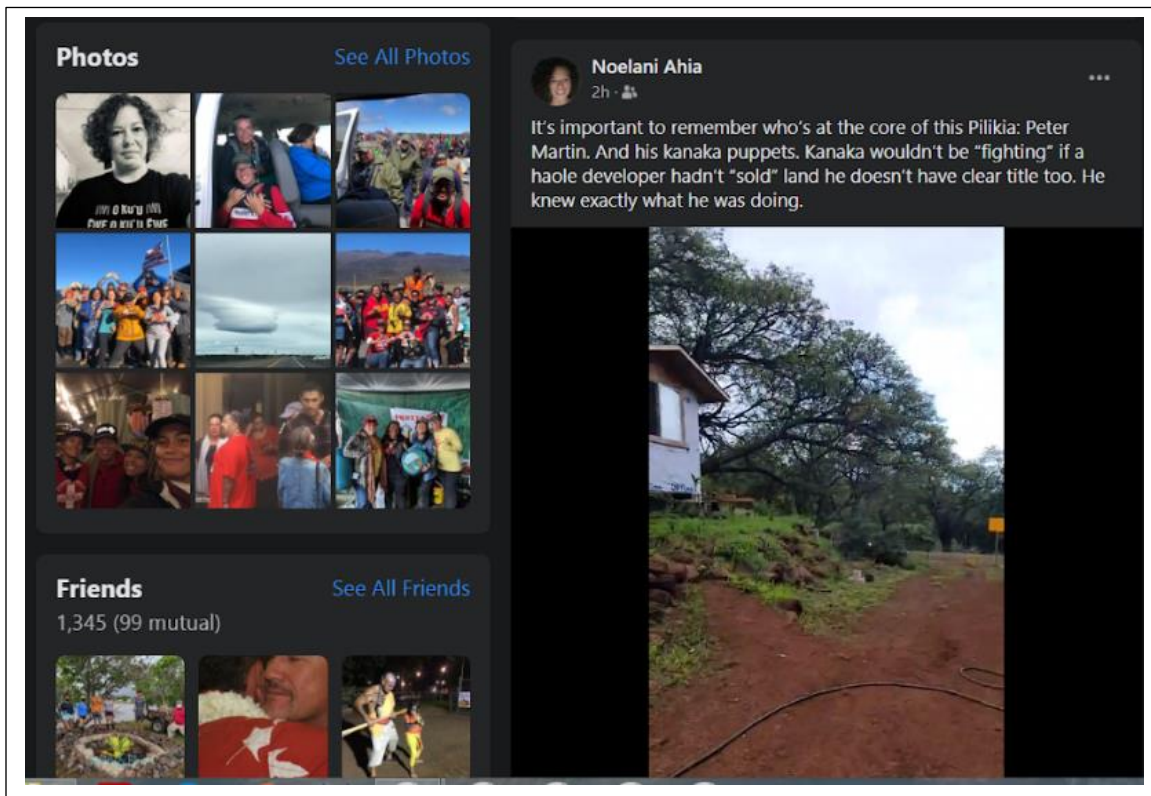
**Keeaumoku Kapu**



**Jacelyn Barrozo**



## Jennifer Noelani Ahia – Facebook Posting on Kiai Kauaula Group Page



Jennifer Ahia does not have written and oral history of my mother's family burials and lands in Kahoma.





**Sitting: Kaipo kekona  
Standing: Keeaumoku Kapu**



**Foreground: Kapali Keahi, Suzette  
Felicilda with camera in hand**



**Jesse Kaulana Kapu**



**Kaipo Kekona**



**Kapali Keahi**



**Jesse Kaulana Kapu**



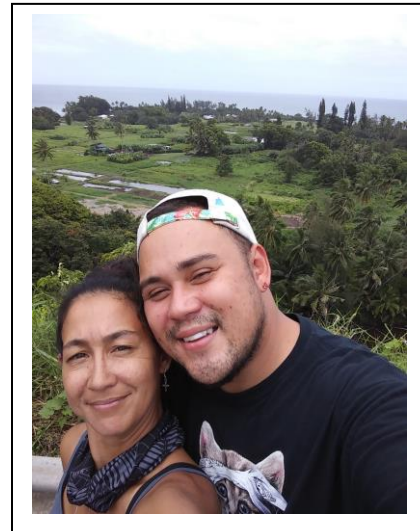
Suzette Felicilda



Rose Riley



Tammie Evangelista



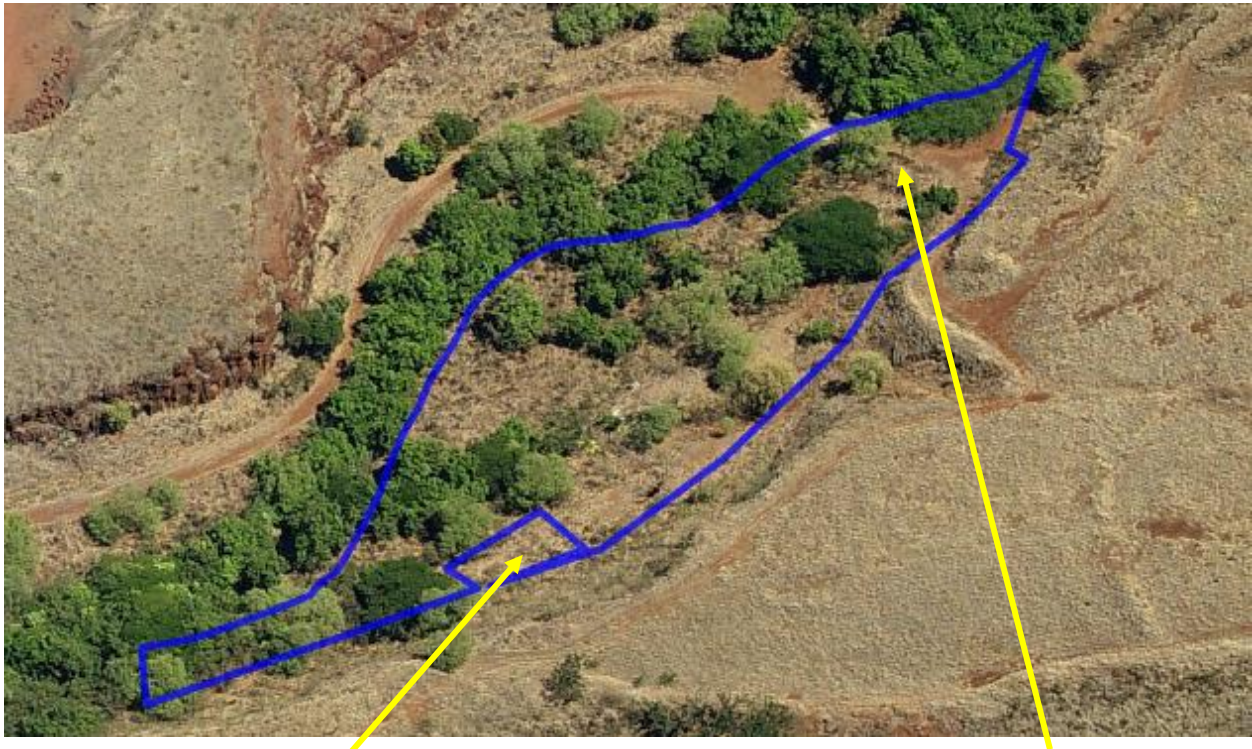
Tammie Evangelista – David Bucholz



David Bucholz



## 6. Descendancy Applicants's Burials at Kahoma Valley



**TMK: 45017001000 – Family Burials**

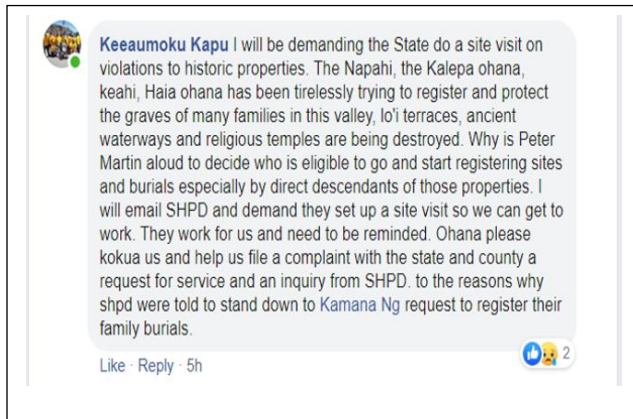
TMK: 45017002000 – Privately Owned Land adjacent to Burials where blocking access to Burials by Keeaumoku Kapu and Subordinates are taking place.



Having to cautiously navigate boulders and loose rocks, because of access to burials were blocked by Keeaumoku Kapu and his Subordinates - Applicant's Ohana was able to place protective covering over collapsing burial ahead of a coming Storm in May/June of 2021



## 7. Keeaumoku Kapu and Kamana Ng



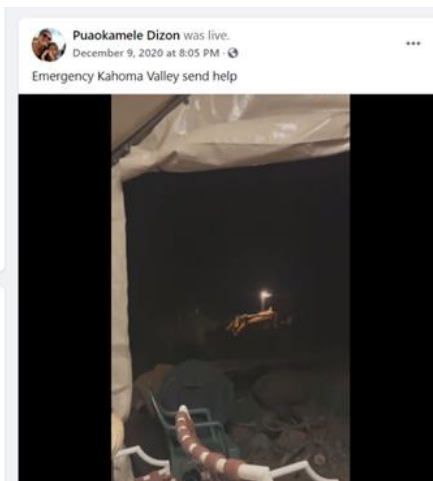
**Kamana Ng**, one of many subordinates of Keeaumoku Kapu, squatting on the disputed land adjacent to applicant's family burials made the following comments at the burial site in August of 2020-

- admitted to me (Witnesses present) he had 'no ties to my family burials'
- – "and was just helping the families (Kalamuhi Ohana) take care the burials.
- in August 2020, at the burial site, stated he was given permission from a Lineal Descendant to be on the adjacent land.



**Kaci-Cheree Puaokamele Dizon** – another Subordinate of Keeaumoku Kapu, along with her husband and children were amongst the first squatters blocking access to applicant's family Burials in 2020 – Kaci-Cheree Puaokamele Dizon and her family have no "Kuleana" ties to these family burials and the adjacent land.

Facebook Post – August 2020 **"...you are my enemy..."**

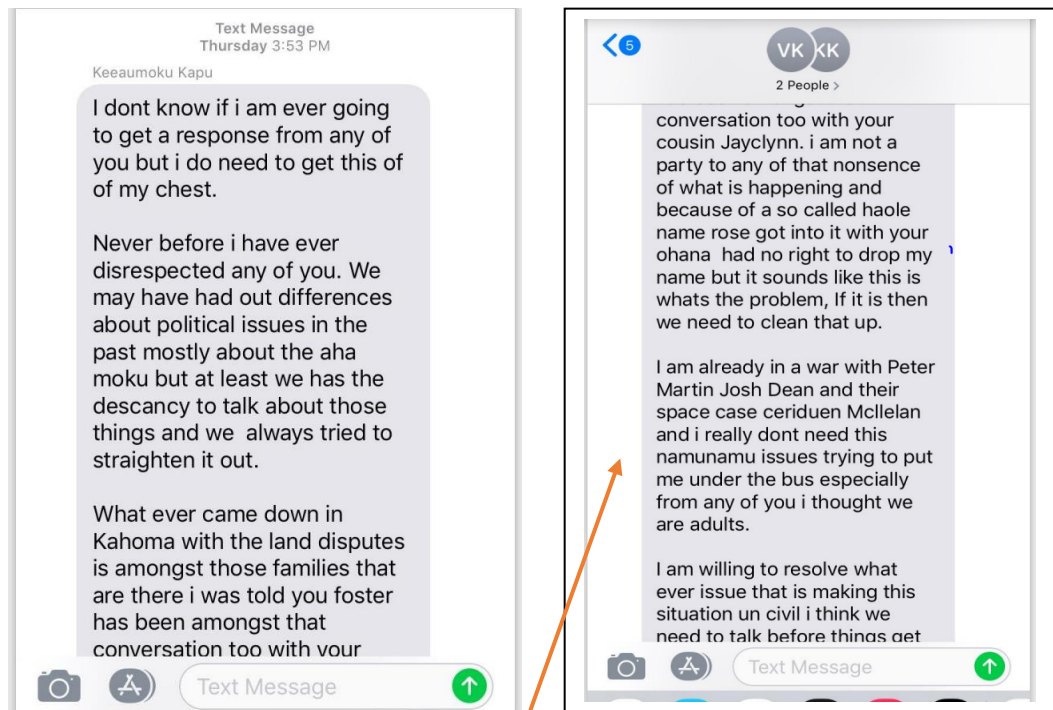


On or about December 9, 2020, two adult males were physically beaten in their Lahaina home in front of children because of a posting calling for help – The caller alleged she and her children were in danger because of the driver operating the Backhoe Dozer (Photo at left).

