

**CULTURAL RESOURCES COMMISSION  
REGULAR MEETING  
AUGUST 6, 2009**

*\*\* All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, Hawai'i. \*\**

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***Due to Mechanical Difficulty in the Recording of this Meeting,  
Portions throughout these Minutes are Deemed Inaudible  
As Noted***

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**A. CALL TO ORDER**

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Erik Fredericksen, at approximately 10:10 a.m., Thursday, August 6, 2009, in the Lahaina Civic Center, Social Hall, 1840 Honoapi`ilani Highway, Lahaina, Maui, Hawai'i.

A quorum of the Commission was present. (See Record of Attendance.)

Mr. Erik Fredericksen: Good morning, everybody. Thanks for coming. Let's go ahead and get the -- let's see, what is today's date? The 6<sup>th</sup> of August 2009 Cultural Resources Commission meeting called to order. The first item is we have a new Commission Member, and I believe we are now fully commissioned, which is good.

**B. INTRODUCTION OF NEW COMMISSION MEMBER - DORADEEN MAKALAPUA KANUHA**

Mr. Fredericksen: Let's see, Makalapua Kanuha, and welcome.

Ms. Doradeen Makalapua Kanuha: Thank you. Thank you very much.

Mr. Fredericksen: There we go. One more time. Third time's a charm.

Ms. Kanuha: I just wanna say aloha kakahiaka kakou. Aloha to all of our kama`aina and to our Commissioners. It certainly is a pleasure being here to participate and having the opportunity to be in the know of what's going on in our community especially our Hawaiian community. So mahalo nui.

Mr. Fredericksen: Okay. And once again, we do have a full Commission now, and it's been a while coming, but I'm glad that we are full at this point. Let's go to Item C, Approval

of Minutes of the May 7<sup>th</sup> 2009 Meeting. Commission Members have any additions, deletions that they'd like to make? And if not, do we have a motion to approve?

**C. APPROVAL OF MINUTES OF THE MAY 7, 2009 MEETING**

Mr. Raymond Hutaff: I move to approve the minutes as is.

Mr. Fredericksen: Okay, it's approved.

Ms. Veronica Marquez: Second.

Mr. Fredericksen: And seconded. So we have the May 7<sup>th</sup> 2009 minutes have been approved. Before we get into the Item D, the Historic District Applications, the Vice-Chair asked to say something.

Mr. Hutaff: I'd like to do a pule. Please stand. The pule was more for me. I'm a little nervous about what we're about to do.

Our Father in heaven, we thank you for this opportunity and this day. And because of the immensity of what we're about to discuss and decide, I believe all of us here need a little bit of divine intervention. We need your help for us to hear and see and feel correctly. We need our ancestors to be here close to us so that we hear, see correctly. It is most important that whatever decisions are made today are made from heaven down to the `aina, and it be proper and pono. And so our Father in heaven, I ask you to allow us to have your will with us and our ancestors' will with us. Amen.

Mr. Kalei Moikeha: Mr. Chair?

Mr. Fredericksen: Yes, Kalei?

Mr. Moikeha: We didn't vote on the approval of the minutes.

Mr. Fredericksen: Yeah.

***It has been moved by Mr. Hutaff, seconded by Ms. Marquez, then unanimously***

***VOTED: to approve the May 7, 2009 minutes.***

Mr. Fredericksen: Okay, minutes have been approved. Thanks, Kalei. It's been a couple months, so a little bit rusty. Oh, okay. Let's move to Item D. And thank you, Ray, for giving everything right perspective. Historic District Applications, Stanley?

*Mr. Stanley Solamillo read the following agenda item into the record.*

**D. HISTORIC DISTRICT APPLICATIONS**

1. **MS. JESSICA THOMPSON, on behalf of THE FRIENDS OF MOKU'ULA INC. requesting review and approval for the three-year, annual archaeological and educational program, Ka 'I'imi 'Ike located at Malu-ulu-o-lele Park, on Front Street in the Lahaina National Historic Landmark (NHL) District, TMK (2) 4-6-007: 002 (Por.), Lahaina, Maui. (This item was deferred from the May 7, 2009 meeting.) The CRC may comment and provide recommendations. Public testimony will be accepted. (E. Wade)**

Ms. Erin Wade: Aloha and good morning. My name's Erin Wade. I'm the Small Town Planner for the County of Maui. Today, the project of Moku`ula arises and is in front of the Cultural Resources Commission for four reasons: it is in the National Landmark Historic District, it is in Historic District 1, it is part of the special management area, and it is County-owned property. So those four issues are triggers for the Cultural Resources Commission's review.

The matter was heard by the CRC on May 7<sup>th</sup> 2009 and the issue was deferred. The CRC heard significant public testimony relating to the cultural appropriateness of activities being proposed. The CRC voted to defer review of the Friends of Moku`ula's Ka 'I'imi 'Ike Program until broader community input and kupuna cultural expert guidance could be sought.

To ensure the project -- following the CRC's review, the Planning Department sent a letter to the applicant requesting three things be provided. We requested consultation with the History and Cultural Branch of the State Historic Preservation Division and Cultural Historian Hinano Rodrigues. We requested consultation with the native-Hawaiian community, including kupuna and cultural experts, and the general Lahaina community. And, finally, a complete data recovery plan was requested to incorporate recommendations of the lineal ancestors, native-Hawaiian community, including kupuna and cultural experts, and broader Lahaina community. We asked that this product be delivered to the Department for advisement by the CRC, prior to being submitted to the SHPD Archaeological Cultural Branch -- Archaeological Branch, excuse me. It was submitted in conjunction, which staff determined to be adequate during the 30-day review period at SHPD. So at this time, the Planning Department believes that all three of those conditions have been met so the issue is back before the CRC for discussion. Jessica Thompson and the staff of the Friends of Moku`ula are here to present additional information to you, and to share with you the work that they have done over the past couple months.

Mr. Fredericksen: Thanks, Erin. Does anyone have questions for staff at this point? We'll catch'em later. You folks can come up, please. State your names. Thank you.

Ms. Shirley Kahai: Good morning, Commissioners. My name is Shirley Kahai and I'm the -- I'm with Friends of Moku`ula. I'm the Acting Executive Director. And here with me is Jessica Thompson. She is our Program Coordinator. And she was the one that submitted our Ka 'Iimi 'Ike Grant to the Hawaii Tourism Authority. And Erin explained why we're here today. And we're, you know, happy to entertain any questions that you may have regarding our program.

Mr. Fredericksen: Are you folks gonna discuss the preservation plan?

Ms. Kahai: Well, we have the data recovery plan that we submitted.

Mr. Fredericksen: Excuse me, the data recovery plan. I'm sorry. I'm thinking -- I'm thinking about all sorts of different aspects of the whole project. Yes, the data recovery plan?

Ms. Kahai: Okay, we submitted the data recovery plan. And I checked with Patty Conte, who is the archaeologist, she has not had a chance to review the data recovery plan, but we have had it out in the community. We've had comments and feedback from kupuna and some other community members.

Mr. Fredericksen: Yes, just something before we get in -- into this discussion anymore, I mean, I, you know, I support the concept and everything. There is a need to be real careful and make sure the process is inclusive. Just a concern that I have at this point is that the draft that I have does not appear to have incorporated or if it has incorporated comments -- the comments -- the incorporation is not, of the comments, is not clear. It's not -- it doesn't indicate, well, you know, these are some of the comments by the named people who have provided input and it doesn't indicate how those comments have been incorporated or what the comments are.

Ms. Kahai: Okay, I have Janet Six, who is our archaeologist, and she is here. She wrote the data recovery plan. And I'd like to call her up and perhaps she can answer those questions.

Mr. Fredericksen: Okay, and before -- before she comes up, the -- another concern -- and as we go through this, I'll -- and it's more like fine-tuning, if you will, but the plan as it's submitted to SHPD, assuming that it's the one -- the version we have is they're -- I believe there are comments that were gonna come out of today's meeting that should be in the draft plan; that's why it was recommended that it come back or to come here so those comments could be incorporated in the draft before it was even sent to SHPD. And I know

staff has, you know, has gone and done this so it's concurrent. But the concern that I have, as a Commission Member, is to make sure, because this is a very, very, very unique, significant, and sacred site, to make sure that it's done right, period.

Ms. Kahai: Right. When we did the data recovery plan, Janet originally wrote it and everything. And then we also had some members go ahead and review and give their comments. And then we went ahead and submitted the draft plan to the State Historic Preservation Division. And we also asked for other comments from the community.

Ms. Janet Six: Can I say something?

Mr. Fredericksen: Yeah, go ahead and come up. Thank you. And we'll probably have some more -- does anybody have any questions for the -- okay.

Ms. Six: Hi. I'm Janet Six and I'm the archaeologist on the project.

Mr. Fredericksen: Hi. Good morning.

