

**INFRASTRUCTURE AND ENVIRONMENTAL
MANAGEMENT COMMITTEE
Council of the County of Maui**

INFORMAL RECEIPT OF TESTIMONY (WITHOUT QUORUM)

M I N U T E S

Council Chamber

July 2, 2018

CONVENE: 1:40 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Elle Cochran, Chair
Councilmember Don S. Guzman, Vice-Chair
Councilmember Alike Atay
Councilmember Yuki Lei K. Sugimura (in at 2:20 p.m.)

EXCUSED: VOTING MEMBERS:

Councilmember Robert Carroll
Councilmember Riki Hokama
Councilmember Mike White

STAFF: Traci Fujita, Legislative Attorney
Stacey Vinoray, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel

David Goode, Director, Department of Public Works

Edward Kushi, First Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Janet Six

Carmen Hulu Lindsey, Maui Trustee, Office of Hawaiian Affairs

Noelani Ahia

Mililani Ganivet

Iwalouise Bryan

Kahelelani Alipio

Ashten Yagi

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Cyrus Kaeo
Ezra Kanaha
Leilani Maui
Kahokuonalani Catan-Lono
Eliana Halas
Amy Halas
Kaniloa Kamaunu
Adriane Raff Corwin, Coordinator, Sierra Club Maui
Daniel Kanahele
Clare Apana
Lucienne de Naie
Johanna Kamaunu
Plus (5) other people

PRESS: *Akaku Maui Community Television, Inc.*
Melissa Tanji, The Maui News

CHAIR COCHRAN: . . . *(gavel)* . . . Aloha. Will the Infrastructure and Environmental Management Committee please come to order? Today is July 2, 2018. Time is about 1:40 p.m. I am Elle Cochran the Committee Chair and with us here today is Vice-Chair of the Committee, Mr. Don Guzman.

VICE-CHAIR GUZMAN: Good afternoon, Chair.

CHAIR COCHRAN: Good afternoon. And we have Mr. Alika Atay.

COUNCILMEMBER ATAY: Good afternoon, Chair.

CHAIR COCHRAN: Aloha. Thank you, gentlemen, for being here. Members and members of the community, unfortunately we do not have full quorum today, but with that we are still able to receive all your testimony and should the Department have a presentation and updates to give us, we can receive that into the record. But, unfortunately, that's about it. So, I don't want to waste anybody's time, but and I will continue to conduct the meeting. At this time, please silence all cell phones or any noise-making devices, and Mr. Carroll is excused along with Riki Hokama, Mr. White, and Ms. Yuki Lei Sugimura may be attending later but we're not sure. So, until then we do not have quorum. From Administration, we have Director of Public Works David Goode. Aloha. And from Deputy, we have Deputy Corporation Counsel, Ms. Richelle Thomson. Hi. Legislative Attorney, Ms. Traci Fujita, and Committee Secretary Stacey Vinoray. And over in Hana we'll, we have Dawn Lono, and over Lanai, Ms. Alcon...oh, sorry, Ms. Fernandez and Molokai, Ms. Alcon. I'd like to make a side note that we do have some nice, some very young faces in the crowd today. We have Kukulu Kumuhana O Maui opio in the house and it looks like they will be testifying and sharing their manao with us. And I thank my cousin, Crystal Smythe, for bringing in her opio to learn about

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civic engagement, so thank you very much. Members, we have two items on the agenda today. One is IEM-33, Chapter 20.40, Maui County Code, Relating to Sand mining of Central Maui Inland Sand, and IEM-58, Development of development...sorry, Development Services Administration's Permit Processing Model. So, at this time, I know everyone's signed up who's wanting to testify at the table out front and please stick to the items on the agenda today with your testimony. You'll have three minutes, and also state your name, any organization, any affiliation you may be representing here. And with that, I shall now open the floor for public testimony and I think, Ms. Fujita, you'll be calling the names? Okay. Thank you very much.