Note:

What is not seen in this photo is, between the Backhoe Dozer and camera's position beneath a tent is Kahoma Stream – separating the two at approximately 70- 80 yards.





**"I am already in a war with Peter Martin Josh Dean and their space case ceriduen McIllelan and I really don't need this namunamu issues trying to put me under the bus especially from any of you I thought we are adults"**

8. Several of Keeaumoku Kapu's subordinates who are squatting on the adjacent property, have made claims to the burials to fabricate the illusion they are "iwi protectors".
9. Under Hawaii Administrative Rules Title §13-300-35 Recognition of lineal and cultural descendants, applications for Descendant Recognition, when approved by the burial council(s) establishes "legal standing" in the consultation process with the landowner where iwi kupuna is disturbed and to work together in the best interest of the iwi kupuna, not for the interest and/or agenda of anyone else.
10. I do not and have never worked for Josh Dean and/or West Maui Construction.
11. I was born in 1958 and like my mother, my siblings and I were raised in Kahoma Ahupua'a and Waihe'e Ahupua'a. Keeaumoku Kapu was not born during this time.



**Keeaumoku Kapu's testimony is not credible** - without properly administering HAR §13-300-35 Recognition of lineal and cultural descendants the burial council risk the ramification of liability and lose of public confidence.

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**49:56**

**Testifier: Miki'ala Pua'a-Freitas**

**Time Mark:**

**Testimony:**

**49:56**

a) "Okay. Aloha again everybody. Um, yeah, I'm just here to speak o behalf of my Ohana again.

**50:04**

b) "I don't know Mr. Foster Ampong. I never met him – um - and um..."

**50:30**

c) "...and we have big ohana and when it comes the iwi and the development that is happening around us – like we're keeping it within our ohana and trying to navigate it."

**50:33**

d) "He's never reached out to us um – I've never – I've never met him..."

**51:28**

e) **"I've never met him, but from what I've heard"** – and being part of the process

**My Response:**

1. From the Audio Recording of the Maui-Lana'i Island Burial Council, May 18, 2022, meeting, Miki'ala Pua'a Freitas stated "I don't know Mr. Foster Ampong" and "I never met him." *Paragraph [b]*
2. Had **Miki'ala Pua'a-Freitas** checked with her family elders, first before hastily giving testimony, she would have been properly informed of my relationship to Waihe'e.



3. My descandancy application is confidential and the information is not privy to the public. Miki'ala Pua' a-Freitas lacks sufficient oral and written history of my family.
4. I was born in 1958 and like my mother, my siblings and I were raised in Kahoma Ahupua'a and Waihe'e Ahupua'a. Miki'ala Pua' a-Freitas was not born during this time.
5. Under Hawaii Administrative Rules Title §13-300-35 Recognition of lineal and cultural descendants' applications for Descendant Recognition, when approved by the burial council(s) establishes "legal standing" in the consultation process with the landowner where iwi kupuna is disturbed and to work together in the best interest of the iwi. I am not there for another descendant's interest and/or agenda.

**Miki'ala Pua'a-Freitas' testimony is not credible** - without properly administering HAR §13-300-35 Recognition of lineal and cultural descendants the burial council risk the ramification of liability and lose of public confidence.

**51:53**

**Testifier: Kaniloa Kanaumu**

**Time Mark:**

**Testimony:**

**53:21**

a) "But...the thing is...coming to Foster now...I going be honest...we do have kind of a rough relationship as of late..."

**53:32**

b) "I do agree with Keeaumoku..."

**53:42**

c) "The thing you have to consider is the relationship between the two parties, right... um..."

**53:55**

d) "...and in the areas that he's asked to be recognized as a cultural descendant should be looked at..." - Now, that's gonna be your discern(??) to decide whether or not he qualifies"

**54:05**

e) "But I think there is an underlying portion that needs to be taken into consideration and that he has had dealings with this company. Which is the one that is on this side now."

**54:16**

f) "So that needs to be clearly looked into – even though if SHPD made – go to the root of what is there – If they're gonna do that then I understand why."

**54:19**

g) "You know – That's another concern..."

h) "...Vernon and I we grew up together." – "But I think at this point- um – that he's come forward that he actually recuses himself from the process because of their personal relationship."

**My Response:**

1. My descendency application is confidential and the information is not privy to the general public, Kaniloa Kanaumu lacks sufficient oral and written history of my family.
2. Kaniloa Kanaumu states in *paragraph [b]* "I do agree with Keeaumoku..." and *paragraph [e]* "But I think there is an underlying portion that needs to be taken into consideration and that he has had dealings with this company. Which is the one that is on this side now." – **therefore**, Kaniloa Kanaumu supports the attack and assassination of my character by Keeaumoku Kapu. Kaniloa Kanaumu joins Keeaumoku to slander and defame me.

3. Under Hawaii Administrative Rules Title §13-300-35 Recognition of lineal and cultural descendants' applications for Descendant Recognition, when approved by the burial council(s) establishes "legal standing" in the consultation process with the landowner where iwi kupuna is disturbed; and to work together in the best interest of the iwi. I am not there for another descendant's interest and/or agenda.
4. I do not and have never worked for Josh Dean and/or West Maui Construction.
5. I was born in 1958 and like my mother, my siblings and I were raised in Kahoma Ahupua'a and Waihe'e Ahupua'a. Kaniloa Kanaumu was not born during this time.

**Kaniloa Kanaumu's testimony is not credible** - without properly administering HAR §13-300-35 Recognition of lineal and cultural descendants the burial council risk the ramification of liability and lose of public confidence.

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**55:33**

**Testifier: Sandra Lene Kealoha Apolo**

**Time Mark:**

**Testimony:**

**55:33**

**a)** "Aloha. My name is Sandra Lene Kealoha Apolo. I am a lineal descendant from that Molu in Kapuna – It's actually known as Kapuna – It's not know as Waihe'e"

**56:27**

**b)** "I'm here because I'm learning this process – because I am in this process right now..."

**56:30**

**c)** "I am fighting with Foster Among them... (?) – the construction that is happening at our site"

**56:42**

**d)** "...in fact, we are directly blocking them from coming into our property." – "We have stopped them from coming into our property."

**56:55**

**e)** "....and I'm so glad that you made clear Mo'olelo stands..."

**57:32**

**f)** "...all I ask is if this person is claiming descendant, please think real hard because like said, we don't know him..."

### My Response:

1. My descendancy application is confidential and the information is not privy to the public. Sandra Lene Kealoha Apolo lacks sufficient oral and written history of my family.
2. Under Hawaii Administrative Rules Title §13-300-35 Recognition of lineal and cultural descendants' applications for Descendant Recognition, when approved by the burial council(s), establishes "legal standing" in the consultation process with the landowner where iwi kupuna is disturbed and to work together in the best interest of the iwi. I am not there for another descendant's interest and/or agenda.
3. Sandra Lene Kealoha Apolo stated, in paragraph [f] "we don't know him" yet before making that statement in paragraph [c] she claims "I am fighting with Foster Among them... (?) – the construction that is happening at our site"
4. Had Sandra Lene Kealoha Apolo checked with her family, first before hastily giving testimony, she would have been properly informed of my relationship to Waihe'e.
5. I do not and have never worked for Josh Dean and/or West Maui Construction.
6. I was born in 1958 and like my mother, my siblings and I were raised in Kahoma Ahupua'a and Waihe'e Ahupua'a. Sandra Lene Kealoha Apolo was not born during this time.

**Sandra Lene Kealoha Apolo testimony is not credible** - without properly administering HAR §13-300-35 Recognition of lineal and cultural descendants the burial council risk the ramification of liability and lose of public confidence

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**59:32**

**Jennifer Ahia**

**Time Mark:**

**Testimony:**

**59:50**

"...this particular individual has made my life very, very challenging."

**1:00:03**

"As co-descendant on other projects, this person has slandered my name for years on social media as well with no evidence whatsoever"

**1:00:13**

"I'm sorry to say Mr. Kalanikau you have done that to me as well"

**1:00:45**

...we had (inaudible) ...recently at Waiko (inaudible) ...assessment of the iwi that we have (inaudible) ...we have to wrap them



1:00:53

“...and the kupuna woke me up the night before telling me I have to pule about Foster so I could be pono when I went there (inaudible)...I wouldn’t have pilikia in the room when I went there”

1:01:04

“ (inaudible)...I couldn’t sleep all night...to make pono inside myself”

1:01:14

“I went up to him to aloha him and he crossed his arms, and snubbed his nose, and walked away.” – “I felt like how can you be like this in front of our kupuna”

### **My Response**

1. My descendanty application is confidential and the information is not privy to the public. Jennifer Ahia lacks sufficient oral and written history of my family, and her testimony addressed her personal issues outside of the parameters of Hawaii Administrative Rules Title §13-300-35 Recognition of lineal and cultural descendants.
2. My Descendanty Application is to have legal standing to engage in the consultation process with the landowner – NOT to entertain people.
3. Under Hawaii Administrative Rules Title §13-300-35 Recognition of lineal and cultural descendant’s application for Descendant Recognition, when approved by the burial council(s) establishes “legal standing” in the consultation process with the landowner where iwi kupuna are disturbed; and to work together in the best interest of the iwi. I am not there for another descendant’s interest and/or agenda.
4. Jennifer Ahia’s perception regarding how to care for iwi is her own personal preference and process. I have my own process, beliefs, way of communing with the iwi which doesn’t include being a follower. Jennifer Ahia has never accompanied/participated with me in how I care for iwi kupuna at Hanakao’o Ahupua’a, Honokowai Ahupua’a, Moali’i Ahupua’a, Kuholilea (Kahoma Valley) Ahupua’a, Waikapu Ahupua’a, Wailuku Ahupua’a, Waiehu Ahupua’a, Pulehu Nui Ahupua’a, Ka’ono’ulu Ahupua’a.
5. I will note here for the council, the week after the May 18<sup>th</sup> MLIBC meeting Jennifer Ahia, Vernon Kalanikau, and myself met with Leilani Pulmano for our weekly Waiko updates. Cultural Descendant, Vernon Kalanikau brought up Jennifer Ahia’s testimony for discussion. However, without any emotions and a firm response, Jennifer Ahia stated, “This is not the appropriate place to discuss it.”
6. **Two occurrences took place whereupon factual and historical contradictions were made by Jennifer Ahia 1) January 16, 2019, and 2) January 19, 2022. Both incidents raise serious credibility issues when oral testimony is accepted by the burial council without adhering to HAR §13-300-35 Recognition of lineal and cultural descendants:**

1. On January 16, 2019:

- **In Open Session (see meeting minutes)**, Jennifer Ahia gave Testimony before the Maui-Lana'i Island Burial Council in support of her descendancy application to unidentified human skeletal remains at Maui Lani Phases VI & IX.
- **Jennifer Ahia claimed** unidentified human skeletal remains at Maui Lani are her ancestors – her “family” *paragraph [a], [b], [h], [l], [m]* of the Alapa and Piipii Regiments of Kalaniopuu from Hawaii Island ---
  - “who were slain at the Battle of Kakanilua” *paragraph [b], [h]*...
  - ...and “buried” in Wailuku. *paragraph [a], [b], [n]*
  - “Mo’olelo states in Kamakau, “they slew the Alapa on the sandhills at the southeast of Kalua. There the dead lay in heaps, strewn like kukui branches; the corpses lay heaped in death; they were slain like fish, enclosed in a net.” - *paragraph [e]*

**Contradiction:** According to Hawaiian Scholar, Samuel Kamakau cited by Jennifer Ahia in *paragraph [e]* her ancestors of the Alapa and Piipii Regiments of Kalaniopuu from Hawaii Island were slain at the battle of Kakanilua “lay in heaps, strewn like kukui branches; the corpses lay heaped in death; they were slain like fish, enclosed in a net.” – **not “buried”, as she claimed in** *paragraph [b], [n]*; therefore, her

**Meeting Minutes for January 16, 2019, attached below:**

Excerpt (page 2 – 4)

- [a] “- Ms. Ahia stated that she is present before council to demonstrate that she has ancestors that are buried in the district of Wailuku.”
- [b] “- Ms. Ahia explained that her genealogical connections to ancestors who are buried in district of Wailuku comes from descendancy from Keawe line and warriors of the Alapa and Pi’ipi’i regiments who were slain in the battle of Kakanilua.”
- [c] - Per Ms. Ahia, according to Desha, page 33 of Kamehameha and His Warrior Kekuhaupi’o, “those chiefly armies named the Alapa and Pi’ipi’i were composed of persons who were related in some way to Chief Kalani’ōpu’u and also some brave, fearless lesser chiefs. Most of the Alapa and Pi’ipi’i were ‘ohana in the Keawe line.”
- [d] - Ms. Ahia stated she is a direct descendant of Keawe’īkekaiali’iokamoku, his son, Kalaninuiiamamao and his son, Kalani’ōpu’u. Some warriors that are mentioned by name in the mo’olelo that fought in the battle that the applicant has direct genealogical ties to, besides Kalani’ōpu’u, is Keaweokahikona and Keawemauhili per Ms. Ahia.