Ms. Six: Good morning. When we got your recommendations, we'd already met with the community two times, and we had formed a council of people and we gave that data recovery plan to people well in advance. Very hard to get people to give me written comments. Very hard to get people to write things down. I met with Kupuna Lyons Naone in person in my office, with Roselle Baily in person, with Ed Lindsey in person. And so I should -- I guess I should say sometimes they wanted to change one word, something simple, so I incorporated all those things, but I either have correspondence from those individuals, and I tried to list them in the back, but as much as I was asking for input, I mostly -- you know, the comments were not in writing, and they were, you know, edits to the text itself and so -- and we had some issues with just getting people all together. So I started meeting people individually.

Mr. Fredericksen: And that's fine. And I understand what you're saying because that is a challenge sometimes. I think it'll be helpful if it's been difficult to get written if people who are being interviewed essentially are not opposed to it include either a transcript or a paraphrased transcript of their thoughts.

Ms. Six: It would have to be a paraphrased because no one wanted to be recorded. And people were meeting with me as a private person. So it was very delicate for the negotiation. But I -- what we did was I did submit it, because we know how backed up they are at SHPD, and the idea was it's open. It's still open and it still hasn't been reviewed. So any comments here, I will submit a second draft to Patty. We kinda wanted to keep the ball rolling because we know how backed up they are. So we incorporated everything we had. And I went out and made personal phone calls and personal visits because, of

course, Ed was very ill. I went to his home a couple times. And so I met with as many people as possible and got as much input as possible. So if it's not clear that I did that, I can say -- I can -- you know, I tried to put dates in there with people and things down, but people, you know, of course, are very private about what they wanna say to me as individual about their thoughts. But for the most part, I can say this, no one that I met or talked to has been against going forward with it.

And the number one thing I get is that it be pono. And that's what we're trying to find out, what that means. And Kupuna Lyons Naone had a good suggestion. We talked about protocol to be followed on the site. And, you know, protocol for perhaps visitors would be different than protocol for visiting cultural experts and people. And so we would have differences in protocol. And we talked to, you know, Hoku Holt-Padilla about working with her on the protocol. Lyons felt it should be someone, you know -- he has ties to Lahaina but is a Kipahulu person. I saw Uncle Paulo. I've been meeting with everybody pretty much kind of -- I met with Jocelyn Costa and her family. So pretty much just trying to go around and meet people face-to-face. So it is definitely -- can be changed and altered. And I expected comments. This is my first big data recovery plan. I'm an academic. So I tried to look at a lot of them that are out there and incorporate. So I'm looking forward to comments. I'll resubmit it with those comments. But I wanna tell you, as somebody who's lived here for 30 years, I went out of my way to try to get with everybody and certain individuals. I spoke with Uncle Charlie on the phone numerous times. I tried to arrange a meeting. We couldn't get it together, but I am available for anybody and any comment. And we did circulate it to beyond the kupuna council, all our Hawaiian faculty, everybody that I could think of that might have input. I did sort of put it out there so.

Mr. Fredericksen: In the -- in the data recovery data plan document, I think it would again, the individuals who are willing -- like I know that Lyons provided written comments that even if they have paraphrased comments so they're not being quoted, you know, verbatim, if they're okay with it, and to have listings of -- I mean, because I know there was some place in here where you indicated that the -- or maybe Friends of Moku`ula indicated that the Hawaiian Studies Program have been sent copies of the data recovery plan.

Ms. Six: I think I put that in there. The thing that Moku`ula -- the Friends of Moku`ula really primarily looked at, because it's coming from me as an archaeologist as my company, was the protocol section because what we really -- I was really hoping for was people to step forward with ideas about protocol but there was some derision amongst different players, and so for me, it was very -- you know, I'm really ready to have someone tell me how it should be done, and what we should do and need to do. So Lyons was like -- he said, you know -- and another thing I wanna emphasize was, and this came out of a lot conversations is, you know, the tourism is very sensitive in Lahaina having tourists come anywhere especially, a site like Moku`ula. But as someone who worked in sites that are tourist-oriented, I worked in Valley Forge, which is sacred, if you're an American Revolutionary

expert, if you wanna come and look at sites up there, they're usually intellectually curious and interested in the culture. So it's not like a human zoo. Let's all go down and look at the archaeology. I mean, the idea is to use it as education, and the idea is to do it in the way that is culturally appropriate, and following rules set by Lahaina community, and kupuna, and lineal descendants. So I'm willing to do any of that. But just -- I think that not going forward, this is just my personal experience, this is my personal testimony as a long time Lahaina resident, and Maui resident, is that Moku`ula needs to -- what I did hear from everyone is it needs to come back, and now is the time. It's just -- if it wasn't gonna be this summer, then it's gonna be when the time is right. There's some suggestions on celestial alignment, some suggestions, but nothing was ever firmly resolved. And it's not my place as a non-Hawaiian to make those decisions, so I need help and guidance. So I look to you folks. And anyone who doesn't have a copy, I'd like to make sure you get a copy of it. Any other questions for me?

Mr. Fredericksen: Any other questions? Yeah?

Ms. Kanuha: Thank you, Mr. Chair. I know I'm not really kama`aina to the whole process from the very beginning for Moku`ula, but I just wanted to disclose for the record that several years ago, I was -- I sat on the board for Friends of Moku`ula, just to let everybody know because a lot of people here already know that, and I was actually the Director for Maui Nei. I was a for profit on for the nonprofit, which is Friends of Moku`ula. And I appreciate you sharing your diligent efforts to bring the process for the forefront. I hear that you have spoken to many people. However, we do have our own kama`aina that lives in the same ahupua`a of Moku`ula in the Valley of Kaua`ula. So my question is, did you take some time out to go and get familiar or kama`aina with the maka`ainana, the caretakers of Kaua`ula Valley, who is Ke`eaumoku Kapu and his ohana?

Ms. Six: I have never had the privilege of visiting. I would love to come and visit if I am ever invited. But, yes, I have met and spoken with Ke`eaumoku and I believe he was as supportive of the project and said he would like his nephews to come and take my class, but I have not been to the property, and I would love to, but again, I gotta be invited, yeah?

Ms. Kanuha: Aye, totally. The question, I'm sorry, let me make that clear. I wasn't -- it's not for me to invite you there because that's not my `aina. However, were you -- did you have the opportunity to speak with the ohana, was my question.

Ms. Six: Ke`eaumoku was given the copy of the data recovery plan. He can speak for himself, But he was given a copy early on, and he was originally going to be a part of this larger kupuna advisory council, which was never really formed, and so I can't really speak to that, but he was given a copy. I did not get any response back to him, positive or negative against it, but he's here, so maybe he'll have some -- some testimony on that.

Ms. Kanuha: Yeah, thank you. Only because I know that Ke`eaumoku is very kama`aina to protocol. That's why I led up to this question.

Ms. Six: Yeah, absolutely. And, you know, I'd love to have him involved as much as possible. Again, with public outreach and using the community college, we're always trying to look for anyone that wants to come and help and give their time and that would be -- that's like my dream. You know, if we could get the people that live in that ahupua`a to come and be part of it, that is the -- the dream.

Ms. Kanuha: Well, thank you very much. If you need any more help, yeah.

Ms. Six: I'll give you my card. Anybody, if you have a question?

Mr. Fredericksen: Any other questions?

Ms. Six: Oh, can I just -- just cause I'm here? We originally put in as field school. Clearly that's not happening this summer.

Mr. Fredericksen: Right.

Ms. Six: So the idea of having students -- I have two classes I'm teaching in the fall. I've got about 30 students enrolled and 17 in my lab. So we did some mapping of Moku`ula, just mapping of the surface tying to the benchmarks. We're gonna be doing some generating of that. But we would like to go forward, at some point, with the field school, either in the spring or next summer, and have students on the site. So we did -- you know, and I did have some students, Claire was one of my students this summer and ...(inaudible)... students. So we have -- try to get people involved. So as far as the field school question right now, that's obviously not gonna be happening even if we get approved next week by Patty. Summer's over for us so --

Mr. Fredericksen: Yeah. Any other questions? Okay, before you go, Janet, let's -- do you have a copy of this?

Ms. Six: Not on me, but I read it enough. I wrote it.

Mr. Fredericksen: Well, I'm just gonna go through and just kinda -- just provide some -- just some, you know, some general comments.

Ms. Six: Are you gonna give me written comments or should I be writing this down?

Mr. Fredericksen: I can -- I got my chicken scratch on here. I could -- I'd like to get it back, though.

Ms. Six: Yeah, no, that's no problem. I have a pen. I can jot some stuff down. Go ahead. Just give me the page number.

Mr. Fredericksen: Okay. I mean, it's sort of like -- just sort of notes.

Ms. Six: No problem.

Mr. Fredericksen: On the June 25<sup>th</sup> letter that was included in the -- in our packet, do you have that?

Ms. Six: Yes.

Mr. Fredericksen: Okay. Just the bottom, you know, where it says, January 26, Jessica Thompson and you met with MCC Hawaiian Studies faculty members, again, I'd go back to that comment made earlier about just trying to indicate what input was made in the data recovery plan itself. And I know this isn't -- the letter's not part of the data recovery plan, but still, just try -- you know, that's a --

Ms. Six: Part of it is, you know, it's -- I shouldn't say that they all I read it? I sent it to them, and I'm friends with with Kahele, and Kiope, and Kaleikoa. Kiope had very specific comments. He can't comment on Moku`ula because he was -- he had kupuna tell him in the past he shouldn't go there. So he doesn't -- he thinks it's fine if I go, but he's kind of stepping back.