MS. FUJITA: The first testifier is Janet Six testifying on IEM-33, followed by Hulu Lindsey.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. SIX: Aloha, Council Chair. Aloha. My name is Dr. Janet Six and I have a PhD in Anthropology and I'm the owner of Sixth Sense Archaeology. I'm here to support extending the moratorium. I don't think we have enough information to go forward. I'm against the mining of this non-renewable resource, but more importantly, just the number of iwi kupuna that have been inadvertently found in this area; although there are many stories written down as well as oral history stating about battles and things that are known in the area. I know there's been some dispute on if this battle or these iwi from this or that, but the main thing for me is the number of burials that are coming out of this area makes a high statistical probability for additional burials coming out. I do work in Sandhills, the new Sandhills Estate, and I'm doing monitoring on lots that were previously grubbed and graded and on all these lots are burial monuments with multiple burials interred under them. When I ask for information from the SHPD, I'm given nothing. They don't have records. They can't tell me anything about them to put into my monitoring plan. We can't continue this model. We can't keep pretending that, you know, somehow, we don't know how these burials got there. The archaeologist should be able to look at the demography; are they all men? Are they injured in battle? Is this skewed demography or is it spread across with babies and kupuna? We need to know about the actual osteology of the iwi. And the fact that we don't know the numbers of the entire area, I'm not talking specifically, but I'm talking about the Puuone Sand Dune, it's an egregious cultural travesty to go forward and mine a non-renewable resource, especially with this cultural component. Thank you very much.

NOTE: Audio has echoing from Remote microphone. Recess at the call of the Chair.

CHAIR COCHRAN: Thank you Dr. Six. Members, any need for clarification of our testifier? Seeing none, and hang on, Ms. Lindsey, let me just take a brief recess. We kind of have a little bit of technical difficulty. I got like this feedback, I'm hearing you and

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then like seconds later I'm hearing your voice again. It's like really confusing right now so let me just take a --

UNIDENTIFIED SPEAKER: Test. Test. Test. Test.

CHAIR COCHRAN: --very brief recess. . . . *(gavel)* . . .

RECESS: 1:42 p.m.

RECONVENE: 1:45 p.m.

CHAIR COCHRAN: . . . *(gavel)* . . . Thank you for that brief recess, folks. And we have our next testifier, Ms. Carmen Hulu Lindsey. Aloha.

MS. LINDSEY: Aloha, Madam Chair and faithful Members of our County Council. Mahalo for being here this afternoon. And our opio who is in the audience, thank you for coming. And, Madam Chair, may I indulge and ask you for additional minute for my testimony as I share with you thoughts from the Office of Hawaiian Affairs. OHA would like to reiterate its concerns regarding the irreparable past and potential future harm of sand mining to Native Hawaiian cultural and historical resources as well as constitutionally protected Native Hawaiian traditional and customary practices. And urges the Committee and the Council to both extend and strengthen the current moratorium on sand mining activity throughout Central Maui. Maui County Code codifies the Maui inland sand mining moratorium which has a stated purpose to temporarily prohibit the mining of Central Maui inland sand in order to conduct further analysis required to establish regulations for mining inland sand, to protect Maui's environment and limited natural resources, and prevent the disturbance of Hawaiian historical, cultural, or archaeological sites, and marked and unmarked human burial sites. Consistent with this purpose, OHA understands that the moratorium seeks to serve three functions. One, to allow for the development of inland sand mining regulations. Two, to protect Maui's natural environment and natural resources. And three, to prevent the disturbance of Native Hawaiian cultural and historical resources. In so far as the moratorium's purpose and functions have yet to be meaningfully fulfilled and given that further sand mining may continue to threaten Maui's natural and cultural resources, as well as, Native Hawaiian burials and historic sites, OHA strongly urges the Committee and the Council to both extend the sand mining moratorium and to clarify the moratorium's definition of sand mining and its exception for activities conducted pursuant to a valid permit issued prior to the effective date of this ordinance. With regards to the latter, OHA notes that what constitutes a valid permit is not defined within the chapter. However, questions have been raised regarding the scope of this exception and whether it may actually allow for sand mining activities that would frustrate the very purpose and functions of the moratorium. OHA understands that the six-month sand mining moratorium originally enacted in January of this year is due to sunset in July. Given that resumed sand mining would continue to threaten the natural and cultural integrity of a Native