- [e] - Mo'olelo states in Kamakau, "they slew the Alapa on the sandhills at the southeast of Kalua. There the dead lay in heaps, strewn like kukui branches; the corpses lay heaped in death; they were slain like fish, enclosed in a net."
- [f] - Per Ms. Ahia, In the Archaeological Assessment Report for Well Sites 5, 6, and 7, portions of residential sites in Phase 9 by Hazuka and Pantaleo 2007, it states in reference to the district, "District of Wailuku contains the ahupua'a of Waiehu, Waihe'e and Kahakuloa to the north and Waikapu and Pulehu Nui to the south."
- [g] - Intention for being here is not for recognition of battle, we all know it took place. Same Archaeological Assessment for Maui Lani, states, "another battle, the battle of Kakanilua, was fought on the Wailuku Sandhills during the 1700's when Kalaniopu'u was defeated and O'ahu and Maui warriors."
- [h] - Ms. Ahia stated she is here because her na'au wants recognition to these iwi kupuna. My ancestors, on the losing side, whose mana still rests in Wailuku. Battle was the just the event that brought them to this place. Where they took their last breath and perished in the sand per Ms. Ahia.
- [i] - Ms. Ahia explained that she was told that SHPD cannot support claim at this time. There has also been comments about oral history not being accurate. Techniques used now vastly different then memory recollections. Peoples lives were dependent on accurate preservation of stories. Author of book Memory Code, researcher Lynne Kelly PhD., states that "aboriginal people demonstrated that oral traditions not only highly detailed and complex, it can survive accurately for tens of thousands of years." Mo'olelo valuable. If we as lāhui cannot accept mo'olelo, painstakingly preserved in detail for our benefit, what does that say about us asked Ms. Ahia.
- [j] - Ms. Ahia stated that there are very detailed accounts of the battle from Kamakau, historians of kingdom, served as judge in Wailuku. From Kalākaua, chief and latter mō'i, Desha, historian prolific contributor to Hawaiian language newspapers. Even Lorrin Thurston. Ms. Ahia explained that Hawaiian literacy was made manifest less than 50 years after when battle took place. Surely people alive with direct accounts. Much of mo'olelo put into written form by scholars, such as Kamakau. Published in newspaper and eventually in book format. Ms. Ahia would like to point out one source that translated and shared battle of Kakanilua, Desha book, Kamehameha and His Warrior Kekuhaupi'o. First published in newspapers between 1920-1924. Book says in introduction, as did his predecessors, Desha records oral traditions gathered both from immediate peers and preceding generation. Sum of the latter, one only shortly after the events described. The translation compilation into book form included efforts on many fronts, including SHPD involved. SHPD commissioned work to be published.
- [k] - Ms. Ahia stated she comes here proudly, not to praise ancestors of bravery in battle, but to acknowledge them. Ancestor, Keaweokahikona, echoed holoa'e (plea) to Kalani'ōpu'u (other ancestor) to change strategy; Kalani'ōpu'u chose to ignore his Kahuna. Sometimes ancestors make choices we can never understand per Ms. Ahia. Will stand here advocate for right to rest in peace, as all of our ancestors have right to do. Coming from the losing side of battle. Space where ancestors fell; sacred.

- [l] - Ms. Ahia wants to clarify that she is not suggesting she knows where exactly battle took place within district of Wailuku. Not saying took place in Maui Lani Phase 9 or 6. For Cultural descendantcy, only need to establish it took place in district of Wailuku and ancestors perished there. However, applicants must list which projects to have a voice in individually, at this time Maui Lani Phase 6, 9 as listed on application.
  - [m] - Ms. Ahia stated that she showed her genealogical connection to the battle; Alapa and Pi'ipi'i regimens who perished. Over 800 on first day of battle. All family, all from Keawe line, all from Ms. Ahia genealogy. 4
  - [n] - Ms. Ahia explained that she has made the connection between the battle where ancestors buried and the district in which took place (Wailuku).
  - [o] - Ms. Ahia thanked the council for hearing descendantcy claim application.
  - [p] - Councilmember Scott Fisher asked Ms. Ahia if she is claiming direct descendantcy to Keaweokahikona? He perished in battle?
  - [q] - Ms. Ahia replied that he did not pass in the battle. He was at battle. Alapa and Pi'ipi'i regimen all from Keawe line. Nearly every single warrior that perished was Keawe line, Ms. Ahia 'ohana, as stated in mo'olelo.
  - [r] - Councilmember Fisher mentioned two survivors of battle. Likely family haven't found names yet per Ms. Ahia. Don't know direct ancestors who perished; don't have identified skeletal remain (burial) stated Councilmember Fisher.
  - [s] - Councilmember Fisher asked in family history, passed down thru generations, was there any recognition that ancestors died at battle of Kakanilua.?
  - [t] - Ms. Ahia replied specifically no. If look at genealogy, shared one particular line that came from family letter. Have more genealogy explained Ms. Ahia. Ms. Ahia stated that Ahia Kalani-kumaikiekie I married both Kalani'ōpu'u and Kalaninuiiamamao. Spreads out like spiderweb as most ali'i genealogy does. Everyone interrelated.
  - [u] - Council Chair Antonio open item up for public testimony."
- Jennifer Ahia's Descendantcy Application to unidentified human skeletal remains at Maui Lani Phase VI & Phase IX were approved by the MLIBC over SHPD's nonsupport (paragraph (ii) of her application
  - Oral history given in testimony by Jennifer Ahia to the burial council was not factchecked for its validity – nonetheless, the burial council approved Jennifer Ahia's Descendantcy's Application for recognition to unidentified human skeletal remains at Maui Lani Phases VI & IX
  - See HAR §13-300-35 Recognition of lineal and cultural descendants.

§13-300-35 Recognition of lineal and cultural descendants. (a) In order to establish lineal or cultural descent to human skeletal remains, a person shall submit a claim to the department together with any of the following information:

- (1) The name of the deceased individual;
- (2) Family genealogy;
- (3) Birth certificates;
- (4) Death certificates;
- (5) Obituaries;
- (6) Marriage certificates;
- (7) Probate records;
- (8) Church records;
- (9) Census records;
- (10) Tax records;
- (11) Land conveyance documents including, but not limited to, deeds and land commission awards;
- (12) Oral family history; or
- (13) Any other applicable information or records that help establish a lineal connection between the claimant and the human skeletal remains.

(b) The department shall review all submitted information and assess whether direct or collateral genealogical connections can be demonstrated between the claimant and certain human skeletal remains.

(c) The department shall obtain a written statement from the claimant concerning the confidentiality of any information submitted. No information shall be duplicated by the department without prior written consent.

(d) Where possible, the department shall compare submitted information with records found at appropriate repositories including:

- (1) State archives;
  - (2) State bureau of conveyances;
  - (3) Office of health status monitoring, department of health;
  - (4) Family History Centers of the Church of Jesus Christ of Latter-Day Saints;
- or
- (5) Any other appropriate repository or source.

(e) The department shall have no longer than thirty days from receipt of a written claim to review and assess the information submitted. Upon completion, the department shall return all information, unless the claimant indicates otherwise.

(f) With regard to Native Hawaiian skeletal remains, the department shall provide the council with a written assessment of the information submitted and a recommendation regarding recognition of the claimant as a known lineal descendant. It shall be the decision of the council to recognize the claimant as a known lineal descendant. The council shall give preference for proper treatment of previously identified Native Hawaiian skeletal remains and any burial goods to known lineal descendants.

(g) With regard to non Native Hawaiian skeletal remains, the department shall provide the claimant with a written assessment of the information submitted. It shall be the decision of the department to recognize a non Native Hawaiian claimant as a known lineal descendant. The department shall give preference for proper treatment of previously identified non Native Hawaiian skeletal remains and any burial goods to known lineal descendants.

(h) Where the submitted information fails to establish lineal descent, but establishes genealogical connections between the claimant and Native Hawaiian ancestors who once resided or are buried or both, in the same ahupua`a or district in which certain Native Hawaiian skeletal remains and any burial goods are located or originated from, the department shall provide the council with a written assessment and a recommendation regarding recognition of the claimant as a cultural descendant. In the event the department does not recommend recognition as a cultural descendant, the recommendation shall be deferral pending submission of additional information. It shall be the decision of the council whether to recognize the claimant as a cultural descendant. Testimony by a recognized cultural descendant concerning proper treatment of Native Hawaiian skeletal remains and any burial goods, shall be duly considered and given appropriate weight by the council.

(i) Where the submitted information fails to establish lineal descent but establishes that the non Native Hawaiian claimant is the same ethnicity as the human skeletal remains, the department shall provide the claimant with a written assessment and a decision regarding recognition as a cultural descendant. In the event the department does not determine to recognize the claimant as a cultural descendant, the department shall defer the matter pending submission of additional information. Testimony by a recognized cultural descendant concerning the proper treatment of non Native Hawaiian skeletal remains and any burial goods shall be duly considered and given appropriate weight by the department. [Eff SEP 28 1996 ] (Auth: HRS §§6E-43.5, 92-1) (Imp: HRS §§6E-43, 6E-43.5, 6E-43.6)

- April 17, 2019: In Close Session for Descendancy Application of Foster Ampong, being vetted by the burial council, MLIBC Council Member, Wailuku District Representative, Johanna Kanaumu after hearing applicant's oral history, stated, "I cannot accept your oral history without documentation."

Documentation was provided by applicant and reviewed by all council members present -

Kapulani Antonio – Chairperson



Dane Maxwell – Vice Chairperson  
Kaheleonalani Dukelow  
Scott Fisher  
Johanna Kamaunu  
Leiane Paci

See Written Complaint (Public Record) was submitted to State Historic Preservation Division and Maui-Lana'i Island Burial Council, August 12, 2019, by this Applicant.

**2. On January 19, 2022: Misrepresenting Facts**

Waiko Light Industrial Project Weekly Update Meeting (Zoom) Recognized Cultural Descendant, Jennifer Ahia misled the meeting attendees by misrepresenting facts regarding who requested and authorized use of Ground Penetrating Radar (GPR).

Jennifer Ahia stated SHPD requested and authorized use of Ground Penetrating Radar (GPR).

For the record, Jennifer Ahia's credibility has been in question for quite some time and factchecking her statement was initiated - See attached correspondence and documentations.

Discovery:

- SHPD did not request GPR.
- County of Maui and Waiko Industrial Investment, LLC made the requested for GPR to be performed to SHPD.
- Malama Kakanilua initiated the request for GPR to the County of Maui and Waiko Industrial Investment, LLC.

Conclusion: Jennifer Ahia misrepresented facts and misled recognized cultural descendants; henceforth, her words cannot be trusted.

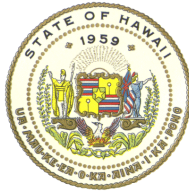
**Jennifer Ahia's testimony is disingenuous and not credible** - without properly administering HAR §13-300-35 Recognition of lineal and cultural descendants the burial council risk the ramification of liability and lose of public confidence.

In closing the testimonies against my descendancy application was a premeditated attack to persuade the burial council to deny my descendancy application – regardless of meeting all requirements under Hawaii Administrative Rules Title §13-300-35 Recognition of lineal and cultural descendant.