He looked at the section I have on Hawaiian history and Hawaiian culture because that's the part where, you know, I'm the anthropologist and I'm writing as an outsider, so I made sure they took a look at all that. Kahele supports it. I mean, she's not here. And as far as Kaleikoa, he's supportive of it as well. So the feedback I got, the only person that had issues with it was Kiope and he had personal issues.

Mr. Fredericksen: And that was -- yeah, that's -- that's a different ...(inaudible)...

Ms. Six: And they had no and they had no formal changes for me to make. But I can put that kind of -- I can put that in. . . . (inaudible) . . . long. I kept thinking, am I getting this so long that I -- you know, how much did you guys want?

Mr. Fredericksen: Yeah, this project, particular project, with this particular site is -- it's gotta be outside, in my opinion, the normal box, if you will, of data recovery plans because they're so -- it's such a significant area.

Ms. Six: And I tried to do that. And actually, we filmed both the community forums, and we're gonna have a third one after this. We have -- we've kinda let people know where we

stand on this whole project. We have the DVDs as well. So the thing is if anyone's ever concerned about comments made, we recorded everything in High Def. And I actually thought about submitting the DVDs along with it because there's a lot to transcribe. One of the tapes is over two hours.

Mr. Fredericksen: Or what the --

Ms. Six: People commented on --

Mr. Fredericksen: Or when the plan is finalized because it could be a data base.

Ms. Six: Yeah. Because what I did is I tried to address -- you see some of them and I'll see this was the, you know, Lyons Naone mentioned having Lahaina Noon. He says it happens twice a year. He talked about the different times. And I guess it was July 18<sup>th</sup> the day that they were up in lao. So I didn't put some of those in there, but there's a -- I mean some of the comments were -- I mean one haole guy got up and talked about Britney Spears making out with Madonna so I didn't incorporate that. So there was some, you know, kinda out there comments, and then there was some comments that were right now, you know, about Moku`ula, about the archaeology, about the project. So like any public forum, you get all kinds.

Mr. Fredericksen: Sure.

Ms. Six: So --

Mr. Fredericksen: Okay, just some minor stuff.

Ms. Six: Sure, sure.

Mr. Fredericksen: But they're just -- it's all --

Ms. Six: No, no.

Mr. Fredericksen: You know, just making so it's --

Ms. Six: No, absolutely.

Mr. Fredericksen: On Page 6.

Ms. Six: Yes?

Mr. Fredericksen: Let's see. The last sentence of the first paragraph, under Study Area goes, "Is administered by the County of Maui Culture Resource Commission." Change that to "Maui County Cultural Resources Commission," because that's the --

Ms. Six: "Cultural."

Mr. Fredericksen: "Maui County Cultural Resources Commission."

Ms. Six: Got it.

Mr. Fredericksen: Yeah, just the "Cultural" and "Resources." That's the whatever, the official name of the Commission.

Ms. Six: I'm getting a B+. I can tell.

Mr. Fredericksen: No, no. That's just -- I'm just trying to make it so it's, you know --

Ms. Six: No, I'm just kidding. No, this is great. I appreciate it.

Mr. Fredericksen: Let's see. Oh here, Page 8, and this is a comment. "With resources in place, the site of Moku`ula will be restored and a community guided preservation plan designed and implemented. With UH-MCC students taking a lead, community participation in our efforts at Moku`ula will foster a sense of co-responsibility between kama`aina and malihini with regard to preserving Maui's most precious cultural and natural resources." The comment is, what about during the actual data recovery project? Is this -- is that included in the data recovery project when it's actually being undertaken? Or is that something that's gonna occur afterwards?

Ms. Six: This is kinda after -- this is kinda the end vision is that, you know, once we start -- once we start excavating in this site, and there's gonna be people, and the people I think that will first come will be the Lahaina residents, not tourists. The people that will be most interested is people that have lived in Lahaina who are from Lahaina who are interested in seeing something happen. As it goes and becomes, you know, a beautiful, local -- and it's restored, it is gonna be of interest to a lot of people. And it could be used as a vehicle to help educate tourists, but also, there's a whole big malihini population here that doesn't know anything about Lahaina other than it was a whaling town. So the idea is that to do projects like this -- oftentimes things like Art Medeiros says he does up on the mountain. That's great, but people aren't as impacted. This is right in the middle of a heavily trafficked area. So this is my vision is that this is a site people are walking by they may not even know about and then suddenly they learn about Hawaiian history. They learn about the importance about the Hawaiian Kingdom. They understand the importance of that site because right now, there's a couple of signs that you don't see the -- it's hard for people

to understand that that's a site that's important as, you know, Stonehenge. It's just that it's underground right now. So I understand the importance and significance of this site and am honored to even be a part of it in any way.

So, but yeah I can see if you want me to take this out and put like, you know, this is kind of the end vision is -- I put a lot of stuff in about not just straight archaeology because this is a complicated project and we wanna involve students and people. So often archaeology is done in isolation, you know? You're off in a site far away and you're doing your mapping and your thing, but because we're there, we need to have that educational component. That's how I see it. And I hate to see this nasty term, but it's "educainment." We use it at the college. You have to entertain people anymore to educate them. So in other words, going to the Old Lahaina Luau or going to a place that you haven't seen something. People learn by watching and seeing and doing. So you don't see malihinis jumping in excavating or anything like that. The idea is as the site is restored, interest will grow from just the Lahaina community. Obviously, the Hawaiian community is very interested in the site and very knowledgeable about the site, but there are so many people I've talked to that don't even know it's there. So you kind of have delicate balancing act of preserving and -- Without exploiting a site, how do you allow people to take a look at it? Because there's been some suggestions that the whole thing be cut off completely and no one allowed in, and that's what they're doing with Stonehenge right now because of all the exploitation of the site. So it's a fine line. And I'm willing to remove that paragraph or clarify that for need -- if need be.

Mr. Fredericksen: See, I feel very strongly that the -- you mentioned something, and it's -- this isn't just a strict archaeological undertaking, I mean, it's using archaeology as a tool to try to examine a very significant cultural site. There is an archaeological component, certainly, but I mean it's -- the site itself is very, very significant for its cultural value.

Ms. Six: And facilitating the needs -- if the Hawaiians want this, then I wanna help. If they don't want it, then it's not my business, not my kuleana, right? So for me, just like first and primarily is associated with the people that have the incredible attachment to the site. And so like I said, it's a fine line, but my PhD is on public interest archaeology and whether it's helping this set group achieve what they would like, and so that's what I want people to understand. I'm a free agent and I have a soul, as I mentioned at the second community meeting that I was pretty much attacked. I understand why people are sensitive. I get it. I understand. I'm also very interested as an archaeologist. My God. It's the most amazing site. And as a historical archaeologist, there's a lot of historic components as well as prehistoric components. I'm really interested in it, but I want it to be -- you'll never going to get everyone to agree. We all know that. We'll never going to get everyone. But as much as possible, I want people to feel comfortable and to feel that, you know, it's not gonna be exploitative, that it's gonna be for education. And that's for a lot of people. That's for everybody. Everybody can learn something, including me.

Mr. Fredericksen: The thing that I would like to make really clear I guess to the Commission Members, as well as the audience, and to Friends of Moku`ula is if this data recovery plan is approved, this project's not just gonna disappear and never be back before the Cultural Resources Commission because -- I mean it's such a sensitive area. I think it's gonna be important to review things, not kinda boardwalk the project, but just to review things down the road, and make sure what is occurring like in the subsequent phases, if there are any, that it's just done the right -- the culturally right way.

Ms. Six: And one of the things I did in this data recovery plan is after the input from the two community sessions we had, and I made sure people understand, we're sifting the 1913 fill event and the 1912 fill event, we wanna come down to the cultural sensitive area and kinda stop, and then make decisions with the community on how to go forward, because I had some good input from Ke`eaumoku about the punawai: how do you place the ...(inaudible)... to do the offerings and things? So we might wanna come down on the tops of these things and see what's there because some of the previous researches indicated and some of your researches just even in the neighboring yards is this thing was extensive. There's lots of walls left. Then, every time we're gonna have to stop and go what do we wanna do now? How do we go forward? I mean I think that it's gonna be a very slow and ...(inaudible)... going, you know, sifting every bucket until I get handle on what we have even in the fill layers because I understand the sensitive -- of the nature of the site. And so I get that part.

Mr. Fredericksen: Yeah, one of the things I'll share is in Lahaina, even in areas where there, you know, where fill has been brought in, when the fill was imported at the time, especially in the early 1900s, I mean sometimes it was just like go grab sand from wherever. I mean, there could be iwi, previously disturbed iwi contained in that fill. So everything's gotta get screened. There could be displaced artifacts. I mean it's -- no one knows.