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Hawaiian burials in Central Maui's sand dunes, beyond those encompassed in the Maui Lani District, that the Maui Inland Sand Resource Quantification Study update has yet to be initiated and that inland sand mining regulations that meaningfully protect Native Hawaiian burials and historic sites will likely take several additional months to develop. OHA strongly urges the Committee and the Council to consider extending and strengthening the sand mining moratorium before it lapses. In order to clarify language that may inadvertently frustrate the very purpose and functions of the moratorium, OHA further urges the Committee and the Council to repeal the third exception under the Maui County Code definition of sand mining for activities conducted pursuant to a valid permit issued prior to the effective date of this ordinance. In the alternative, OHA urges the Committee and the Council to amend this exception to explicitly clarify that sand mining shall continue to be considered a land use subject to all zoning prohibitions and permitting requirements found in the Maui County Code. Mahalo for the opportunity to comment on this matter.

CHAIR COCHRAN: Thank you very much, Ms. Lindsey. And I did allow overtime on this --

MS. LINDSEY: Thank you.

CHAIR COCHRAN: --and, members of the community and Members here, I will be waiving the three-minute rule. We're no quorum, I mean things are kinda not quite the same today anyhow, so I'll be letting the community speak, of course, you know, within reason, to the points, to the agenda items today. Next testifier?

MS. FUJITA: The next testifier is Noelani Ahia testifying on IEM-33, followed by Mililani Ganivet.

MS. AHIA: Aloha mai kakou. I'm Noelani Ahia. I'm testifying on IEM-33. Thank you folks who are here for being here. I do have to express disappointment that there's no quorum and that we don't get to adequately address this incredibly important issue for us. As I understand, results of the Inland Sand Quantification Study had been requested for this meeting. As a very concerned community member and taxpayer who helped fund this study, I demand the results be released to the public immediately. Considering that the six-month moratorium is due to expire, I am requesting that the Council extend the moratorium on sand mining regardless of the results of the quantification study. The results should give guidance for future legislation but will take time and effort to develop. In addition, there has been no legislation written to further the protection of potentially hundreds or thousands of iwi kupuna who are under threat of being desecrated. These protections and preventions are stated in the language of the moratorium and need to be implemented immediately. It's horrific enough that our iwi kupuna have been disturbed for decades, but that they have been commoditized with the ongoing extraction of sand is devastating. There are huge parcels still awaiting development in the Maui Lani project district and if we do not create stronger laws to protect iwi kupuna, we, collectively, have failed to protect their humanity, their mana, and their legacy to us,

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their descendants. It is important to note that to-date, the illegitimate archaeologists for Maui Lani Partners has yet to give a total count of the number of iwi kupuna disturbed, displaced, and desecrated. I have Maui Lani...Maui Lanai Island Burial Council notes going back at least ten years requesting a total count. In fact, there were Councilmembers who made that request as well and the answer was never given. That question has been evaded. We need to pressure, we need pressure from the County to get a count so that the entire community can grasp the enormity and the scope of the desecration that has occurred. One burial councilmember at this very last June meeting suggested that it could be as many as 2,000 of our iwi kupuna who have been disturbed. Please extend the moratorium and let's get to work on legislation to truly protect our iwi kupuna; not to simply mitigate after they've already been disturbed. We have so much evidence of a battle that happened in this location, of burials that have been desecrated. I have notes going back from the Burial Council, 10, 15 years and it's just, you know, burial after burial after burial after, you know, in the tens, twenties, thirties, forties, fifties, sixties, hundreds, it's enough already. We need to make this stop. Mahalo nui.

CHAIR COCHRAN: Thank you, Ms. Ahia. Members, any need for clarification? Seeing none...

MS. FUJITA: The next testifier is Mililani Ganivet testifying on IEM-33 followed, by Iwalouise Bryan.