Mahalo

  
Foster Ampong

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**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  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

DATE: January 16, 2019  
TIME: 9:00 AM  
PLACE: County of Maui, Planning Commission  
Conference Room  
Kalana Paku'i Building, 1<sup>st</sup> Floor  
250 S. High Street  
Wailuku, Maui, HI 96793

**I. CALL TO ORDER**

The Burial Council Chair Kapulani Antonio called the meeting to order at 9:03 AM

**II. ATTENDANCE:**

Members: Kapulani Antonio – Chairperson  
Dane Maxwell – Vice Chairperson  
Kaheleonalani Dukelow  
Scott Fisher  
Kalani Ho-Nikaido  
Johanna Kamaunu

Excused: Leiane Paci

SHPD Staff: Kealana Phillips, Burial Sites Specialist  
Ikaika Nakahashi, Cultural Historian

Guests: Noelani Ahia  
Clare Apana  
Lala Johnson  
Amy Halas  
Kaniloa Kamaunu  
Francis Maddela  
Lisa Rotunno-Hazuka  
Nico Fuentes  
Jocelyn Costa  
Yana Dashevsky  
Kurt Watanabe

### **III. APPROVAL OF MINUTES**

#### **A. September 19, 2018**

- Councilmember Scott Fisher made a motion to accept minutes
- Councilmember Kahele Dukelow second motion
- All aye; no nay
- Minutes accepted

#### **B. October 17, 2018**

- Councilmember Scott Fisher made a motion to accept both the meeting minutes & executive minutes
- Councilmember Kahele Dukelow second motion to accept both
- All aye; no nay
- Meeting and executive minutes accepted

### **IV. BUSINESS**

#### **A. Cultural Descendancy Recognition of Jennifer Noelani Ahia to Unidentified Human Skeletal Remains, at Maui Lani Phase VI and Maui Lani Phase IX, Wailuku Ahupua'a, Moku of Wailuku, Island of Maui, TMK(s): (2) 3-8-099 and (2) 3-8-007:153**

**Discussion/Determination:** Discussion and determination whether to recognize the above individual as a cultural descendant to unidentified human skeletal remains at the above location.

- Burial Specialist Kealana Phillips read aloud SHPD leader of recommendation.
- Applicant Noelani Ahia address council.
- Ms. Ahia recite her genealogy for council.
- Ms. Ahia referenced HAR 13-300-2, definition of cultural descendant, "with respect to Native Hawaiian skeletal remains, a claimant recognized by the council after establishing genealogical connections to Native Hawaiian ancestors who once resided or are buried, or both, in the same ahupua'a or district in which certain Native Hawaiian skeletal remains are located or originated from."
- Ms. Ahia stated that she is present before council to demonstrate that she has ancestors that are buried in the district of Wailuku.
- Ms. Ahia explained that her genealogical connections to ancestors who are buried in district of Wailuku comes from descendancy from Keawe line and warriors of the Alapa and Pi'ipi'i regiments who were slain in the battle of Kakanilua.
- Per Ms. Ahia, according to Desha, page 33 of Kamehameha and His Warrior Kekuhaupi'o, "those chiefly armies named the Alapa and Pi'ipi'i were composed of persons who were related in some way to Chief Kalani'ōpu'u and also some brave, fearless lesser chiefs. Most of the Alapa and Pi'ipi'i were 'ohana in the Keawe line."
- Ms. Ahia stated she is a direct descendant of Keawe'ikekaiali'iokamoku, his son, Kalaninuiiamamao and his son, Kalani'ōpu'u. Some warriors that are mentioned by name in the mo'olelo that fought in the battle that the applicant has direct genealogical ties to, besides Kalani'ōpu'u, is Keaweokahikona and Keawemauhili per Ms. Ahia.

- Mo'olelo states in Kamakau, "they slew the Alapa on the sandhills at the southeast of Kalua. There the dead lay in heaps, strewn like kukui branches; the corpses lay heaped in death; they were slain like fish, enclosed in a net."
- Per Ms. Ahia, In the Archaeological Assessment Report for Well Sites 5, 6, and 7, portions of residential sites in Phase 9 by Hazuka and Pantaleo 2007, it states in reference to the district, "District of Wailuku contains the ahupua'a of Waiehu, Waihe'e and Kahakuloa to the north and Waikapu and Pulehu Nui to the south."
- Intention for being here is not for recognition of battle, we all know it took place. Same Archaeological Assessment for Maui Lani, states, "another battle, the battle of Kakanilua, was fought on the Wailuku Sandhills during the 1700's when Kalaniopu'u was defeated and O'ahu and Maui warriors."
- Ms. Ahia stated she is here because her na'au wants recognition to these iwi kupuna. My ancestors, on the losing side, whose mana still rests in Wailuku. Battle was the just the event that brought them to this place. Where they took their last breath and perished in the sand per Ms. Ahia.
- Ms. Ahia explained that she was told that SHPD cannot support claim at this time. There has also been comments about oral history not being accurate. Techniques used now vastly different then memory recollections. Peoples lives were dependent on accurate preservation of stories. Author of book Memory Code, researcher Lynne Kelly PhD., states that "aboriginal people demonstrated that oral traditions not only highly detailed and complex, it can survive accurately for tens of thousands of years." Mo'olelo valuable. If we as lāhui cannot accept mo'olelo, painstakingly preserved in detail for our benefit, what does that say about us asked Ms. Ahia.
- Ms. Ahia stated that there are very detailed accounts of the battle from Kamakau, historians of kingdom, served as judge in Wailuku. From Kalākaua, chief and latter mō'i, Desha, historian prolific contributor to Hawaiian language newspapers. Even Lorrin Thurston. Ms. Ahia explained that Hawaiian literacy was made manifest less than 50 years after when battle took place. Surely people alive with direct accounts. Much of mo'olelo put into written form by scholars, such as Kamakau. Published in newspaper and eventually in book format. Ms. Ahia would like to point out one source that translated and shared battle of Kakanilua, Desha book, Kamehameha and His Warrior Kekuhaupi'o. First published in newspapers between 1920-1924. Book says in introduction, as did his predecessors, Desha records oral traditions gathered both from immediate peers and preceding generation. Sum of the latter, one only shortly after the events described. The translation compilation into book form included efforts on many fronts, including SHPD involved. SHPD commissioned work to be published.
- Ms. Ahia stated she comes here proudly, not to praise ancestors of bravery in battle, but to acknowledge them. Ancestor, Keaweokahikona, echoed *holoa'e* (plea) to Kalani'ōpu'u (other ancestor) to change strategy; Kalani'ōpu'u chose to ignore his Kahuna. Sometimes ancestors make choices we can never understand per Ms. Ahia. Will stand here advocate for right to rest in peace, as all of our ancestors have right to do. Coming from the losing side of battle. Space where ancestors fell; sacred.
- Ms. Ahia wants to clarify that she is not suggesting she knows where exactly battle took place within district of Wailuku. Not saying took place in Maui Lani Phase 9 or 6. For Cultural descendancy, only need to establish it took place in district of Wailuku and ancestors perished there. However, applicants must list which projects to have a voice in individually, at this time Maui Lani Phase 6, 9 as listed on application.
- Ms. Ahia stated that she showed her genealogical connection to the battle; Alapa and Pi'ipi'i regimens who perished. Over 800 on first day of battle. All family, all from Keawe line, all from Ms. Ahia genealogy.

- Ms. Ahia explained that she has made the connection between the battle where ancestors buried and the district in which took place (Wailuku).
- Ms. Ahia thanked the council for hearing descendantcy claim application.
- Councilmember Scott Fisher asked Ms. Ahia if she is claiming direct descendantcy to Keaweokahikona? He perished in battle?
- Ms. Ahia replied that he did not pass in the battle. He was at battle. Alapa and Pi'ipi'i regimen all from Keawe line. Nearly every single warrior that perished was Keawe line, Ms. Ahia 'ohana, as stated in mo'olelo.
- Councilmember Fisher mentioned two survivors of battle. Likely family haven't found names yet per Ms. Ahia. Don't know direct ancestors who perished; don't have identified skeletal remain (burial) stated Councilmember Fisher.
- Councilmember Fisher asked in family history, passed down thru generations, was there any recognition that ancestors died at battle of Kakanilua.?
- Ms. Ahia replied specifically no. If look at genealogy, shared one particular line that came from family letter. Have more genealogy explained Ms. Ahia. Ms. Ahia stated that Ahia Kalani-kumaikiekie I married both Kalani'ōpu'u and Kalaninuiiamamao. Spreads out like spiderweb as most ali'i genealogy does. Everyone interrelated.
- Council Chair Antonio open item up for public testimony.
- Clare Apana address council in support of applicants descendantcy claim. Support burial council recognition of very important battle that happened in sand dunes of Waikapu, Wailuku and started all the way from Mā'alaea to Keone'ōio. First want to go from western side, seem to be always stuck there per Ms. Apana. As kind of a parent of this group, who advocates for our kupuna, wish younger generation are able to have better advocacy than elder generations were able to achieve in this burial. Hinges upon who we are. Hinges upon burial council recognizing history. Long followed battle per Ms. Apana. Applied for descendantcy 10 years ago. Told by DLNR impossible. Stand before council as kākaka. As a resident of Kalua and now after all these years, ascended to kupuna years. In support of Noelani Ahia. First talked about battle, kupuna being forgotten by history. Direct connection to warriors, battle, all who left bones, blood and spirit here in sand dunes. Ms. Apana says she feels them. Noelani Ahia will be excellent representative for the protection of not only history and battle, but for all iwi kupuna who have left remains here on island. Ms. Apana stated she has much more information re: what DLNR ask group to do over the years; to prove battle. Archaeologist haven't found proof of battle. Ms. Apana says they have found evidence. Skeletal remains from battle. Ms. Apana stated can provide info to council.
- Lala Johnson address council in support of applicants descendantcy claim. Ms. Johnson stated she is from Moku of Wailuku, brought up in Waiehu. Come from Keawe line. How do we connect to the iwi? For Ms. Johnson and Noelani, may not really direct. Related through grandchild. Ms. Johnson explained that Noelani sister is daughter in-law. Child, who passed away, iwi is what connects Ms. Johnson to Noelani. Understanding of how we are all related. Asking question how related to iwi in sand dunes? Ms. Johnson can say that from Waiehu, been there many generations. Sand dunes in Waiehu, connected to dunes in Wailuku. Connection, link to the iwi that's there. Iwi dug up in Waiehu (all part of 'ohana). Connection in Wailuku too.
- Ms. Johnson mentioned to council that when deciding on whether to allow Ms. Ahia to have position, cultural descendantcy, Ms. Johnson hope council understands still exist connection to iwi. All in someway connected. Keawe line, all 'ohana explained Ms. Johnson.
- Amy Halas address council in support of applicants descendantcy claim. Ms. Halas stated that several archaeologist mention to her that if osteological analysis, DNA retrieval from iwi were allowed, living descendants who wanted to, could very well be

connected to ancestors. Ms. Halas realize that 6E burial laws, Administrative Rules drafted after Honokahua. Right now, last remaining open spaces, throughout State of Hawai'i being mass graded, excavated. Real critical time for kanaka maoli to do everything can to protect, respect, recognize and acknowledge ancestors.

- Councilmember Dukelow asked what is SHPD plan for application. Did SHPD identify areas where more documentation needed? Has SHPD met with applicant and identified areas where connection need to be strengthened?

- Burial Specialist Phillips explained that it is more, bigger picture.

- Mr. Phillips reiterated the letter of recommendation that SHPD drafted to council. Mr. Phillips explained that in the Administrative Rules, it is required that the applicant provide evidence that they have genealogical connections to an ancestor who once resided or is buried, or both in ahupua'a of Wailuku. The purpose of this rule is to ensure that there is some kind of association between the unidentified human skeletal remains, to the applicable ahupua'a where it was discovered per Mr. Phillips. If the applicant is connecting to a family member from an invading party, does that meet the requirements of the administrative rules?

- Aside from the issue of the applicant's ancestor having ties to the ahupua'a, Mr. Phillips addressed the question of what is a burial? Definition of burial is action or practice of interring a dead body. If someone were to be slain on a battle field and presumably left there (sand blown over and covered individual) is that considered a burial?

- Councilmember Fisher offered his take on situation, interpretation of rules/law. Councilmember Fisher explained that it is known that roughly 800 who perished in Pi'ipi'i, Alapa battalions. Law clearly says resided OR buried in moku. Buried meaning covered by earth. Per Councilmember Fisher, Ms. Ahia has clearly shown that she comes from the Keawe line. Definition of ancestor is someone with a genealogical connection. Not really descended from. Keawe line died in massive numbers in battle of Kakanilua. Extremely high likelihood, that someone in battle, because of descendancy from line has a genealogical connection.

- Councilmember Dukelow asked SHPD if applicant establish genealogical connection to the Keawe line. Did applicant provide evidence of accepted, Keawe descendancy? Connected with *palapala* to that line?

- Burial Specialist Phillips replied yes. Applicant was able to connect to the Keawe with the submittal of written testimony in association with oral testimony provided.

- Councilmember Fisher clarified that SHPD is not refuting her descendancy from Keawe line. Mr. Phillips replied that is correct

- Councilmember Dukelow explained that if applicant was able to connect herself to the genealogical line in question, SHPD not disputing that, only thing that SHPD disputing is the idea that, whether or not that someone killed in battle, left there, equates to a burial, councilmember Dukelow feels that applications satisfies cultural descendancy. If applicant can establish connection to genealogical line, that we all know of, perished, left there, that's cultural descendancy stated councilmember Dukelow.