Ms. Six: Absolutely. One of the things I mentioned in the report that SHPD wrote back is like, you know, you didn't provenience these things in the fill layers. You know, you said, oh, we got some ceramics, we got some bottles. So the idea of piece proveniencing every artifact with a laser, see I'd like to look at ...(inaudible)... processes, is if there are movement is this a piece of this ...(inaudible)... you might not expect or, you know, additional information. So I would expect you would want reports, just you, the CRC, regular reports on the project if it went forward, as well as just the normal requirement that the SHPD has.

And we did meet with Hinano for quite some time, and he was very informative and had lots of information for us. I didn't realize I should've gone to him individually, personally. I went and invited to him to the community meeting, but that was an oversight on my part. So we

met with Hinano. And then our submitting it to the SHPD was the fact that it's still up for review. It's a draft and we can add all those things so --

Mr. Fredericksen: Okay. Let's see. And that's good. Let's take a look at Page 14. This is under data recovery plan. If anybody else on the Commission has a question, holler while I'm talking, okay? I'm not trying to -- you know, I'm just trying to do the -- my scene from the archaeology side, okay?

Mr. Six: His mom was my first teacher.

Mr. Fredericksen: In that last paragraph under data recovery plan --

Ms. Six: Yes?

Mr. Fredericksen: "In addition to traditional archaeological methods, the students will undergo training in native-Hawaiian protocols required for working on a site of extreme cultural significance. Cultural protocols will be set by Friends of Moku`ula with input from their Cultural Advisory Council. All recommendations will be considered and determined by Friends of Moku`ula." That's gotta get revised because according to the letter that's attached in here, it's at the end, it was sent on the 7<sup>th</sup>, or excuse me, the 24<sup>th</sup> of July, it says, let's see, this is the second to the last paragraph, this is from Shirley to, I believe, Erin: "I also wanted to let you that since Hokulani Holt was hired, the Friends of Moku`ula Board also made the decision to disband the kupuna council, and instead has asked those involved to provide their commentary on the data recovery plan as individual kupuna and community members."

So that needs to be revised because it's, you know, from my understanding that group of people is not in -- in place so -- at this point, at least according to that letter. So to have that in the data recovery plan -- I mean, you could say maybe that, you know, input from the Cultural Advisory Council, which was disbanded on whatever date, was included or something, but just so it doesn't appear that that council is still in place.

Ms. Six: Absolutely. Yeah. And Uncle Charlie actually called me and told me they're disbanded. And then I met with Lyons I think about two days after that. So I was meeting with individuals because there was just some issues with that. First, it was gonna be just the Cultural Advisory Council, and then a kupuna council, and all these different things, but basically, this was written before, so I want to put that in -- change. And it's going to be Hoku working on it mostly and then with every other suggestion that anybody else has, you know, because like I said, it was really hard to get actual firm things. Shirley wanted to add something.

Ms. Kahai: I had an opportunity to meet with Hoku just before she left on vacation. She was on Oahu for the Halauaola Conference. And unfortunately, she couldn't be here today to give us the support. She had another engagement. And it's been only a month since we brought her on board, but we haven't really formalized everything. But she was happy to be a part of Moku`ula and has been a part -- she served on our board when it just got formed, Friends of Moku`ula. And she's already thinking about having training sessions. And she also was with the Kahoolawe Island Reserve Commission. And she said, "Shirley, a lot of people didn't like me because I had training. And those Feds didn't even come out and do any kind of work until they went through the training." So she's very adamant about this and wants to be sure that we proceed accordingly.

Mr. Fredericksen: Yeah, and that's -- that's very important. I have one other comment going back to Hoku. Let's see. Okay, this is on the third -- second paragraph from the top, last couple sentences, "Her commentary on the draft data recovery plan is forthcoming. You can be assured that her input will also be integrated into it." That commentary really should be in the draft plan that's submitted to SHPD as well, I mean, just so the plan goes in as a, if you will, as a unit. And then, what -- then the changes that are incorporated in the plan, in the next write, or rewrite or two, can include other community input and fine-tuning, if you will.

Ms. Six: Absolutely.

Mr. Fredericksen: Let's see. Just a couple more. These are just kinda manini, but it's just stuff that I just -- just questions I have. On Page 20, second paragraph from the top, "Given the supreme importance of this site and to maintain the rigor of the excavation, there will never be more than three students excavating more than three 1x1 meter units more than," okay, is that -- okay, and then, there'll be "three 1x1 meter units at any one time per trained archaeologist." So --

Ms. Six: It looks like it was paste -- cut and pasted twice.

Mr. Fredericksen: Yeah, but the gist is, is there'll be -- there'll be one trained archaeologist per three --

Ms. Six: Excavating students.

Mr. Fredericksen: Excavating students. So what's the planned total? For the first one, it's just three units?

Ms. Six: Well, the idea -- the idea -- the maximum field school I would ever take is 12, but if I have that many students, I want one archaeologist per three students, which is easy to get with graduate students.

Mr. Fredericksen: Sure.

Ms. Six: So my friend Kalila Jaffey who taught at Manoa, who has a Masters, I knew from Penn, she's at NYU. She wanted to come back. And so originally I had ten students signed up. So the idea was two trained archaeologists on the site, no more than six people excavating ever because you have to have your, you know, your eyes on it.

Mr. Fredericksen: Sure. Everything else.

Ms. Six: And this is so sensitive. And we're looking at, you know, wet, wood, all kinds of things. So when I teach screen to map, the mapping is a little less culturally sensitive in the sense unless it's objects that are very culturally sensitive. I can have the mapping team not necessarily being supervised, but I want eyes on the units at all times. So that's just my normal thing for a field school. And I had six graduate students when I had the Hilo field school cause it's really easy to get people to come to Hawaii.

Mr. Fredericksen: Right.

Ms. Six: And Manoa is my first choice to get native-Hawaiians would be the first choice. And Kaleikoa is trying to help me but as you know, there's not a whole lot of native-Hawaiian archaeologists, and people have jobs, and, you know, we're trying to look for graduate students, but if anybody knows of anyone.

Mr. Fredericksen: A comment on that, I mean, this first phase is not -- let's see, how can I put it? The first phase, because it will be in-fill will not involve, unless it's previously disturbed, cultural materials or previously disturbed iwi, there won't be any intact Hawaiian features or anything. But a concern for down the road, the following phases is to make sure the archaeologists -- the archaeologists that are onsite supervising students have lots of experience in Hawaiian archaeology.

Ms. Six: Kalila did her Masters in Auckland, and she just basically ...(inaudible)... analysis and ...(inaudible)... Fiji, but she spent three years with Jim Bayman in the Waimea Valley, something with the Audubon Society. So, I mean, she's got Hawaiian --

Mr. Fredericksen: Okay, so there's that field experience there.

Ms. Six: Yeah, and she spent a few years over here. She wanted to get -- she wanted to get -- she actually applied for a job at Moku`ula, but she ended up going back to get her Ph.D., because that's what people do when they can't find jobs is go back to school. So, yeah, no, and that's the idea is that, you know, people standing over them going very, very slow, you know, eyes of the world on us, not just the Hawaiian community, so we gotta -- this is the model, you know, so it's gotta be done right.

Mr. Fredericksen: And graduate students -- if graduate students are used, which I'm not -- you know, that's fine, but again, the caution would be to make sure that the graduate students, you know, their field experience isn't like in -- in wherever, you know, someplace that they just left.

Ms. Six: Yeah, no hers was in Fiji, but she spent three years here with Bayman and she taught in Manoa. But I've also been talking to Pat Kirch, ...(inaudible)... students, people that are working in Kalaupapa, different people that are working. The thing is to get -- to find people that aren't employed, you know, and so --

Mr. Fredericksen: Right. That's the challenge.

Ms. Six: But I think because the field school, I don't want it to be this huge thing. And ideally, six students are perfect. But of course, the college wants it to be a not profitable, but break even, so 6 to 12.

Mr. Fredericksen: So make the minimum. Yeah. I remember from my days.

Ms. Six: You know. But that's two on the screen, three excavating, three mapping. So we're not -- you know, it's gonna be very slow and we are recording meticulously.

Mr. Fredericksen: Good. One more comment on that Page 20. Last sentence, "In the event any organic materials recovered or deemed likely to yield C14 dates, sterile samples will be taken for analysis and submitted to Beta Analytic, Inc." in Florida. I would suggest putting in there, "In the event any 'non-culturally sensitive' organic materials."

Ms. Six: Got it. Yeah, I got it. No, no. I got it.

Mr. Fredericksen: I mean, cause you could conceivably dig out a portion of a coffin or something that would just -- I mean, that wouldn't -- it wouldn't be appropriate.

Ms. Six: That makes sense. That makes totally sense. Thank you.

Mr. Fredericksen: Let's see, 20 -- let me see, 21, there's just like a typo in -- it's just minor on top. Let's go back. I think there's an "in that" or something on the top, but that's minor.

Ms. Six: Yeah, yeah, "in that." Got it. I see it.