MS. GANIVET: Aloha kakou. I'm a graduate student from Tahiti and I feel the need to stand today to support the iwi protectors of Maui. So, in the recent months, you've heard a lot of testimonies to call for a moratorium on sand mining showing you in so many ways why this is wrong and why the desecration of the iwi kupuna must stop. We are in 2018 and it feels like appealing to people's humanity is not so trendy anymore so otherwise we wouldn't be here. So, today I want to take a look at your history and your responsibility to these people, to Hawaiians and to the people who got you here in office. But more importantly maybe I'm calling to your responsibility towards yourself. So more than 30 years ago in July 1988, in Honokahua, West Maui, the excavation that led to more than 1,000 of iwi kupuna being dug up to make a resort after the County of Maui granted the permit was carried on. The excavation was finally called to a halt in December 1988 after a Statewide outcry of Hawaiians successful mobilization happened to stop the desecration. It was a hard-won victory that was sealed by the establishment of the Burial Council by the feeling that it should never happen again and to ___ in consciousness that Hawaiian culture heritage must be respected and protected. Dana Hall wrote in her book, Honokahua still calls and we must answer that call today. What is left today of this legacy? I want you today to hear of the testimonies and letters of the iwi protectors of the past who stood up. They're going to testify today. They're going to read bits and pieces of what happened of the words that were uttered 30 years later and I want you to listen to these testimonies carefully because the words are still the same. What are we doing today? So, if these words and testimonies resonate with you, it is because you're so similar to

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the one you've heard over and over again these past months and this past decade. So, please let this word written and spoken by the last generation be uttered by the new generation and ask yourself, now 30 years later after Honokahua, what do you choose to do about it? You know, I don't really worry because I know there will always be people who will hold power accountable, all of you accountable. If anything actually the numbers is only increasing. I study history and the most beautiful lesson that history taught me is that people stood up in the past, they're standing up today, and they will stand up in the future. You know, you have a moral responsibility to stop this, to extend the moratorium, but you also have a generational responsibility to all of them. Look at these young people and in the eyes and tell them you are going to do something about it. Be ready because these kids are going to ask you 30 years from now where did you stood today and you will be held accountable. Now that you know the choice is yours today, what are you going to do about it? Please do something.

CHAIR COCHRAN: Thank you very much for your testimony. Members, any need for clarifications? Seeing none...

MS. FUJITA: The next testifier is Iwalouise Bryan testifying on IEM-33, followed by Kahelelani Alipio.

MS. BRYAN: Aloha. I'm Iwalouise Bryan. I'm 18 years old and I'm from Lahaina. And currently I'm at UH Maui College studying Hawaiian Studies for my second year. Imagine yourself being buried after you have passed on. Your family has mourning for you as you disappear under the dirt. Ten years later a company comes and wants to build something in place of yours and hundreds of others' graves. The company gets a permit and your bones are dug up and then thrown elsewhere. How would your family feel? How would your family feel if they were asked to remove your bones? Instead of only removing the bones, we must remove the permits, and we need to work together to stop all the factors of destruction, including those that damage the lands of which our kupuna are at rest. We must do what's best for this land; it's first people and their offspring. In a letter written by Myrna Anne Kai to Governor Waihee on December 22, 1988 concerning the Honokahua burials, she states "royal and sacred grounds become resorts for the sake of furthering the economy. Somewhere along the way, basic human values have to be more important than money." Yet, 30 years later money is still higher than human values. For Hawaiians, their values and beliefs have been treated as worthless. Sorry. The total ignorance of Hawaiian values must stop because it is our kupuna's land. Mahalo.

CHAIR COCHRAN: Thank you very much for your testimony. Next testifier. Members, let me know if you need clarification. Just give me the sign and we can ask.

MS. FUJITA: The next testifier is Kahelelani Alipio testifying on IEM-33, followed by Ashten Yagi.