- Councilmember Fisher provided example of similar situation for his family. Family member travelled on boat from Hilo to Lahaina, got sick, died and was buried in Lahaina. No genealogical connection to the moku of Lahaina, although buried there. Can definitely relate. Again, if look at all criteria, councilmember Fisher is surprised that SHPD did not recommend descendancy because of admission of Keawe line connection (almost all Alapa, Pi'ipi'i perished in battle). Don't understand the lack of connection to land reasoning by SHPD per councilmember Fisher. Talking about iwi. Anything that gives greater protection to iwi is a good thing, not necessarily a liability



per councilmember Fisher. Councilmember Dukelow reminded that the rule states resided OR buried. Lived on the land or iwi per councilmember Fisher.

- Council Chair Antonio asked SHPD if the reason for recommendation of deferral by SHDP was because applicant applied for descendant recognition for iwi in both subdivision properties (ML VI, IX). Burial Sites Specialist Phillips replied no.

- Councilmember Fisher wanted clarity on SHPD decision to recommend deferral. Mr. Phillips stated that it was the question of association of the unidentified human skeletal remains to the land as well as the question of what is a burial? Does it satisfy requirements of the administrative rules?

- Council Vice Chair Maxwell asked SHPD about the rationale about no connection to land; no customary practices? Mr. Phillips explained that the interpretation is that if someone resided in an area, they would create a relationship with the land i.e. cultivating, utilizing, etc.

- **Councilmember Kahele Dukelow make a motion that the council recognize Jennifer Noelani Ahia as a Cultural Descendancy to Unidentified Human Skeletal Remains, at Maui Lani Phase VI and Maui Lani Phase IX, Wailuku Ahupua'a, based on her establishing her genealogical connection through the Keawe line to the Alapa that died in the battle in the Ahupua'a, Moku.**

- **Councilmember Fisher second motion**

- **All in favor; no opposed**

- **Motion Carries.**

**B. Lineal Descendancy Recognition of Francis Maddela to Identified Human Skeletal Remains at 2175 Hana Highway – Maliko Point, Ha'ikū Ahupua'a, Hāmākualoa District, island of Maui, Hawai'i, TMK [2] 2-7-004:028**

**Discussion/Determination:** Discussion and determination whether to recognize the above individual as a lineal descendant to identified human skeletal remains at the above location.

- Francis Maddela address the council.

- Mr. Maddela stated family, including himself, parents along with other family members came before council 20 years ago speaking on behalf of the Kalawai'a burials at Maliko Point. Did not know, understand the descendant recognition process at the time.

- Mr. Maddela stated that he is present in front of current council seeking lineal descendant for himself, his niece Lianne Maddela and son Isaiah Maddela.

- Mr. Maddela explained that much has gone on in the past 20 years. Fifth generation to Nakiaha Kalawai'a (one of the individuals buried on property). Mr. Maddela mentioned that his son and niece are sixth generation; eight total that tie back to Nakiaha.

- Biggest concern at this time is to ensure that not only will this current generation have access to burials, but future generations as well per Mr. Maddela.

- Mr. Maddela mentioned his Grand Uncle took care of place. No other ohana knew of place. Grand Uncle passed in 1986/1987. Not even own kids knew of place. Found in 1993. Area has four graves. 2 headstones and two burials delineated with pohaku on surface per Mr. Maddela. 2000 property sold to Sky Lewis. Numerous other graves found on site. According to Mr. Maddela, it was noted in archaeological studies that this place is a very historical, cultural significant site.

- Took care of place for many years. Mr. Maddela mentioned that his Grand Uncle grave (Kimeona) is sinking. Sometimes happening. Pipes below ground, leaking???

- Mr. Maddela stated that it is very concerning to the family that the ground where the grave is located appears to be sinking.

- Mr. Maddela mentioned that his family is actively cleaning the site. The landowner has not been. First concern will always be kupuna. Be the eyes, voice, and the ears. Mr. Maddela mentioned that some in the family, the kupuna speaks to them.
- Mr. Maddela thanked the council for there time. Mr. Maddela stated that Council Vice Chair Dane Maxwell's Papa, Uncle Charlie Maxwell, was a big supporter/help to family.
- Burial Sites Specialist Kealana Phillips read aloud the departments letter of recommendation to recognize Francis Maddela, Lianne Maddela and Isaiah Maddela as Lineal Descendants to the identified human skeletal remains located at the above location.
- Additionally, Burial Sites Specialist Phillips explained that he included both the Burial Treatment Plan and Archaeological Preservation Plan in each of the burial council members packets to review if needed for discussion.
- Councilmember Kamaunu asked Chair Antonio if council relegated to only deciding on descendancy at this time as Mr. Maddela has expressed concerns about the maintenance of preserve? Council Chair Antonio answered yes. Council Chair Antonio stated that the department is actively looking into the issue. Burial Specialist Phillips confirmed that he has been in contact with both the family and the representatives of the estate.
- Mr. Maddela stated that he has heard that the house is going under foreclosure. What happens to the BTP asked Mr. Maddela.
- Both plans (BTP and Arch Preservation) runs with the land stated Chair Antonio. Nothing can affect, change the fact that the landowner is obligated to follow approved stipulations in plan.
- Need to make sure Bureau of Conveyances has these plans recorded.
- Burial Specialist Phillips stated that the plans were submitted to council for approval. Once approved my council, it becomes pa'a.
- Councilmember Fisher mentioned deed search should show up whether or not there is an encumbrance on it and if encumbrance should be able to click on it, pop right up.
- Burial Specialist mentioned that the SIHP number associated with the preserve should be registered with the BOC. Whether or not the plans are recorded, Mr. Phillips stated he is unsure.
- For today's purposes, focus just on Lineal Descendancy Recognition per Council Chair Antonio. Just know, all working together to kākō'o the ohana per Chair Antonio.
- **Councilmember Scott Fisher makes a motion:**
- **The MLIBC recognizes Francis Maddela, Isaiah Maddela and Lianne Maddela as a lineal descendancy to recognized human skeletal remains at 2175 Hana Highway – Maliko Point, Ha'ikū Ahupua'a, Hāmākualoa District, island of Maui, Hawai'i, TMK [2] 2-7-004:028**
- **Councilmember Kahele Dukelow second motion**
- **All aye; No Opposed**
- **Motion Carries**

**C. Lineal Descendancy Recognition of Lianne Maddela to Identified Human Skeletal Remains at 2175 Hana Highway – Maliko Point, Ha'ikū Ahupua'a, Hāmākualoa District, island of Maui, Hawai'i, TMK [2] 2-7-004:028**

**Discussion/Determination:** Discussion and determination whether to recognize the above individual as a lineal descendant to identified human skeletal remains at the above location.

- **Councilmember Scott Fisher makes a motion:**

- The MLIBC recognizes Francis Maddela, Isaiah Maddela and Lianne Maddela as a lineal descendancy to recognized human skeletal remains at 2175 Hana Highway – Maliko Point, Ha‘ikū Ahupua‘a, Hāmākualoa District, island of Maui, Hawai‘i, TMK [2] 2-7-004:028
- Councilmember Kahele Dukelow second motion
- All aye; No Opposed
- Motion Carries

**D. Lineal Descendancy Recognition of Isaiah Maddela to Identified Human Skeletal Remains at 2175 Hana Highway – Maliko Point, Ha‘ikū Ahupua‘a, Hāmākualoa District, island of Maui, Hawai‘i, TMK [2] 2-7-004:028**

**Discussion/Determination:** Discussion and determination whether to recognize the above individual as a lineal descendant to identified human skeletal remains at the above location.

- Councilmember Scott Fisher makes a motion:
- The MLIBC recognizes Francis Maddela, Isaiah Maddela and Lianne Maddela as a lineal descendancy to recognized human skeletal remains at 2175 Hana Highway – Maliko Point, Ha‘ikū Ahupua‘a, Hāmākualoa District, island of Maui, Hawai‘i, TMK [2] 2-7-004:028
- Councilmember Kahele Dukelow second motion
- All aye; No Opposed
- Motion Carries

**V. SHPD INADVERTENT DISCOVERIES/CORRESPONDENCE**

**A. Update on Maui Lani Subdivision Phase VI, increment 4, Ahupua‘a of Wailuku, District of Wailuku, TMK: (2) 3-5-099:225**

**Information/Discussion/Recommendation:** Discussion about the above item.

- Lisa Rotunno-Hazuka from ASH address council.
- Ms. Hazuka wanted to make clarification from last meeting. Four maps passed out at Dec MLIBC meeting. 2 of the same per Ms. Hazuka. End of meeting, little confusion on two burial preserves. 3-acre burial preserve in golf course Site 2797 (Neller burial site). To the north of current green preservation area in Phase 6. Two preservation areas at this time. Phase 6, 1.9/2 acres. 3-acre preservation area in golf course per Ms. Hazuka.
- Nico Fuentes from Atlas Archaeology address council.
- Recap of last meeting, discussing GPR and findings. Two areas want to discuss, two roads. Road A, 16 anomalies inside road, generated from GPR. Discussing ground truthing at last meeting to correlate, assess imagery with actual findings. Investigated 11 of 16. No human skeletal remains detected. Suggest GPR did not fail in ability to collect info per Mr. Fuentes.
- Two different kinds of anomalies, one type is considered inclusion (pile of something), second is stratigraphic shift, two distinct stratigraphy’s interfacing (trigger for GPR).
- Of the 11 investigated, pile of wood, fill, natural strata. At this point, continue to investigate remaining 5, under the guise, trying to find a way to correlate GPR data imagery with subsurface anomalies, features, etc. Post investigation, hearing from contracted GPR firm. Initial testing. Still need to examine results.
- Mr. Fuentes hand council map for Road B. Two things make note of, dots and lines. All dots burials. Different colors for different things. Some pits, some partial in situ,

some primary in situ. Pink line running through burials, proposed plan for sewer line, per general contractor and developer. Proposed sewer line at depth where never encountered burials. Doesn't mean they don't exist at that depth; just never found any.

- Oblong shape in road, slated to be median preservation area. General larger preservation area, towards the south. Preserve in median would essentially act as an extension to that in the road way per Mr. Fuentes. Couple things to note, when investigated area since July found graves all along same line. Per developer and general contractor, can't go over around; asking to go under for proposed sewer line. Can give information re: how finds found, stratigraphy, but at moment, this is what proposed per Mr. Fuentes.

- Current proposal is redesign. Mr. Fuentes stated this may be from two sessions ago; haven't devised how get around it. This is same augering, horizontal drilling. Depth of sewer line proposed to be 18 feet.

- Depth of burials in preservation median asked council vice chair Maxwell. Mr. Fuentes replied they are all above the grade of road, above surface. Mr. Fuentes referred to the map (green dot) is one of the anomalies.

- Councilmember Ho-Nikaido asked how much more work in area need to be done?

- Mr. Fuentes replied there will be more work as development increases on adjacent lots. This is just the work for the just the utility corridor. Utility corridor done before any work, development of lots. Work will continue in perpetuity in area per Mr. Fuentes.

- Councilmember Ho-Nikaido stated that lot grading, road putting in utility lines at this time, basically for this phase of development; this is the substantial work? Correctly replied Mr. Fuentes. All surround area will eventually be dug to some extent, footings, other utilities etc. Provided, they are generally at higher elevation; doesn't negate fact may or may not find anything per Mr. Fuentes.

- As far as discussion, not quite sure how to proceed. Generally, come before council when stuff found. Sensitivity in area so profound, Mr. Fuentes stated he is here in front of council just to provide update.

- Councilmember Dukelow asked if all burials indicated on map preserved in place. Mr. Fuentes replied yes.

- Samples for GPR, scanned all existing dots (burials) asked council vice chair Maxwell.

- Mr. Fuentes replied that they did not scan all dots (burials). Did run three controls just to see what data would get from GPR.

- Council Vice Chair Maxwell wants to discuss Road A. Tested 11 out of 16 anomalies. When test site, does have to get approval from SHPD? Fall under category of excavation of corridor explained Mr. Fuentes. If asking about procedures used for testing, data came back with two forms of information: top of anomaly and base of anomaly. Knowing that, mechanically went through top of surface until 1 foot of top of anomaly. Switch to manual investigation at that point. Intent was, not know what going to find. Took it carefully down. Each instance, found something, just not burial.

- Procedure entails, run GPR across corridor for Road A, test within foot, take down manually until see top of anomaly, document, wrote it up, picture. At that point, proceed down to the base of anomaly to confirm that anomaly is what it is (document).

- GPR able to detect how deep asked councilmember Dukelow. Mr. Fuentes stated GPR can reach as far as 12 feet; most reliable in the 9-foot range. Anything below that not really going to pick up.

- Councilmembers question the effectiveness of using GPR on Road B for horizontal trenching 18 feet deep of sewer line, if max depth of GPR is 12 feet.