Mr. Fredericksen: I've got a -- let's see. Under "Procedure for depositing collections after conclusion of the data recovery project," last sentence, "If deemed appropriate by the cultural practitioners, all/any iwi removed from the site will be done so under the direction of the Maui/Lanai/Island," it should be "Islands Burial Council and immediately turned over

to the Maui/Lanai Island,” no, “Islands Burial Council for re-internment.” I would put something in there if human remains are located, the SHPD -- and you do have that above --

Ms. Six: Yeah.

Mr. Fredericksen: That the Burial Council would need to have -- provide input if it is okay to remove -- actually remove the iwi from there.

Ms. Six: That was something I actually --

Mr. Fredericksen: Just maybe if you could tighten it up or something.

Ms. Six: Sure, sure.

Mr. Fredericksen: And again, this is such a significant area, I just wanna make sure everything is just real --

Ms. Six: No, I appreciate it.

Mr. Fredericksen: Real tight. Let's see, let's look at Page 23. There needs to be something in here, maybe a footnote under the second -- what do you call those things -- bullet?

Ms. Six: Yes.

Mr. Fredericksen: A complete DRAFT Data Recovery Plan, incorporating the recommendations of the lineal ancestors, native-Hawaiian community (including Kupuna and cultural experts) and the broader Lahaina community. This product should be provided to the Planning Department for advisement by the CRC prior to being submitted to the SHPD Archaeological Branch.

I would footnote that and say it was submitted concurrently.

Ms. Six: I think send them to you five minutes before them. I'm just kidding.

Mr. Fredericksen: Okay. Maybe footnote it over there or something.

Ms. Six: No, I will. I will. Then we just went ahead and just -- because I guess the feeling was it's still open. It's still ready. It's a draft. So we're just trying to get it going.

Mr. Fredericksen: Yeah, and then on – let's see, "Protocol To Be Followed," two paragraphs above that, second sentence, "The newly formed Friends of Moku`ula Kupuna Council consists of the following members" etc., etc., that's gotta be -- there's gotta be something in there saying, you know, this council was in place from "x" to "x" dates, and was whatever, disbanded, or whatever the term is. And then just so that's in the draft data recovery plan that that information's already reflected.

Ms. Six: Okay, great.

Mr. Fredericksen: And then, let's see, I think that was it on my read-through. Oh, and then the comments from Lyons who was on the Cultural Resources Commission before, having those comments in there as an addendum is good. Let's see --

Ms. Six: Roselle Baily also gave me written comments. Ed dictated his comments. And I mean I do have --

Mr. Fredericksen: I think it would be helpful to have those in there as an appendix maybe?

Ms. Six: Okay.

Mr. Fredericksen: You could have an appendix and just say the community input, or kupuna input, or --

Ms. Six: Yeah, cause Roselle gave me -- like most of hers are like style comments on word usage. And Ed was -- you know, Ed had wanted to keep -- and a lot of people of that same section, with the malihini people, that's an unclear section. So more people had -- I need to maybe take that out or make that clear what that -- the larger vision.

Mr. Fredericksen: Yeah. And I think that -- okay, at least at this point, that's what I got done. I was on the Mainland and so I didn't get a chance to look at this as much as I would like, but I --

Ms. Six: No, if you want to send me anything else, feel free.

Mr. Fredericksen: Yeah, and that's what I was going to say, you know --

Ms. Six: Please do. Anyone, everyone, if you don't have a copy of this, and they need it, let me know.

Mr. Fredericksen: Does anyone else on the Commission have any questions or comments? Stanley? No? Did you wanna say something? Yes, Stan?

Mr. Solamillo: I have one question, and it's for all the cultural practitioners here and for Commissioners, not being Hawaiian, I'm asking, is the temporary viewing platform above in the excavation at this site culturally appropriate or pono?

Mr. Fredericksen: Okay, let's -- you know what? Let's close this for now, and then we can call you back up. Let's have -- who's gonna come up?

Ms. Six: Can I just say one thing really quick about the viewing platform before anybody comes up and testifies? The idea with the viewing platform, and I heard Ke`eaumoku did tell me he was afraid of having people being above certain objects, the idea was, you know, I worked on a boat, and when you go up on a tuna tower, you can see farther. So the idea was to keep people back and allow them to see without being invasive into the site, right? And then the idea of post and pier, movable, not in the ground. We wanted to work with Lahainaluna Sustainable Construction Academy. So they talked to all their students. They have a Hawaiian faculty member up there and explained what it was going to be for. And the students took a vote and agreed that if it was for education that they wanted to go ahead and build it. So those students aren't building something they don't know what they're building. Now, you guys can testify how you feel about it, but they just -- they did make sure the students knew what it was for. And they did have a vote on it. And the students felt they should go forward.

Mr. Fredericksen: I have a question, Janet. That -- if that -- and thank you, Stanley, for bringing that up. That's not -- unless I missed it, that's not mentioned in the data recovery plan.

Ms. Six: No, this was a part of the Ka 'I'imi 'Ike Program. The whole reason that they were here was for the permitting for that. And I was writing as the archaeologist, the data recovery plan.

Mr. Fredericksen: Right.

Ms. Six: But the idea with the visitors -- and this, like I said, I think some of the people that are gonna be there are the local Lahaina people that are gonna be excited to see what's going on. So the idea is to allow a platform with informative signs for them to view the site without going on the site. And then obviously, if there's things that are culturally sensitive, they will be covered and not in view. So that was the idea, but it's not in here, and I can include that, but I wasn't sure how to deal with that.

Mr. Fredericksen: Yeah, I don't think it's -- now that I'm thinking about it, it's not -- that's not directly part of the data recovery project. Is that -- that's correct?

Ms. Six: Yeah, that's what I'm thinking.

Mr. Fredericksen: It would be something that's associated with --

Ms. Six: With their permit for their tourism program and with their -- not -- Ka 'I'imi 'Ike Educational Program and through the Hawaii Tourism Authority.

Mr. Fredericksen: Okay.

Ms. Six: So that's what --

Mr. Fredericksen: So that issue is an issue, but it's not a data recovery plan issue.

Ms. Six: But we what we tried to do to facilitate the cost of it because I work for the college, for the Chancellor, and besides being an archaeologist, I'm a grant writer, so I thought we have this Sustainable Construction Academy in Lahainaluna, and they're always building playhouses and things, so we thought this would be something that could give back to the community and so Cliff Rutherford and I forgot the other gentleman who's working on it, Jeremy, they talked to all the students and the students voted and decided to do it knowing that this would be for this particular program. And they're designing it to be above ground, portable, movable, and hopefully, people could understand why we thought about a platform. We don't have to have a platform, but you -- at Valley Forge, we had to have, you know, we had to have foot rail fences. You cannot have people, no matter where you are, stomping around on your excavation site.

Mr. Fredericksen: No.

Ms. Six: So just so people understand, no one is gonna be stomping around the excavation site except for people that -- and we won't be stomping. We'll be walking very carefully.

Mr. Fredericksen: Thank you. Any more questions? Kalei?

Mr. Moikeha: Just a comment. Mr. Chair, once we end this portion, allow the community to speak, we'll get the answers.

Mr. Fredericksen: Okay. Yes?

Ms. Jessica Thompson: Erik, does the Commission want any additional information on the background of why we were seeking a permit for the platform? Why we felt it was an appropriate part of our program? Or is that pretty much clear to everyone going into the --

Mr. Fredericksen: That's not on our agenda is it? It is? For that one? Okay, yes. Who wants -- anybody have questions for that? For the platform?

Mr. Moikeha: A short review because it was brought up.

Mr. Fredericksen: Yeah, could you just give us a -- kind of bring us back up to speed, please?

Ms. Thompson: Yes. So originally, the building component of this program involves this portable and temporary viewing platform, and educational signage, and temporary fencing. The idea behind the platform and the fencing was twofold. One is to protect the site during excavation to keep -- we run educational tours year round to the site so it's very important to really keep that barrier and make sure that any excavation that's going on is free from any foot traffic or any curious people who wanna, you know, walk around there. The platform is also an educational opportunity in that one of the signs that we're seeking a permit for would be actually attached to the platform and would give a historical and cultural overview of the site similar to what exists already but with a little bit more detail, and it would be a point of contact with visitors whether residents or nonresidents to learn more about the site while not, you know, trespassing and stepping on culturally sensitive areas during excavation. Once excavation is complete, let's say years down the line, the idea is to be able to disassemble the platform and move it around the site so that the community can watch the restoration happen from a safe vantage point, because as you know, some of you who are familiar with the project, we're talking about years of many phases, and we want the community to be involved and be able to participate. If they're not out there volunteering, be able to see it happen because it's such an exciting and important event.

The fencing, again, was a -- it's gonna be temporary, above ground. The platform is also above ground so it's not going under the ground. It's not -- you know, there's not gonna be any posts dug in. There's no digging. The fencing, again, I believe we were looking at six to seven feet high, locked, that would surround the excavation area, as well as the platform during nighttime hours and such when the site is closed so we wouldn't have people, you know, sleeping or disrupting the platform area. And the signage, again, is for educational purposes and is also above ground.