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MS. ALIPIO: Aloha. I'm Kahelelani Alipio and I am a senior at Kamehameha Maui and I'm 18 years old. I was always told this as a kid and I still am today and I'm sure all of you have been told to never just take something that doesn't belong to you. How would you feel if someone barged into your house and stole something so valuable to your life from you? Today I will be sharing selected segments from a letter written by Annie Tripp to Governor Waihee on February 4, 1989 about 30 years ago testifying our own iwi kupuna. In this letter she states we have fought so hard to hang on to what little is left that rightfully belongs to us. Our graves are being dug and so many of the bones at the gravesites have just been dumped into the sea. How much more are we supposed to give? I as a Hawaiian am very disappointed of these careless and reckless actions to our people, our islands, and our unique culture. Annie Tripp also includes that there has been a lot of talk in regard to the burial places and if you all were there to visually see the hundreds of bones lying exposed where the count of burials found then in 1989 was around 1,300. Imagine how high the count is now being 30 years later in time. These bones have their...these bones been there since before Kamehameha and have placed the time over 1,000 years. I need you to help us get back our kupuna, put them at rest, or leave them at rest. It is now getting to the point where everything is being taken away and soon only the tourists will have the privilege to see our...and adventure our oceans, our mountain, our mountain trails, our homes and resorts, and especially our aina. Mahalo.

CHAIR COCHRAN: Thank you very much. Let me briefly check-in with our District Offices. Over in Hana, Ms. Lono, do you have any testifiers? Ms. Lono? Can she hear us? Hana? Ms. Lono? Or Lanai, Ms. Fernandez, can you hear me?

MS. FERNANDEZ: Good afternoon, Chair.

CHAIR COCHRAN: Hi.

MS. FERNANDEZ: This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR COCHRAN: Thank you, Ms. Fernandez. Over on Molokai, Ms. Alcon, do you have anyone there to testify?

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR COCHRAN: Thank you for being there. Let me check-in, Ms. Lono in Hana, do you hear me?

MS. LONO: Yes. Good afternoon, Chair. This is Dawn Lono in the Hana Office and there is no one waiting to testify.

CHAIR COCHRAN: Okay. Thank you, Dawn, for being there. Thank you, ladies. Okay, we'll come back to the Chambers then.

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MS. FUJITA: The next testifier is Ashten Yagi, followed by Cyrus Kaeo.

MR. YAGI: Aloha, everybody. My name is Ashten Hanalei Yagi. I'm 17. A testimony of Marion Kelly states is that time...is that there was a time not too many years ago when there was...when they were ashamed to say that they were Hawaiian and they were ashamed to admit that they could speak the Hawaiian language. But now that we have certain amount of Hawaiians, we're more proud to be Hawaiian and it's like a privilege for us to be Hawaiian and practice the culture. Another quote or another part of her letter states that Hawaiians back in the day used to now send their kids to Hawaiian schools so that they can speak Hawaiian and stuff. I agree with this because I personally went to a Hawaiian school where they could speak and practice Hawaiian culture and I don't think that anybody should be taking away any of the bones of our ancestors 'cause we're part of them and they're part of us. So, losing them is like losing a part of us and our heritage.

CHAIR COCHRAN: Thank you so much for the testimony. Next testifier?

MS. FUJITA: The next testifier is Cyrus Kaeo testifying on IEM-33, followed by Ezra Kanaha.

MR. KAEO: Aloha. My name is Cyrus Kaeo. I'm reading a testimony by James Kalili from Kona, Hawaii. We do not support the disinterment of our kupuna bones. We have therefore organized ourselves into a non-profit corporation to protect and care for our kupuna, both living and dead. We feel, as Hawaiians, that our moral, spiritual, and ethical beliefs must be respected by non-Hawaiians and by other Hawaiians who have adopted other non-Hawaiian values. We have made a major commitment to work together to protect the burials of our kupuna on every island. It is a responsibility which we take seriously and will persist and preserve it. This is why we believe that Hui Malama should play a major role in the establishment of the Island Burials Council. Thank you.

CHAIR COCHRAN: Mahalo. Next testifier?

MS. FUJITA: The next testifier is Ezra Kanaha testifying on IEM-33, followed by Leilani Maui.