- Real question is what will be buffer of things do know. Three forms of info per Mr. Fuentes: Known, unknown, unknowable. Know something on top, know where they want to put pipe, don't know what's in between, at 18 feet. Do have other information.

Stratigraphy particular form of sand; sandstone. Never encountered grave where lithified sand formed on top. Suggested reason for that is time.

- Mr. Fuentes stated over the years of Maui Lani Parkway, areas excavated at depths deeper than (18 feet). Deepest depth of burial found asked council vice chair Maxwell. 16 feet replied Mr. Fuentes.

- Towne doing home construction of lots 9-12 asked councilmember Ho-Nikaido. Yes, Towne will be building homes on those lots replied Mr. Fuentes, Ms. Hazuka once utilities are in.

- Still connected with project while homes going up confirmed councilmember Ho-Nikaido.

- Look at proximity of 2797, don't know when fittings going in for all lots. Will be coming back if find additional burials. Preserve in place? Properties re-design, lots in preservation. Look at aerial view, high probability of expanding preservation area per councilmember Ho-Nikaido.

- Ms. Hazuka stated on one of the maps passed out to council, dotted lines are a proposed lot that is currently slated for preservation (lot had more than 2/3 burials).

- Councilmember Dukelow referenced Dec 2017 MLIBC meeting, council made a motion, paragraph in motion stated **no further decisions be made re: iwi kupuna until comprehensive inventory of burials is compiled for Maui Lani Phase 6 and adjacent lots.**

- Consistently asking for inventory of all burials. Reason for that is so every single time look at something and council going to make a decision, have an accurate idea of where every single burial is. Just wanted to remind council of that per councilmember Dukelow. Would like to see that before deciding on any type of redesign, stated councilmember Dukelow.

- Ms. Hazuka stated that at the December 2018, a map was presented of all burials at Maui Lani Phase 6. Ms. Hazuka stated councilmember Dukelow was not there; can get copy to her.

- Every time talking about area, should provide map per councilmember Dukelow.

- Council Vice Chair Maxwell is concerned about the horizontal drilling. Hoping for alternatives. Doesn't seem like there is much at this point. Comes down to going top, around, underneath stated Mr. Fuentes. Line is pretty concentrated, consistent.

- Doesn't matter which way move, no safe place. Thing that is bothering council is the fact it is a sewer line reiterated all councilmembers.

- Towne issue is getting sewer line in. Council issue is determining whether allow a sewer line to be installed, below, above around iwi kupuna. Councilmember Dukelow question the ability to go around. Mr. Fuentes concur. If go into golf course, another preservation area exists.

- Discussion ensued among council members re: drafting of a motion.

- Mr. Fuentes explained Sewer line in Road B connects with sewer line in Road A. Line goes up in elevation as it approaches Road A.

- Ms. Hazuka clarified that do understand this is a tough area; highly concentrated. Re-designed a couple of times. Area where burials identified in black (dots) on map, that was location of most recent re-design of sewer line. At this point, no relocate any burials. Only option to go deep, horizontal drilling.

- How much investigation done in lots 9-12 asked councilmember Ho-Nikaido. Reason for asking is if put sewer line in now, 9 months from now when digging footings for homes in lots 9-12 and come across iwi, lots included in preserve, then what. It's a pattern, goes linear. It's a pattern concurred councilmembers and Ms. Hazuka.

- Would like more testing of lots 9-12, before deciding on sewer line. Road B (sewer corridor) is in between two highly concentrated burial preserves (phase 6 and 2797) per councilmember Ho-Nikaido.
- Has been grading of lots around preservation area. Some have been filled. Need to look into it. Do not want to misrepresent how much grading been done, exploratory testing per Ms. Hazuka.
- Councilmember Ho-Nikaido request that investigative digging be done where footings will go for homes on (lots 9-12). More info so council can better make decisions.
- Mr. Fuentes stated it's bringing up conversation that should be had. In essence, when development occurs per Mr. Fuentes, archaeologist confined to area of excavation per monitoring. Not go through systematic testing.
- Councilmember Ho-Nikaido stated that because Towne realty is involved with building the homes before selling, they have an idea of where homes will be placed, where footing will be dug. Should be proactive now and test. That particular recommendation needs to come from council, can't come from myself explained Mr. Fuentes.
- Councilmember Ho-Nikaido explained that what trying to achieve with motion is if know more about house lots, does sewer line need to go there? What if allow sewer line to be placed in corridor, and 9 months from now, test the lots, find burials, and no more homes built on lots, part of preservation. Then decision on sewer line would be for nothing.
- Good possible of running into challenges with residential lots (9-12) per councilmember Ho-Nikaido. Site 2797, adjacent to lots 14-17.
- Test lots prior to any installation of other utilities asked Mr. Fuentes. Yes. Replied councilmember Ho-Nikaido. Testing of those lots will answer the questions of does section of sewer need to go there? Will need to extend preservation area?
- Ms. Hazuka stated that permits were separated. Do have grading permits for some of the lots per Ms. Hazuka
- Council Vice Chair Maxwell asked if horizontal augering planned for any other type of utility installation. No. Unique application. Has to be below what you know explained Mr. Fuentes.
- Mr. Fuentes wanted clarity re: testing of lots 9-12. Councilmember Ho-Nikaido stated should explore feasibility of building on lots or need to explore possibility of becoming part of preservation area. If some of those lots placed in preservation, sewer line can change. Would not need to go all the way.... potentially, stated councilmember Ho-Nikaido. If preservation modified, flexibility to solve issue of the sewer line. Developable lots; or if part of preservation explained councilmember Ho-Nikaido. Lots 9-12.
- Regarding testing procedure for lots 9-12, should excavate and test to known utilities or test until find something asked Mr. Fuentes.
- Councilmember Ho-Nikaido stated that should test to known limits, protocol of excavation. Testing should occur where the proposed development will take place echoed the council.
- Discussions ensued among council re: motions
- Council Vice Chair Maxwell asked about methodology re: testing Lots 9-12. Is same testing strategy as AIS asked Council Vice Chair Maxwell. Reason being only 4 burials found during AIS. Standard archaeology protocol. Not worried about things not need to know Mr. Fuentes wanted clarified council.
- GPR in area asked councilmember Dukelow. Mr. Fuentes explained that GPR will provide some info. If can detect, blown sand, logs, stratigraphy, should be able to detect burial.



- Recommend preliminary run with GPR. Looking at layout of construction and utilities. Inside of those, come up with strategy, testing procedures in lieu of installing horizontal auger per Mr. Fuentes.
- Discussions ensued among council re: motions
- Councilmember Ho-Nikaido asked about boundaries of Site 2797. What Ms. Hazuka recall, cluster in center and outliers. Went beyond outliers. Old sand burrow pit. Already had excavated hole in area. That's when Ms. Hazuka was with Bishop Museum. Trying to remember. Aki Sinoto and Jeff Pantaleo took job over. Ms. Hazuka recall there was a concentration, some outlier burials found and expanded beyond outliers. Cannot remember how much stated Ms. Hazuka.
- Council Chair Antonio call for recess at 10:43AM
- Council Chair Antonio resume meeting at 10:54AM
- **MLIBC make a motion: MLIBC recommends against the use of horizontal augering during the installation of the proposed sewer line infrastructure at Maui Lani Phase 6.**
- **Councilmember Scott Fisher make motion**
- **Councilmember Kahele Dukelow second motion**
- **All aye; No Opposed**
- **Motion Carried**
- MLIBC recommends additional exploratory archaeological testing, specific to exploratory archaeological testing, including, but not limited to Lots 9-12 of Maui Phase 6.
- Council Chair Antonio open item up for public testimony based on the suggested motion stated above.
- Kaniloa Kamaunu address council.
- Mr. Kamaunu commented about the length of time of the current project. Nothing changed. Inadequate AIS. Only 4 found; number of burials are upward of 180+ per Mr. Kamaunu. When discussing burial Site, just because no iwi, does not mean essence is not there. Human, outer portion and internal. Once deteriorated becomes the sand. "Ashes to ashes, dust to dust" old saying. Return to earth when buried. Any type of movement of sand taken, taking the person. Iwi is just structure of person. 1860 people given right to be buried in area and to remain there. No authority to remove them; should be left. Mr. Kamaunu referenced email response by Ms. Hazuka to various statements made by Ms. Halas. Mr. Kamaunu HAR 13-300-40 (c) section of the rules that state when discovery of inadvertent, department contact medical examiner/coroner and qualified arch. Mr. Kamaunu reminded council that need to contact two parties to satisfy rule, otherwise in violation. Mr. Kamaunu ask council to make a recommendation to ensure rules being followed.
- Jocelyn Costa address council.
- Ms. Costa stated that once said process of minimum requirements is to test 10%. Probably why sitting here today. Because allowed 90% error upon iwi kupuna per Ms. Costa. Intent of council, to bring balance. Because administrative wise, lend no remedy for iwi kupuna or families. Council here not so much to know where pipe need to go, how deep, but if there is an iwi in area where pipe will be. Redirect focus on iwi, instead of pipe. 9 feet GPR stated Ms. Costa. 18 feet sewer line. Deepest find so far 16 feet from the point of what? Before or after grading? sand mining? Where are you measuring asked Ms. Costa?
- Tons of sand being removed. So, called monitor watching sitting up on dune with hard hat and watching shovel come and dig and load up trucks. Now, if coming in after the fact. They've gone well over 30 feet down. Let's start from beginning and make decisions there. 90% error is why here today.

- Ms. Costa mention Maddela testimony from earlier in meeting. Statement about grave sinking. Pipes installed below surface? With respect to the proposed sewer line, what's to guarantee line won't break, leak, rupture. No other choice, re do plan. That's my suggestion stated Ms. Costa.
- Noelani Ahia address council.
- Ms. Ahia stated agree with Ms. Costa. This particular issue re: sewer line is completely inappropriate. Ms. Ahia stated as recognized cultural descendant, firmly object. Ms. Ahia brought up was councilmember Dukelow stated about motion from Dec 2017 MLIBC meeting, overall number asked. Ms. Ahia stated request was for entire project district. Just to clarify, archaeological monitoring report, turned in Spring of 2018, requirement to lift stop work order, in that report for Maui Lani Phase 6, increment 4, 169 burial finds. Available at SHPD. That was before lifted stop work order. Everything come before council since is added to that number. That's just Phase 6, increment 4 per Ms. Ahia. Ms. Ahia referenced a map that was put together using only burial notes that highlights all find sites in the entire Maui Lani project district. Wanted to make aware, in mediation process Malama Kakanilua vs Maui Lani Partners, court appointed Mediation process, mediator asked Maui Lani Partners how much burials in project district. 700 find sites. Find sites multiple burials, only piece of iwi. Iwi is an iwi per Ms. Ahia. Ms. Ahia request a tally, total number put on record by Maui Lani Partners, archaeology that has been working with Maui Lani Partners. Ms. Ahia mentioned at same meeting, request made that landowner meet with community groups, recognized descendants. Never happened per Ms. Ahia. Ms. Ahia stated that as a recognized descendant, Ms. Ahia request SHPD and burial council help facilitate a meeting between community groups, recognized descendants, landowner and archaeologist. Ms. Ahia stated that she was informed by SHPD that Ms. Dana Hall requested outreach by landowner wait until after Dec MLIBC meeting. No communication. Ms. Ahia stated that in regard to Dec meeting, she was unable to attend because meeting was moved up a week earlier. Many people didn't attend because didn't know. Always on third Wednesday of the month. December meeting moved to second. Apologize for not being there.
- Council seek clarity from SHPD re: kuleana when it comes to organizing community meetings. Understanding that it's not SHPD kuleana stated councilmember Dukelow.
- Burial Specialist Phillips stated that SHPD does not typically get involved in facilitating meetings between landowner and other organizations. Mr. Phillips stated he has talked to representatives from Towne Realty encouraging that the facilitation and coordination of meeting should come directly from them with the community. Mr. Phillips stated that Ms. Iris Pe'elua from Towne Realty had reached out to him re: assisting with facilitating a meeting between interested parties and landowner. Mr. Phillips mentioned to Ms. Pe'elua that it would be best if landowner took the lead in setting up meeting. However, Mr. Phillips consulted with MLIBC Wailuku District Rep Ms. Johanna Kamaunu to get her mana'o re: attendees for such meeting. Mr. Phillips received the request by Ms. Kamaunu and forwarded info to Ms. Pe'elua. Mr. Phillips stated he has not heard anything. Will seek an update.
- Councilmember Dukelow mentioned to Ms. Ahia that she recommends Ms. Ahia contact Towne directly to ask for a meeting, in light of recent cultural recognition.
- Yana Dashvesky address council.
- Ms. Dashvesky stated she is not of Hawaiian descent. Been here 5 years, embraced by ancestors. Talk to you. Can connect. Ms. Dashvesky come before council place of love. Ms. Dashvesky thank everyone for being at meeting. Rules in place to protect Hawaiian people. According to Ms. Dashvesky, what's happening is backwards. Noelani shouldn't have to prove descendancy, bones there, battles happened. It's in legislation per Ms. Dashvesky. Should, first and foremost, should be asking kupuna what is okay to

built on these sites. Then from there proceed. Wouldn't have these problems. Same issues, problems, reoccurring. Address kupuna first, ask how to proceed avoid a lot of problems. According to Ms. Dashvesky, developer could make a lot of money developing Hawaiian Homes. How much Hawaiian Homes being built? In law. Need to start asking questions the right way; spiritual background. Connecting to ancestor of the land. Ancestors make land so beautiful; protectors of the land. Ancestors in chants, oral traditions. Inside of everyone, just have to ask per Ms. Dashvesky. Tune in, be open and ask. Synergistic way to make this right for developer and 'āina. Don't have to fight all the time. Not us vs. them. How do we all work together to provide what is best for the land. Ms. Dashvesky mentioned that these issues are ongoing because there are no attorneys willing to do pro-bono work to help the Hawaiian people. In process of applying to law school. Will be back, educated stated Ms. Dashvesky. Need to tune in and ask ancestors. Need to stop project? Maybe! Answers will come. Just ask in peace stated Ms. Dashvesky.