Mr. Fredericksen: Any questions? Comments?

Ms. Kanuha: I have one, Mr. Chair. I'm hearing about this site that it's gonna be fenced off, but I'm not kama`aina to what part of the area that's gonna be -- this platform is gonna be situated. And I'm hearing that it's gonna be an educational site for -- are we talking for just the general public? Or is this gonna be a tourism site?

Ms. Thompson: Well, the background is, as you probably know, that we received a grant this year from Hawaii Tourism Authority. However, since you know from Maui Nei, we do educational tours to the site year round. And so what we did with this grant is we built in what we already do, aside from the archaeology which is a new component, to continue

doing what we do, and have funds to do what we do, and the platform was a way that everyone who collaborated on writing that program felt. And in fact, if for history purposes, if you look back at an original SMA that was submitted for the actual restoration process, and Shirley can speak to it, there is also a platform in that permit, a more permanent one, mind you, but -- and the location is right now we're looking at, if you're familiar with the site where the old swing sets are, kind of between the old swing sets like just mauka of the swing sets.

Ms. Kanuha: Okay, great. And so the revenue that is generated for that is for sustainability for the nonprofit organization?

Ms. Thompson: Of the tours?

Ms. Kanuha: Yes.

Ms. Thompson: Correct.

Ms. Kanuha: Yeah.

Ms. Thompson: All the tours that already go on, there's not a new separate tour.

Ms. Kanuha: Yes, yes. Okay, thank you.

Mr. Fredericksen: Kepa?

Mr. Kepa Maly: If I may just -- I think a little bit of a lesson is being learned here. I'm one. I wasn't at the May meeting, so I'm sorry I missed much of that. And -- but had -- and this is a very unique approach to a plan. I've never seen a data recovery plan put together like this before. Had maybe the process been followed that was recommended, much of that -- cause I think it's a little problematic in particularly for SHPD to be able to review a draft and then say, well, this is a draft, we didn't give you all the information. Now, we're gonna re-give it to you again, so would you review it again. And many of these questions and things that are being raised now would actually have been integrated into, and as you've said, these summary notes, and interviews identifying key things. So I think there's an important lesson being learned here. And this isn't to stall the process, but to, in fact, make it more fluid so that it will go. And so I hope that maybe next time a recommendation about, you know, the procedure of submittal, I think it would be real helpful to follow it rather than to go through this cause basically what's gonna happen is this is gonna be some major -- and what it is, it's taking an integrated approach. We need to further integrate this plan I think from what I'm hearing, you know, the community stuff. So I'm just -- I'm stating the obvious, but to me this is -- having missed the May meeting, is actually a little confusing

because, you know, a number of things could've been set forth before the plan was first submitted.

Mr. Fredericksen: Yeah, thanks, Kepa, and I do agree. Now, you mentioned signage. We -- do you have signage worked up? Like some sort of a -- like a draft mock-up or something?

Ms. Thompson: Well, based on the deferral from last month, we've -- we really had to -- we're on a limited funding capacity for this program. So I think the idea was that the way we understood it also with between Stan and Erin was that the signage is in concept form, and obviously would adhere to any of the historical guidelines for signage, and would likewise have to go through I'm assuming an approval process to make sure that any sign that is put on site is both culturally appropriate but also meets the design guidelines for the Lahaina Historic District. So right now there's only the concept of signage. There isn't an actual drawing yet. Of the signage, I can tell you that two of the smaller signs are simply -- I wanna say if anyone's been to Kukuipuka Heiau, for example, there's a simple sign on a tree there that talks about appropriate protocol upon entering the site. So two of the signs are gonna be more in that nature -- simple text in a small format. The other -- the main sign that would go on the platform and would be able to be moved around the site eventually is -- would be smaller but similar in nature to what currently exists - that one corner of our parking lot - where it has photos, and images, and kind of a guideline of -- and not -- is in dire need of updating, too, it's very dated and whatnot, but it would fall in line with that.

Mr. Fredericksen: Okay, I guess, I have a question for Stanley, or maybe this is for -- this would be for Erin. Actually, I'll bring you up afterwards. Okay, well, thanks for now.

Mr. Moikeha: Question.

Mr. Fredericksen: We'll probably -- yes, sorry, Kalei.

Mr. Moikeha: So, just kinda walk me through this. So you operate a tour, a walking tour?

Ms. Kahai: Yes, we do. It's the Maui Nei Native-Hawaiian Walking Tour.

Mr. Moikeha: Okay. So and you're walking through -- by this site right now at this moment?

Ms. Kahai: It starts at Lahaina, at the harbor, Kamehameha Iki, it goes throughout the town, and we end at Moku`ula.

Mr. Moikeha: And so if there is no platform, no digging, right?

Ms. Kahai: There's no platform.

Mr. Moikeha: It means you're doing it already, is what I'm asking.

Ms. Kahai: Yes, we are.

Mr. Moikeha: So if there is no platform, there'll be no problem either because you're doing it already without the platform.

Ms. Kahai: We're doing it without the platform but we're not doing any digging, any kind of archaeological work.

Mr. Moikeha: So I'm just asking about the tour. So if there's no platform, no big deal cause you're doing it already. Yes or no?

Ms. Kahai: Right. We don't need the --

Mr. Moikeha: You don't need the platform?

Ms. Kahai: Right.

Mr. Moikeha: Okay, thank you.

Ms. Kahai: The only thing is in our grant that we're getting with the Hawaii Tourism Authority it was stated that we would place an observation deck and this was for the archaeology work. And it's not gonna go underground at all. It's just gonna be on the surface.

Mr. Fredericksen: Yeah, I have a comment. And I really would encourage you folks not to get tied in with, if you get a grant, especially with the Hawaii Visitors Bureau, about saying, oh, well, we're gonna do it a certain way because it's basically -- and I know when you writing grants you're trying to get funds and make things sound appealing, but to me it sounds like if it's in that grant, it sounds -- they're looking at that, and it's like, oh, tourists. That's just a comment. And I support the overall concept of everything. And I'm not trying to make roadblocks or anything for you folks, but it's just something that just doesn't feel right with me. That's all.

Ms. Thompson: I just want to add some clarifying information to that cause we've heard that concern over and over again, and we realize that the HTA, when you mention HTA, many people have a negative connotation and assume that, oh, it's just for the tourists. I just wanna speak to the program itself the way it was written and proposed to HTA was part of their Living Hawaiian Cultural Program to -- and from our end, I can't speak for HTA, but from our end was to try to be a part of the solution to bettering the relationship that as residents, and I can't speak to the native-Hawaiian community, but for FOM to connect in

a more authentic and culturally appropriate way with the visitor industry. However, we service not just the tourists. So again, it's an educational opportunity for anyone who comes to our site whether they're tourists or not. And from the grant perspective, it's the idea is to be a part of the solution in repairing some of those notions that are very real with disrespect to sites and things because people are uneducated.

The platform, whether or not we need the platform, we never told them in our grant, you know, it's gonna be, you know, six foot high and it's gonna look like this. It could be, you know, two inches above the ground with a few slats, and a step, and a rail. It doesn't have to fall into any -- we're not set on that at all, just so you know. It could look like anything.

Mr. Fredericksen: Okay, thank you. Any other questions or comments at this point? Kepa?

Mr. Maly: I'm sorry. So this is a charged program, a fee program also?

Ms. Kahai: The field school, there's no fee.

Mr. Maly: No, I'm sorry.

Ms. Kahai: But for the tours --

Mr. Maly: So the tours?

Ms. Kahai: Yes. There is a fee.

Mr. Maly: Do local students or educational groups pay a fee as well?

Ms. Kahai: If we have outer island schools that come and visit, there is a fee. And if we have to bring in our kumu who are trained, you know, they go through an extensive program, if the kumu are required to be there, then we need to pay them, so we will charge. But if it's only geared toward the Moku`ula area, then either myself or someone else will go and we'll do it at no charge.

Mr. Maly: Mahalo.

Mr. Fredericksen: I'd just like to make just a general comment not trying to give you folks a hard time. We really do support and I -- and I'm not just speaking for myself. I'm sure other Commissioners agree. It is hard to try to, you know, keep an organization going, a nonprofit. It is. It's just such a significant site and everything, and that's why we're just real concerned. That's all.

Ms. Kahai: Yeah, we understand that.

Mr. Fredericksen: But we're not trying to give you folks a hard time. I just wanted you to know that and I just wanted to state that too. Okay, are there any other questions?

Ms. Kanuha: I just wanted to make a comment, if I may? Working with Maui Nei, I said that in the beginning of the testimony, but being the Manager from Maui Nei Historical Tours, it's a wonderful program that comes and they educate people. And I know, firsthand, the tour is wonderful. We're able to educate the tourists. And also they do a lot for the schools when they come in to be a part of this. So I just wanted to say that. I commend you, Shirley, being with Moku`ula for all these years and keeping it afloat. I truly appreciate that, and you coming on and taking over Maui Nei. So I just wanted to make that comment. Thank you.