MR. KANAHA: Aloha. My name is Ezra Kanaha and I'm 24. Our spiritual is to protect our Hawaiian burial and sand mines. If we didn't have the burial or the sand mines, it wouldn't be Hawaii. Like saying this, imagine if you take so care of like gathering bones from the dinosaur age, but you can't even take care of our own people. That's really sad to be honest. Why don't we do something that will protect our race for our future generations like us? 'Cause when you guys are gone, we have to pick up your slack and without the feet below us, the real aumakuas leading us charging in. They won't feel their mana raising in us to give us our strength. Thank you.

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CHAIR COCHRAN: Thank you very much.

MS. FUJITA: The next testifier is Leilani Maui testifying on IEM-33, followed by Kahokuonalani Catan-Lono.

MS. MAUI: Aloha. Good afternoon. My name's Leilani Maui and I'll be reading a part of a testimony written in December 1988 followed by a personal testimony. Dear Governor Waihee, my great-grandmother Liliuo Kahaku Keaweehu is buried in a tiny cemetery near Niuilii Halawa, Kohala, Island of Hawaii. My father and grandmother are buried in a family plot in Waimea, Hawaii. My aumakua, the Keaweehu and the Keawe Hawaiians of Kohala, are buried in various places along the Kohala Coast. How long are the iwi going to be saved before some entrepreneur wants to put up a hot dog stand or hotel or golf course in those consecrated burial grounds? For me, as a Hawaiian, and I'm sure I can speak for many Hawaiians that are sovereign or believe in taking care of our iwi, them desecrating the lands where our iwi kupuna are buried is like cutting off one of our arms and telling us suck it up, it happens, it's life. I feel very strongly about this 'cause it's a sacred thing for our kupuna to be buried and taken care of, to be left to rest in peace and that's not what's happening just because we don't have like a designated place with headstones and names. Oh my God. I think that this topic needs to be taken more seriously. It hurts us all, our futures, because if it was our parents or if it were you guys, we'd want it to be taken care of, not desecrated and left and put into stores and all those kinds of places. So, I ask that you guys take it into consideration to help put it to an end or be more considerate of our kupuna iwi and stuff. Thank you.

CHAIR COCHRAN: Thank you very much for your testimony.

MS. FUJITA: The next testifier is Kahokuonalani Catan-Lono testifying on IEM-33, followed by Eliana Halas.

MS. CATAN-LONO: Hi. Oh gosh, my name is Kahokuonalani Catan-Lono and I will be reading a letter written by Albert L. Kahuena to Governor Waihee. It was written on January 1, 1989. Our culture holds a very valuable part to our lives and the future to come and it shouldn't be bought or sold. Let's make this year a more blessing one; kapu our culture and make it a law. It's good to look ahead, progress, but we must not forget where we come from. Money is the root to all evil. We really need to help remember where we come from. I don't want to lose this battle. And I fully agree because how would you feel if people dug up your kupuna and just threw them away? Like, they were buried to rest in peace not to be put in a museum and, yeah, so I feel like since we're not leaving them alone, they're not gonna be rest in peace. Okay. Thank you. Mahalo for your time.

CHAIR COCHRAN: Thank you for your time.

MS. FUJITA: The next testifier is Eliana Halas testifying on IEM-33, followed by Amy Halas.

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MS. E. HALAS: Aloha mai kakou. My name is Eliana Halas. There is a lot of iwi that is being dugged up. So how would you feel if that happened to your iwi? And that's how we feel. So stop and it's not okay anymore. Stop digging up families. Mahalo.

CHAIR COCHRAN: Mahalo, Eliana.

MS. FUJITA: The next testifier is Amy Halas testifying on IEM-33, followed by Kaniloa Kamaunu.