- Amy Halas address council.

- Ms. Halas wanted to apologize to council. Appeals to Dr. Downer, Dr. Susan Lebo, H & C Branch Chief Hinano Rodrigues go unanswered. Understand council prevue limited to HAR, HRS. Appeal to mayor, governor, politicians. Only body can articulate concerns.

- Ms. Halas stated if go to Maui Memorial, excavate there, sheriff come within minutes and take to MCCC. What is discrepancy between desecrating conventional burial site and one that mo'olelo tell exists in pu'u one? Is it because they are not marked, iwi do not matter?

- Ms. Halas referenced article published by Robert Schmitt and Eleanor Nordyke, Death in Hawai'i: The Epidemics of 1848-1849. Estimated 10K persons died of diseases. Who are the people? Who are the ohana in the sand dunes? A & B built dream city. Curious they stopped at the 1,000 acres that has since acquired by Mills. Areas used as training ground during WWII. Private collector, museums, some artifacts may have come from pu'u one. No state archaeologist. Conflict of interest that SHPD rely on archaeologist that is hired by landowner. Need unbiased archaeologist evaluating finds. Who benefits from development asked Ms. Halas. How activity adversely affect na'au of kanaka. Please issue stop work order. Obliteration of cultural landscape. This Wahi Pana. July 12, Hinano Rodrigues lifted Feb 2018 stop work order. Two weeks later infant iwi found. Continued, more iwi found of infant. Next month 3 in situ burials. PB Sullivan mass excavation. How much is to much asked Ms. Halas

- Clare Apana address council.

- Good point about alleged 16 feet being deepest level iwi found. Not exactly reported correctly per Ms. Apana. 16 feet measured from where?

- Ms. Apana referenced conversation with former SHPD archaeologist Jenny Pickett about finding multiple cultural layers.

- Ms. Apana stated it would be good to have information prior to making determination.

- Not able to see updated map. Unable to set up meeting with Towne.

- Ms. Apana referenced motion from Dec 2017 MLIBC. Council recognized area as burial ground. How can developer come forward and propose to put sewer line through burials in a burial ground?

- Council has purview over buffer zones to keep burials safe. Have purview over burial area per Ms. Apana.

- Ms. Apana referenced the burials at Naue, Kaua'i, vertical buffer. Everyone is astounded. Sort of talking about same thing. Vertical buffer to sewer line. Need to take a whole look at what is planned for Phase 6, increment 4. All of the houses, what happened to all burials in area. 2797 established as part of permitting process to go

forward. Need to get all things in line. Where are the facts? Where are the burials? Counted all burials. 700. At least 100 or more per Ms. Apana. Not getting whole story. Ms. Apana stated council can establish boundaries to ensure iwi kupuna is safe.

- Councilmember Fisher re-read the motion.
- **MLIBC recommends additional exploratory archaeological testing, including, but not limited to Lots 9-12 of Maui Phase 6.**
- **Councilmember Scott Fisher make motion**
- **Councilmember Kalani Ho-Nikaido second motion**
- **All aye; No Opposed**
- **Motion Carries**

**\* Councilmember Kahele Dukelow excused from meeting at 11:26AM**

- B. Letter Dated December 5, 2018 from the County of Maui Department of Public Works Engineering Division re: National Historic Preservation Act Initiation of Section 106 Consultation, Old Haleakala Highway Traffic Signal Upgrade at Pukalani Street, District of Makawao, Island of Maui, Maka'eha Ahupua'a, Federal-Aid Project No. STP-0367(001), Tax Map Key(s) (2) 2-3-031**  
**Information/Discussion/Recommendation:** Discussion about the above letter.

- Kurt Watanabe, Traffic Engineer, DPW Engineering Division address council
- Project consists of upgrading existing traffic signal at intersection of Old Haleakala Hwy and Pukalani Street per Mr. Watanabe. Work that will occur will involve putting in new signal poles, new controller system and upgrading vehicle detection according to Mr. Watanabe. Other work includes resurfacing the intersection.
- Councilmember Fisher asked about ground disturbance other than taking out old pole and putting new one in same spot?
- Watanabe replied that with the new design standards, pole foundations will be a little bigger, deeper. Depth on average about 15 feet for that type of pole (the one with mass arms). Only of one mass arms, the rest are stand up poles per Mr. Watanabe. Roughly same area as existing poles.
- Councilmember Fisher mentioned that area not a lot of soil; mostly bed rock. Closest burial area that Mr. Fisher knows of is located down the road at Kua'aina Ridge. Burials in vicinity.
- Archaeological monitors asked Mr. Fisher. Mr. Watanabe replied depends on recommendations made thru consultation process.
- How deep is existing pole? Asked Councilmember Ho-Nikaido. Mr. Watanabe replied old design standards, about 8-10 feet. Additional 5-7 feet needs to be dug.
- Should be safe digging in bedrock, but the potential to hit a lava tube is a possibility. Council recommends having an archaeological monitor present during work.
- **Councilmember Scott Fisher make motion – MLIBC recommends archaeological monitoring during earth moving phase of proposed upgrade of highway traffic signal at Pukalani Street.**
- **Councilmember Kalani Ho-Nikaido second motion**
- **All aye; no nay**
- **Motion Passed**
- Councilmember Kamaunu asked if held public meetings?
- Mr. Watanabe replied no. Just published in newspaper and sent consultation letters to NHO's and other individuals or organizations with interest in project.

- C. Letter Dated December 12, 2018 from the County of Maui Department of Public Works Engineering Division re: National Historic Preservation Act Section 106 Consultation, Guardrail and Shoulder Improvements, Phase 1 – Hali‘imaile Road (Route 371), Haleakala Highway (Route 37) to Baldwin Avenue (Route 390), District of Makawao, Island of Maui, Hali‘imaile Ahupua‘a, Federal-Aid Project No. STP-A371(003), Tax Map Key(s): (2) 2-5-3**

**Information/Discussion/Recommendation:** Discussion about the above letter.

- Kurt Watanabe, Traffic Engineer, DPW Engineering Division address council
- Third phase of project per Mr. Watanabe. Phase 1 and 2 resurface road. Phase 1 from Haleakala Hwy to Hali‘imaile town. Phase 2 from Hali‘imaile town to Baldwin avenue. In the process, noted needed to be some guardrail improvements. No funding. Separated out guardrail portion of it. Coming back just to replace what is out there per Mr. Watanabe. Basically replace. Where need to be extended, shortened will do so.
- No shoulder; goes right up on bank per Councilmember Fisher. If need to grade, no room.
- Won't be much grading per Mr. Watanabe. Total of 5 locations along Hali‘imaile road.
- No earth -moving equipment, maybe just to clear, cut grass per Mr. Watanabe.
- Council not needing to make recommendation if no/limited earth moving occurring during project.

- D. Training for Maui/Lāna‘i Islands Burial Council on membership, roles, and responsibilities.**

**Information/Discussion:** Discussion on the above item.

**(BRING BLACK TRAINING BINDER)**

- Item Deferred

Meeting adjourned at 11:37 AM

## County Clerk

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**From:** Tcroly <tcroly@maui.net>  
**Sent:** Wednesday, March 22, 2023 3:57 PM  
**To:** County Clerk; Yukilei Sugimura; Alice L. Lee; Tasha A. Kama; Tamara A. Paltrinieri; Gabe Johnson; Shane M. Sinenci; Nohe M. Uu-Hodgins; Thomas M. Cook  
**Subject:** CR23-17 Public testimony

# CR23-17 testimony

## CONVERTING APARTMENT BUILDINGS FROM TRANSIENT VACATION RENTAL USE TO LONG-TERM RESIDENTIAL USE (DRIP-1)

I have followed this piece of legislation thru the Planning Commission and in Council Committee and read the Committee Report. In watching the committee meeting last week, it appeared to me that many of the Council members may not have a complete understanding of the effects of this proposed ordinance.

This ordinance is NOT, I repeat NOT about creating or facilitating any new or additional resident housing. And nothing in this ordinance will encourage more owner occupied or long term rental uses in the apartment district.

The fundamental idea behind this ordinance and the effect it will have is strictly about changing the property tax classification applied to condominium apartment units where short term rental is currently allowed by Maui County code and where 67 to 100% of the owners are willing to permanently give up that right in exchange for changing their tax classification from STR/TVR to non-owner occupied. And under the 2022 tax rates, this would cut their tax bill roughly in half for assessed values up to \$1 million.

The effect this legislation for those owners who use their units exclusively as second homes, would be that they could continue that second home use, but not be subject to the higher property tax rate currently assessed to the STR/TVR tax classification.

If any of the owners of apartment units, where short term rental is currently allowed, wish to live in their units full time as Maui residents, they are currently eligible to apply for a homeowner exemption and be placed in the Owner Occupied tax classification, rate. And those owners of these apartment units who may wish to rent their units long term, under a lease of 1 year or more are presently eligible to apply for a long term rental exemption and get placed in the long term tax classification. The only owners who would benefit from this legislation are those who currently use their units as second homes and wish to continue to use them as second homes for at least part of the year.

This legislation contains prohibitions on owners who take advantage of it from applying for Bed and Breakfast or Short Term Rental permits, but these restrictions are redundant, because only Single family homes are eligible for applying for Bed and Breakfast permits and this legislation applies to apartment units that have been condominiumized.

I have empathy for the Mahinahina apartment owners whose CC&Rs already forbid short term rental use and where none of these owners are currently making any short term rental uses, but are presently being charged STR/TVR tax rates. And this legislation might make more sense if they could give up their short term rental rights on an individual apartment unit basis instead of the entire complex needing to vote and then each owner individually file the necessary declaration to have it provide the tax relief that these second home owners seek. As written this legislation will likely have few properties able to or willing to apply to use it.



But please do not be misled into thinking that this legislation will create or facilitate any additional resident housing for full time Maui residents. It will only provide some type of tax relief for second home owners.

Tom Croly

Sent from my iPad that has a mind of its own



RECEIVED

2023 MAR 23 AM 10:16

March 23, 2023

OFFICE OF THE  
COUNTY CLERK

Dear Maui County Councilmembers,

On behalf of Maui PRMA, the Vacation Rental Trade Council under the Maui Chamber of Commerce, **we support the passing of Bill 4 (2023), which calls to convert apartment building from transient vacation rental, B&B or short term rental use to long term residential use with 100% owner approval, but NOT with 67% owner approval which has been suggested.**

PRMA, the Professional Rental Management Association, is a coalition of professional property management companies representing over 1600 **legally zoned condominium vacation rental units throughout Maui**. Our members are licensed in the State of Hawaii, engaged in the management of legal vacation rental properties, primarily condominiums, and comply with real estate license law and code of ethics. Our companies represent 216 years in business, employing nearly 200 employees and over 300 independent contractors and vendors.

We support this resolution in an effort to create additional long term use of properties if 100% of the ownership is supportive of that change. We understand and appreciate the county's desire to assist homeowners that desire to change their tax classification; however, we do not agree with 2/3 of an ownership of a property having the power to change the use of the other 1/3 of ownership when that 1/3 of owners purchased the property with an understanding of use. This removal of use could be seen as taking of vested rights and could be challenged in court and there is a possibility this could lead to litigation wasting taxpayer dollars.