Mr. Fredericksen: Thanks, Makalapua.

Ms. Kahai: Thank you.

Ms. Rhiannon Chandler: I just have one comment. I know we're still considering the observation deck, and I would like to hear what the community feels about that, but at the same time, I think that we need to consider what the impacts of the absence of an observation deck would be to the site cause we all know that people are niele and they're gonna go. So I believe that needs to be considered as well. So I'd like to hear comments from the community.

Mr. Fredericksen: Okay. Come back up. Thank you, Rhiannon. That's very good.

Ms. Six: One of the reasons to address your comment about the need for the platform, when you go down and excavate down, we're looking at going down a couple of feet to get to the cultural area in Moku`ula. And the farther back and the higher up, they can see in otherwise they gotta get closer. So that was the whole idea of going up. You can see from farther back, allow them to see into the excavation units. So that was the idea of the platform and to keep them off the site. So just so you understand. Right now they're holding tours and it's flat.

Mr. Fredericksen: Right.

Ms. Six: But once we start to go down, there is --

Mr. Fredericksen: Okay, thank you. Okay, well, let's go ahead and have public testimony. Any other comments, Commission Members? Okay, let's see, Dawn Wasson? If you could go up to the microphone and state your name, please?

Ms. Dawn Wasson: (*Spoke in Hawaiian for the first part of her testimony.*) My name is Dawn Wasson. I'm from O`ahu. I'm here to present something later in regards to our input into Maui No Ka Oi. I just wanted to make a comment about this Moku`ula. I think what's key about this is because we need to know two things: is this a wahi pana or not? Is this a spiritual place or not? I mean are we to have something as sacred as Moku`ula to be gawked at? And so we have to make a decision that will affect us in perpetuity. The sacred site, you know, as I was reading the rules and regulations, there's several items that I was concerned about, about what is important is how enforceable is it, one. And it should be enforceable, if we're gonna do anything. Two, it's about different governmental agencies getting some say, because once Federal gets into it -- and we're ruled by different guidelines. And the other issue I have is about knowledge. Whose knowledge is interpreting our history? From whose perspective and whose ethnography? So we must be very careful. I'm always hearing this. We go to the Western university. We learn from them. They have the credibility. So that means if we don't have the palapala, that means we don't have the credibility, but kupuna was so akamai, and this is what they always said, "Malama ka `aina." And malama ka `aina, and malama ka `aina kakou. Take care of the land, the land take care of you. It take care of all of us. And in the land was the mo`oku`auhau and the mo`olelo. And we didn't understand then what kupuna meant from this oral history of mo`oku`auhau, know who you are, know your kupuna, you know. We never. Ho`omana`o your genealogy. Then find out where did we come from? And then find out what was the mo`olelo of kupuna? And so this Commission's Moku`ula, our people, we have a responsibility. And when we olelo our own history, the present system doesn't allow us the same status as those with the Masters and the Ph.D. in archaeology. How come we allowed them to say their knowledge more important ...(inaudible)... We cannot continue to let this happen because your children, your grandchildren are gonna be thinking Western. And that is on the table to us for today and on into the future. How much are we willing to sacrifice for who we are as kanaka maoli? We must be accountable for what we do now and into the future. Moku`ula, the most sacred place besides Kualoa. To you, Commissioners, (*Hawaiian translation*), Maui, do not give it up. When tourists come there, haoles, not for them. It's for us. This is for our traditions, our customs, about who we are as a people. If we give it up to tourists, please, do not send your children to any Hawaiian history classes, any Hawaiian language classes. It's gonna be for nothing. What they going do? Play with the language? Play this -- oh, once upon the time, there was these people. That's all we can talk about as long as we give up places like Moku`ula. Do not give it up. This is not for tourists. It's for us, our children, grandchildren, and those to come. Mahalo.

Mr. Fredericksen: Any comments, anybody? No? Thank you. Next person, Hank Wasson, Sr.

Mr. Harry Wasson: Harry Wasson.

Mr. Fredericksen: Okay, Harry Wasson. State your name, please.

Mr. Wasson: Okay. My name is Harry Wasson. I live in Laie, O`ahu, and I`m a cultural monitor in Schofield doing the construction of the backs project for the Stryker. And the same thing you guys talking about over here about cultural sites and about them developing them like for on O`ahu on Schofield is for the Stryker targets and stuff. And my -- what I was doing up there is I watch for cultural artifacts. And I work along archaeologists and UXO personnel because end-up up there already, we have to deal with bombs, ammunition, and cultural sites. And I`ve been listening to what you guys have been saying, and you guys missing a couple components about like cultural monitoring which I do and a couple of my friends. We were hired because we deal with our own culture by practicing for signing up by going to school even though my mother get on my case about that, but -- and you know, that Moku`ula one is nice. I mean I know what it`s about because we deal with that up on Schofield. And, you know, up in Schofield, they give us only the opportunity to voice our opinion, but we tell them, you know, all this cultural artifacts that we find, the archaeologists cannot even tell us, "How you guys went find that?" We go, "Oh, the thing just told us it`s over here." And they go, "Oh, but we never see nothing." I go, "Because you guys learned from the education. You guys not looking with you guys` heart." And plenty time they tell us, "What makes you guys one cultural monitor?" I go, "Because this is like a second time of our family coming back to this land." And, you know, no Hawaiian has been on the backs area in Schofield since, shoots, the second time they had ranching and pineapple. But, you know, they asked me, how do I qualify? Because when I look for stuff, I ask. We do protocol. And I even tell my partner this, the archaeologists I work with, I go, "You know when I do my taro patch, I ask all the wahines, even my wife, when you get your monthly stuff, you no come inside." She go, "How come?" I go, "Because that`s how it is just like when you go fishing that`s part of protocol." So when I went listen to this testimony about them doing Moku`ula and stuff, they shouldn`t use tourism as a -- for get monies for them to run their program, cause if you run`em right, you no need worry about the money. You just educate and the thing take care you. That`s all I would say. Thank you.

Mr. Fredericksen: Hank Wasson, want to -- no? If you want to, got a wireless mike, if you want to sit. Just please say your name. Thank you.

Mr. Henry William Wasson: ...(inaudible)... This is very sensitive to us. Like we say, we don`t wanna sell our culture. We wanna preserve our culture because when our kids grow up, we have something to talk about. Now there`s no land to plant, no food to feed their family. So we need land. And besides land, we need water. If you got land and water, you got everything. So I give my blessing with the Commission to do what is right because you would be held accountable for whatever decision you decide. So I ask you to think very carefully, very long, when you decide your opinion. With all of this, I leave you my blessing. Amen.

Mr. Fredericksen: Thank you. Let's see.

Mr. Moikeha: Mr. Chair, I got a -- I have a question.

Mr. Fredericksen: Yes, sorry.

Mr. Moikeha: So, today, as a Commission, are we -- what are we doing? Are we just providing recommendation as it says? Are we -- what are we gonna do? What can we do?

Mr. Fredericksen: The agenda items says, "Requesting review and approval for the three-year, annual archaeological and educational program, Ka 'I'imi 'Ike located," etc., etc. That's what's on -- that is what is on the agenda.

Mr. Moikeha: So it says, "The CRC may comment and provide recommendations."

Mr. Fredericksen: Yes.

Mr. Moikeha: So that's all we're gonna do -- comment and recommend? Or is it we gonna to that top sentence you said that "review and approval?"

Mr. Fredericksen: That's something I was gonna ask Stanley about. Stanley?

Mr. Solamillo: The question ought to be addressed to Corp. Counsel.

Mr. Fredericksen: Yes, Erin? Erin?

Mr. Solamillo: May I finish, please, Mr. Chair?

Mr. Fredericksen: Okay, Stan.

Mr. Solamillo: Thank you. A permit has come before this Commission to build a structure, alright, as part of a program, and that's why we have something which is shown on the slide as "temporary viewing platform." There were other things, and Erin can address these other things that came out of our last hearing when this item was deferred that included questions about data recovery and all these other issues that we began this meeting with, but the actual permit involves the construction of a temporary viewing platform on this site as part of the program. You can recommend approval. You can recommend denial. You are advisory body and this is an historic district application. Erin, would you like to comment any further?

Ms. Wade: All I'll say is the historic district permit that came in was related to the educational program and the structures that were gonna be built as part of the educational

program. And then as we got into discussions, we realized that maybe the educational program and the archaeological activities were not mutually exclusive. And that's when you asked to see the data recovery plan. So that has -- is now supplementing your information about the educational program. And as Stan said, you have the opportunity to review, provide comment, and make a recommendation to the Planning Department, and then the Planning Department approves or denies the permit activity.

Mr. Fredericksen: Okay, so specifically like you said, Stanley, this is for the viewing platform, okay, with a lot of other issues that have obviously been included and brought in by me. Okay.

Mr. Moikeha: Mr. Chair?

Mr. Fredericksen: Yes? Sorry, Kalei.

Mr. Moikeha: I have one further comment. You know on our -- just so the public knows, we did not have this on our agenda. We didn't know that we're here to -- for the recommendation about the platform. So just so you understand, we didn't know that till this second.