MS. A. HALAS: Aloha. Thank you to the Councilmembers who attended today's scheduled IEM meeting. Where do I start? Where do I start? Here we are again. The sand mining moratorium had specific intent. One of which was to update the Central Maui Inland Sand Quantification Study. I understand that it has been updated, but we the public, we the taxpayers aren't able to review the document and that is a bit of a concern because the sand mining moratorium is written in such a way that the moratorium will expire at the point in which either six months has elapsed or the sand quantification study has been updated. So, I'm not comfortable with this moratorium ending. A lot has happened for those of you who have driven down Waiale, you'll see a MECO project that has currently been halted and this is on a privately, a private parcel owned by a landowner and it's, literally abuts the Maui Lani project division, the VMX area where an entire intact village site was demolished and where there were many, many iwi kupuna found. And as MECO subcontractors excavated last week, there was a level, a layer of cement that's visible in the strata and when you see cement, that is not an organic, natural occurrence and that tells us that there are burials and this is just the tip of the iceberg. And there's in situ burials who have been there since the many, many battles between the chiefs of the Big Island and the chiefs of Maui and also the burials that have been interred there in the sand dunes for generations and this is a known battleground, a known burial ground. As I mentioned, in January alone, at Maui Lani Phase VI Town Parkways development, the Maui Lani archaeologist disclosed to the Maui Lanai Island Burial Council that 79 iwi kupuna and 35 burial pits alone at Maui Lani Phase VI Town Parkways have been discovered and there's other sections of Maui Lani and it is just an enormous parcel, approximately 1,200 acres, acquired by Bill Mills. He purchased these from Alexander and Baldwin in the early '90s and all I can say is we have our opio here; they are the future. Long after we're dead, they are gonna inherit what has been done. Yes, sand mining has been going on for decades, but isn't it time to preserve and to protect what remains? Shame on us for allowing this to happen. So I plead with you to take a step back, drive down Kuikahi, drive up Maui Lani right across from the Mormon church on Maui Lani there's a gate and you can see the last remaining sand dune in the Maui Lani project that is slated for demolition to make way for 200 residential homes and to complete the extension of the Maui Lani Parkway, which will take it to the Maui Lani Safeway which you are all familiar with. I've testified on many, many occasions and I will close my testimony with a plea to please remember our opio. They are the future. Mahalo.

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CHAIR COCHRAN: Mahalo, Ms. Halas. Any clarification needed? No? Okay. Thank you.

MS. FUJITA: The next testifier is Kaniloa Kamaunu testifying on...the next testifier is Kaniloa Kamaunu followed by Adrian Raff Corwin.

MR. KAMAUNU: Aloha mai kakou, Kaniloa Kamaunu kou inoa. ...*(spoke in Hawaiian)*... And, of course, you know, back again, it's no secret why we're here. And, you know, my whole thing and, you know, I commend our young men and young women that have come out and, you know, this is happening all over the world where indigenous people are, you know, are fighting back. And it brings back to this discussion, you know, in August 12th, I believe, 2009 I came forward to the County Council and, of course, I know these two gentlemen weren't here, I'm not sure if Elle was in at that time in 2009, but I was talking about the real property tax law that they were gonna impose, \$150. I came forward and I opposed that legislation that OHA was bringing forward. The reason was because the old law stated that there was, that all commendations were paid. That means there was nothing owing on the properties, the kuleana properties. They were owned outright. They were absolute titles and the Kingdom was not collecting taxes on our properties. So how does that relate to today? In 1860, Civil Code...1860, Law of the Sepulture enacted by the King of Nobles and representatives of the Hawaiian Islands a Legislative council assembled approved this 24th day of August, A.D. 1860, Section I. If any person not having any legal right to do so shall willfully dig up, disinter, remove, or convey away any human body from any burial place or shall knowingly aid in such disinterment, removal, or conveying away, every such offender and every person accessory thereto either before or after the fact shall be punished by imprisonment at the heart and hard labor for not more than two years or by a fine not exceeding \$1,000. Okay. So when I came here to talk about that \$150 taxes for kuleana, I opposed it because like I said, there was no such thing. Kuleanas weren't taxed. That body at that time had to agree because Bill Medeiros who was the representative for Hana asked your Corp. Counsel is what Mr. Kamaunu saying true and are we breaking the law? And you can check your records if you want to, the attorney at that time forward and said it is an old law, end, pau they all when accept that. And that's why Maui, out of all the counties, if you go and you do the process, kuleana exemption zero because they did not have the power to enact a tax upon kuleana lands. This law is an old law. This law was in place to protect and it is telling you and I give you a sign of warning it states all those accessory to before and after the fact of these illegal actions are responsible. So, I forewarn this Council that there is a law that protects them. It was enacted. It was legislated. And unless this de facto government can prove, and I gave you guys the documentations, that we are American citizens then this law, as the law, of the kuleana is still enacted. And their rights have been violated by this corporation. And they are to someday, especially if you look in the Congressional debate that I put there for you, Senator Bacon states in the discussion that we are basically giving away the rights of our future of our children. These young men and young women will be the force and you can see what's happening all over the world; all the violence, the violent action that has come about