The county is working hard to establish and create additional affordable housing which we fully support and understand the need - we just do not support 2/3 of ownership making decisions for all ownership in any given property.

Molokai and Lanai Planning commissions recommended keeping the bill with 100% owner participation and we would encourage Maui to adopt the same criteria so that there is consistency with the rules across the entire county.

On behalf of PRMA, we ask that you would **pass Bill 4 (2023) requiring 100% owner approval, but NOT with 67% owner approval.**

Thank you for your consideration and we welcome any discussion with you or a member of your administration and we can be contacted at Mauiprma@gmail.com.

Mahalo,

John Kevan  
Angela Leone

Co-Founders of Maui Professional Rental Management Association (Maui PRMA)

## County Clerk

RECEIVED

**From:** Theo Morrison <theo@lahainarestoration.org>  
**Sent:** Thursday, March 23, 2023 10:09 AM  
**To:** County Clerk  
**Subject:** Support for nomination of Ke'eaumoku Kapu to CRC

2023 MAR 23 AM 10:16

OFFICE OF THE  
COUNTY CLERK

 You don't often get email from theo@lahainarestoration.org. [Learn why this is important](#)

Aloha,

I cannot think of a more highly qualified candidate than Ke'eaumoku Kapu to sit on the Maui County Cultural Resources Commission.

His strengths lie in his Hawaiian cultural heritage, his ties to the land, his historical knowledge, and his many years of advocacy on behalf of the community. In addition, he has spent the time to learn the cumbersome government, legislative and legal processes that must be followed to obtain results. He has participated in many community planning projects and knows how to work together with others on a team.

He held a previous term on the CRC so he is very familiar with the type of issues and the processes that the CRC members must follow.

I have personally worked with Ke'eaumoku on many projects in the Lahaina Historic Districts that were successfully brought to completion. I strongly support the nomination of Ke'eaumoku Kapu to the CRC.

Theo Morrison  
Executive Director  
Lahaina Restoration Foundation  
120 Dickenson Street  
Lahaina, HI 96761  
808-661-3262  
theo@lahainarestoration.org

**LAW OFFICE OF BIANCA ISAKI, A LAW CORPORATION**

1720 Huna St. 401B, Honolulu, Hawai'i 96817

(t): 808.927.5606 (e): bianca.isaki@gmail.com

March 23, 2023

VIA EMAIL

Moana Lutey, Clerk of the County of Maui

200 South High St

Kalana O Maui Bldg, #708

Wailuku, Hawai'i 96793

County.clerk@mauicounty.us

RECEIVED  
2023 MAR 23 AM 11:05  
OFFICE OF THE  
COUNTY CLERK

Re: Letter of support for the application of J. Ke'eumoku Kapu to serve on the Maui  
County Cultural Resources Commission

To whom it may concern,

I am a lawyer with a significant number of clients on Maui. I'm writing to support the application of J. Ke'eumoku Kapu to serve on the Maui County Cultural Resources Commission. I've known Mr. Kapu for nearly a decade as a client and colleague. Maui County would benefit greatly from his service.

Mr. Kapu is a Kānaka Maoli traditional and customary practitioner, a true community leader, and well versed in pertinent County, State, and Federal regulations. Through his work with his own organization, Nā Aikane o Maui, he has developed effective public education, training, and awareness raising programs concerning cultural resources of Maui. Mr. Kapu has served on the Maui Lāna'i Island Burial Council and has engaged in multiple ways with the State Historic Preservation Department and the larger Department of Land and Natural Resources of which it is a part. These have enhanced his experience and knowledge of archaeological, historic, and cultural sites and their regulation and protection.

Mr. Kapu is also a natural leader. He is modest, thoughtful, and purposeful in his actions. The Cultural Resources Commission and all of Maui will benefit from his service. Please nominate him to serve on the Cultural Resources Commission.

Very truly yours,

*Bianca Isaki*

LAW OFFICE OF BIANCA ISAKI

RECEIVED

23 Malaki, 2023

2023 MAR 23 PM 1: 21

Via e-mail to Councilwoman Tamara Paltin  
Maui County Cultural Resources Commission  
250 South High Street  
Wailuku, Maui, HAWAI'I 96793-2155

OFFICE OF THE  
COUNTY CLERK

RE: LETTER OF SUPPORT FOR KE`EAUMOKU KAPU

To whom this may concern:

My name is Roy Newton. I am a Beneficiary Services Agent with the Office of Hawaiian Affairs Maui. I have been with the office for 25 years.

I am writing in support of Ke`eaumoku Kapu for Cultural Resources Commissioner. I have known Ke`eaumoku for most of my time with OHA and have always found him to be a wealth of cultural knowledge with a passion and desire to serve, teach, and share.

I have witnessed his compassion and respect with persons in all walks of life, yet fiercely protective of our native culture.

I believe him to be an asset to the Cultural Resources Commission and to the County of Maui and beyond.

Mālama Pono

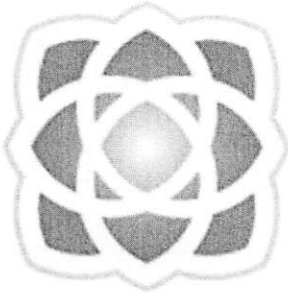
Roy A Newton

55 Waiaka Lane #102

Wailuku, Maui, HAWAI'I 96793-2000

808 244-3885

kahuroy@gmail.com



# MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

RECEIVED

2023 MAR 23 PM 1:21

OFFICE OF THE  
COUNTY CLERK

Maui County Council  
Alice L. Lee, Chair  
Yuki Lei Sugimura, Vice Chair  
Members of the Maui County Council

### COMMENTS Bill 4 (2023)

Aloha Chair Lee, Vice Chair Sugimura and Members of the Council,

The Maui Chamber of Commerce would like to echo the testimony of our trade council, the Professional Rental Management Association (PRMA). We have testified in support of this bill in its original form that would allow the permanent conversion of short-term rentals in apartment zoned properties with 100% owner agreement and certification. If all owners agree that they would like to give up the right to manage a short-term rental unit in the property, then we believe it should be allowed.

However, we do not support this being lowered to 67% of owners. While we understand 2/3rds of owners is a majority, it could be perceived as a taking of the other 33% of owners' vested rights for their property if they are currently using their unit as a short-term rental or would like to sell the unit with the option for the new buyer to run a legal short-term rental.

We urge the Council to return the requirement to 100% of owners of a property to avoid conflict amongst neighbors and any possible concern over a taking that could result in litigation.

We appreciate the opportunity to testify on this item.

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



## County Clerk

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**From:** Tamara A. Paltin  
**Sent:** Thursday, March 23, 2023 12:45 PM  
**To:** County Clerk  
**Subject:** Fwd: Maui Cultural Resource Commission

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**From:** Hulu Lindsey <hulul@oha.org>  
**Sent:** Thursday, March 23, 2023 12:11:42 PM  
**To:** Tamara A. Paltin <Tamara.Paltin@mauicounty.us>  
**Cc:** 'keeaumoku\_kapu@yahoo.com' <keeaumoku\_kapu@yahoo.com>  
**Subject:** Maui Cultural Resource Commission

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Aloha Councilwoman Paltin:

It has come to my attention that the Maui County Council is meeting to discuss membership on the Maui County Cultural Resource Commission. It is my privilege to recommend the appointment of Mr. Ke'eaumoku Kapu to serve on this very critical Commission. His experience as the Chairperson of the Native Hawaiian Preservation Council at the Office of Hawaiian Affairs a few years back more than qualifies him as an intricate member of this Commission as well as his influence in our community affairs on Maui. It is my hope that Mr. Kapu can be an invaluable participant on the Cultural Resource Commission.

Mahalo and Aloha,

Hulu Lindsey, Maui Trustee  
Chairperson, Board of Trustees  
Office of Hawaiian Affairs

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**From:** Etan Krupnick <etankrupnick@gmail.com>  
**Sent:** Thursday, March 23, 2023 1:28 PM  
**To:** County Clerk  
**Cc:** MD.Office@mauicounty.gov; mayors.office@co.maui.hi.us; planning@mauicounty.gov  
**Subject:** Submitting Written Testimony OPPOSING Resolution 23-98

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Aloha,

My name is Etan Krupnick. I'm writing a testimony urging the council to oppose Keeaumoku Kapu's nomination for Reso 23-98 maui county cultural resources commission. I believe he is unfit to be a cultural advisor.

I am the owner of TMK 450170020000 situated in Kahoma Valley. Since my purchase of this land in 2020 the nominee has instigated the harassment of my family.

To this day the nominee and his associates have continued to trespass on my property, harass my family, destroy my personal property, and spread lies about me and my family through out the Lahaina community. The nominee and his associates have barricaded and physically blocked our access to the property I own.

The bullying which has been instigated by the nominee against my family has caused us all anxiety.

I have witnessed and filmed multiple incidents of the nominee and his associates blocking access of a recognized lineal descendent Foster Among whom I gave permission for safe access through my property to take care of his family burials which are located on a separate piece of land that's adjacent to my property. Kapu and his associates actions are violating Foster Among's rights under Hawaii State Constitution Article XII, Section 7. This also violates my access rights under Hawaii State

Constitution Article XII, Section 7, Traditional and Customary Rights to farm and live on my property.

Because of the nominee's behavior I feel unsafe bringing my two year old son and fourteen year old daughter onto my property. In short, my family and I have been terrorized and bullied by this nominee and his associates at his behalf.

It is my opinion that the nominee is not qualified to fill this position. His actions which involve terrorizing Hawaiian and non Hawaiian land owners through out our Lahaina community will be a huge conflict of interest. I worry that this position will only mean more authority from which the nominee can bully and terrorize community members from.

This nominee has a major conflict of interest with future lawsuits that are soon to come against him. It is for these reasons and many others not stated that I strongly request that you vote against the nominee.

I also want to add that I believe it's entirely inappropriate and disappointing that Council Member Tamara Paltin would nominate this person knowing full well his polarizing behavior and the harm which he has inflicted upon members of the Lahaina community. I question Mrs Paltin's intentions to fill a role that is meant to bring harmony and resolution to community problems.

**From:** Melissa Harding <mreeneeharding@gmail.com>  
**Sent:** Thursday, March 23, 2023 1:33 PM  
**To:** County Clerk  
**Subject:** Submitting Written Testimony OPPOSING Resolution 23-98

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My name is Melissa Harding and I am writing in opposition to the nominee Keeaumoku Kapu for Reso 23-98 Maui County Cultural Resources Commission.

My husband Etan Krupnick we are the owners of TMK 450170020000 situated in Kahoma Valley. Since our purchase of this land in 2020 the nominee has instigated the harassment of our family. The nominee and his associates have trespassed on our property. They have barricaded, physically blocked our access to the property we own. The bullying which has been instigated by the nominee against my family has caused me great anxiety.

Because of the nominee's behavior I feel unsafe bringing my two year old son on to the property we own. In short, the behavior instigated by this nominee towards my family can only be described as terrorizing.

It is my opinion that the nominee is not qualified to fill this position. I strongly request that you vote against the nominee.

## County Clerk

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**From:** Rhiannon Tereari'i Chandler-'lao <maramahawaii@gmail.com>  
**Sent:** Thursday, March 23, 2023 3:04 PM  
**To:** County Clerk  
**Cc:** Nohe M. Uu-Hodgins; Thomas M. Cook; Tasha A. Kama; Gabe Johnson; Alice L. Lee; Keani N. Rawlins; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura  
**Subject:** Testimony on Reso 23-98 for the 3/24/23 Meeting

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Aloha nō e Chair Lee and Members of the Maui County Council,

Thank you for allowing me to testify on Reso 23-98 in Section K of the agenda for your meeting on 3/24/23.

Please support the appointment of Ke'eaumoku Kapu on the Cultural Resources Commission. For many years, Ke'eaumoku has demonstrated his leadership and commitment to the resources and people of Maui Nui. He has led countless efforts for the perpetuation of traditional and customary Native Hawaiian practices.

As a former member of the Cultural Resources Commission myself, I understand the challenges and complexities of serving in this role. I know it would be of benefit to the County to have Ke'eaumoku serving in this capacity again with his extensive knowledge and training. I am truly grateful for his long commitment to Maui County.

Thank you all for your support of our cultural resources by ensuring that the members of this Commission possess the knowledge and qualities needed to fulfill their role.

Mahalo for your service to Maui County.

Aloha,  
Rhiannon "Rae" Tereari'i Chandler-'lao

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**From:** Brenda Arcangel <tootsie4you@gmail.com>  
**Sent:** Thursday, March 23, 2023 3:31 PM  
**To:** County Clerk  
**Subject:** Redo 23-98

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My name is Brenda Arcangel and I oppose  
Sent from my iPhone

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