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because of the mistreatment of people in this world. So, I give you forewarning and I hold you responsible and put you on notice that there is a law legislated to these people. We are not American citizens so all the rights vested to us from our kanawai, from our institution of the government of the Kingdom of Hawaii still is enacted and it is this body's fiduciary duties to protect such. And I leave this with you. Thank you.

CHAIR COCHRAN: Thank you, Mr. Kamaunu. And I'd like to recognize the presence of Ms. Yuki Lei Sugimura. Thank you for being here. And now we have quorum, bare quorum, but it is quorum nevertheless. So, okay, we'll take a brief recess right now and to the call of the Chair. . . . *(gavel)* . . .

RECESS: 2:22 p.m.

RECONVENE: 2:28 p.m.

CHAIR COCHRAN: *(Recess to convene meeting with quorum)* . . . *(gavel)* . . . Aloha, will the Infrastructure, Environmental Management please reconvene. So, Members, and the viewing public, I opened the meeting originally at 1:40 with no quorum, but since the arrival of Ms. Yuki Lei Sugimura, the IEM Committee is in bare quorum. So, what I'll need to do I'm gonna close the meeting for a brief moment. So, we're gonna close the meeting that I opened up with, with no quorum, and I'm gonna close and then I'm gonna reopen and say we are now reconvening with bare quorum. So, here we go. . . . *(gavel)* . . .

MR. KUSHI: Okay, wait. Madam Chair?

CHAIR COCHRAN: Oh, wait, sorry. Oh, wait, hang on. Mr. Kushi?

MR. KUSHI: Before you do that, to clarify --

CHAIR COCHRAN: Okay. Yes, please.

MR. KUSHI: --you're going to recess this meeting.

CHAIR COCHRAN: Oh, recess?

MR. KUSHI: For 10 minutes.

CHAIR COCHRAN: No, like can't we do it like a minute? No?

MR. KUSHI: Do it 10 minutes.

CHAIR COCHRAN: Okay, okay. As our --

MR. KUSHI: You're gonna formally recess the meeting --

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CHAIR COCHRAN: --Corporation Counsel...

MR. KUSHI: --and then convene, reconvene.

CHAIR COCHRAN: Okay. So you heard Mr. Kushi? We shall recess --

MR. KUSHI: Put it on record what time you're gonna recess to.

CHAIR COCHRAN: --the meeting now and it is 2:32. We'll be back at --

MR. KUSHI: Two-forty.

CHAIR COCHRAN: --2...okay, let's say 2:40 and we will, we're recessing this meeting and we shall reopen at this time. We are now in recess. . . . *(gavel)* . . .

RECESS: 2:32 p.m.

APPROVED BY:



ELLE COCHRAN, Chair
Infrastructure and Environmental
Management Committee

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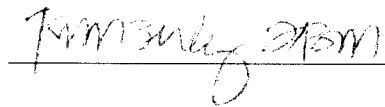
Transcribed by: Kimberly Tabon

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I, Kimberly Tabon, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 26th day of July, 2018, in Kahului, Hawaii

A handwritten signature in black ink, appearing to read "Kimberly Tabon", is written over a horizontal line.

Kimberly Tabon