Mr. Solamillo: I will apologize to the Commission on how the item was agendaed.

Mr. Fredericksen: Okay, thanks, Stanley. But, yes, we just wanted everybody to know that we're doing the best we can, but we're not quite up to speed here. Okay, the next person, and I can't -- it's Richardson. And I can't -- I'm sorry, I cannot read your first name. I need my -- I don't have glasses.

Mr. Ke`eaumoku Kapu: Erik, can I make a comment? I think people who signed up for the list, there are specific agendized items on ...(inaudible)... they're talking specifically on the Moku`ula item or the item that going be on Item E-1 and E-2, so you might be kinda aware of that. That's why ...(inaudible)...

Mr. Fredericksen: Okay, yeah. You know what? If you wanna testify on Item D, I just noticed that and I wasn't paying attention, thanks, Ke`eaumoku, if you wanna testify on Item D, a couple folks have already testified on Item E, which hasn't come up yet, but if you wanna testify on Item D, and you are signed up to testify on Item E, please just testify on Item E. If you want to do D, that's okay. So if you wanna testify on this item, that's fine or the following one, but we are trying to discuss the Item D.

Ms. Kanoena Richardson: Aloha. My name is Kanoena. I'm from Kaneohe in O`ahu. And I just would like to thank everybody for allowing us to come today to be a part of this. We've been to many hearings. We've listened to land developers in the past, and they've

brought up issues on how it's gonna help the community economically, educationally, on and on and on. But who were the first developers that came to Hawai'i? Does anybody remember? It was the men that sat across from our Queen, all the businesses that sat across from the Palace, and how much they promised her. Oh, economic development's gonna bring all this help to your `aina, and help to your people, and this is gonna benefit you in the long run. But in the long run, did it benefit us? In the long run, we were -- we came less and less. Our voice got squashed less and less. We weren't able to hear what we had to say. Oh, yeah, yeah, we'll write it down. We'll make a note. We'll make a comment. We'll add it to the plan. And guess who? The Planning Division. Look around and see who they got in these big positions, just like in the very first developers. Were they our people who were helping develop? No. The people who have here, who have koko? Do they have something here? They have investment of their ancestry? No. We're talking about sending things that belong to us to Florida? Are we gonna sift it and as soon as we find it, we gonna send it to Florida? How many times, burial case, they find our artifacts, they send them to the Mainland, take them from their home. These items belong with their home. Their home is here, not Florida, Colorado. Here. This is their `aina. This is where our love and our development has to stay. And as long as we keep giving it over -- I know I heard a comment earlier saying, oh, we have support. We have received support from the community. Let me tell you about the community, they're not gonna speak to you. They're not gonna let you write it down. You know why? Because the first developer promised things to our Queen. And what happened? Right. It went hui. Went turn. And so the trust is not there. The `aina people, they no trust. That's why they will not let you record. They will not give you information. You like know too much stuff. They no talk. Why? Because the trust broke long, long time ago. So every time we go into the community, oh, nobody's talking to me. But the four people I talked to said go ahead. Oh, yeah, the four people, that's not enough. That's not enough. You gotta go and really get into the people. And four is not a maximum number by any standard, yeah. Mahalo.

Mr. Fredericksen: Thank you. Wilmont and then --

Unidentified Speaker: He had to leave.

Mr. Fredericksen: Okay. So Wilmont, he took off. Okay.

Unidentified Speaker: He'll be back.

Mr. Fredericksen: Okay, he can ask to come up. Let's see, Ke`eaumoku Kapu.

Mr. Kapu: Good morning, ladies and gentlemen of the Commission. My name is Ke`eaumoku Kapu from here. I like make it specific based upon the agenda item I'm talking about, and want to also be allowed to testify on other items especially, for the burial site one, if I may. And I'm pretty sure that goes for others that came today.

You know, the words mimic islandwide or statewide based upon how important this project is. I think what we've basically come to from the time that all these makamae was -- has been reestablished by a lot of the kupuna, a lot of the families from the area especially, from our family because we live in the same wahi pana. Our ahupua`a is within the Ahupua`a Waine`e, and you looking at Ahupua`a Waine`e which is Moku`ula.

A lot of things need to be considered based upon the history of the place on how many families that are still there that had an important task back then from the time of Moku`ula when the crown or the government was still in operation here. And believe it or not, people, the government's still here. It's just sort of covered up by this red, white, and blue flag everybody call the United States of America, but I don't believe this is the U.S. That's the way I feel.

When we look at policies every time we look at these kinds of things, we always take a scientific point of view on how we need to address these things for the benefit of who? I ask you, who is this gonna benefit in the long run when we stop putting the CC&Rs or all these logistical things together in writing? Who is it gonna benefit in the long run? Are we trying to preserve something that we all know is important by creating a DNA or educational?

For one, I'd like to say I never received the archaeological data recovery, yeah, but no matter. It doesn't matter to me on how, you know, being a part of the process -- now, I get this data recovery, and all of a sudden, I get, what, how many days as a public to view or give my comments to make sure my comments is in on a timely manner to make sure that I can cover what I need to cover to say my character and identity as a kanaka maoli? I gotta deal with the political, the politics, the palapala, the agenda item. People like us, we move in spirit. And Moku`ula knows that if they need help from the families of the area, all they have to do is, hey, keleponi, call, we going come. E Kakau, you know, write us. We will be there. When you start sending palapalas to us and put us on a time restriction for 45 days, or whatever it is, we not going come because we no like be a part of this history. This not our history. We want to be a part of the mo`olelo that can only be told by our kupuna to our kamali`i, passed down generationally. That's how we like be remembered. This scientific kind stuff, this not for us. I support the project hundred percent. Your job here today is to make sure, and you know that's the part I kinda pissed off about with the Cultural Resources Commission, you have a big responsibility here based upon whether or not our character and identity as kanaka going live in its longevity forever. And then your opinion can only be based upon the construction of what going happen there for tourists to be allowed to mahaoe when digging up our iwi kupuna, our makamae, and whatever may come about. That's your kuleana. The kuleana interest is to make sure that, you know, the signs -- well, that is your kuleana, the signs no more lights. Your kuleana is to make sure that, okay, they not going pound pegs when they stand the stage. Your kuleana is to make sure that it doesn't affect the historic site view plains of the district of Lahaina.

That's your kuleana. So we're not part of this kuleana. No matter what you guys can do to try to help preserve and protect us, the laws don't apply. And as a Commissioner with this resource, the resources that you are uphold to take a responsibility of, no more room for moral values. Stick to the law. For us, we gotta figure out where we stand because, theoretically, we cannot find help from here because the palapala has been submitted. There is a time window out there and it is ticking. And if that is ticking, the longevity of the kanaka maoli is ticking as well.

So I hope you take into serious consideration when you look at this application based upon whether or not it's gonna benefit the longevity of us kanaka by standing one stage over there so the tourists can mahaoe at everybody looking and digging up versus how your decisions going be based upon protecting our integrity. Just mahalo you all for your diligence and everything that you do. You have other issues to tackle. This one is really heavy. So in your decision-making, deliberate wisely because us, the minority, kanaka maoli no kia`i wahi, we see and we watching to see whether or not there is a tomorrow. Thank you.

Mr. Fredericksen: Thanks, Ke`eaumoku. I'm just gonna make a comment. And this was brought -- raised -- this issue was raised by Kepa earlier. This is one of the reasons why it was recommended that the data recovery plan come back here in draft form and not be submitted to SHPD for review yet because of -- and it's a great example of what Ke`eaumoku just testified about and others as well in different ways. But anyway, it's a comment, and it is a concern, and we can discuss this matter after public testimony as well. Next person, Kimo. I'm sorry?

Mr. Hutaff: I have a question. Question for Ke`eaumoku. In the ahupua`a where Moku`ula is, in today's world, who or whom is the most responsible in the Hawaiian community to take on informing and educating the public or each other about this?

Mr. Kapu: Who is the most responsible?

Mr. Hutaff: That's not really a correct way to put it because --

Mr. Kapu: Like a double-edge blade that.

Mr. Hutaff: We're all responsible. What I'm trying to get at is that if I were to go and seek advice from somebody, okay, who would be the one that I would get the proper and best advice in your opinion?

Mr. Kapu: Well, that's a really complicated question. And the last time I had shed some mana`o pertaining to our kupuna of our past, and we all gotta understand that our kupuna that are here today had lived traumatic times. They had their language taken away. They

had their culture taken away. They had all these abusive things that went happen to them which genocided their whole mentally and thinking on how things needed to be. So they found Christ. They found Akua. They found Ke Akua to make sure that everything that they deliberate upon, the longevity of their lives, and how they going take care their families, and their kamali`i, and their children was in finding Christ, they found pono. Okay? When you look at things of this era and tried to come to kupuna of that time, you get confusion. You get confliction. You get a lot of mixed -- really mixed emotions. But what's magical in our society today on what the smallest little thing that our kupuna is holding onto is our ku`auhau, is our genealogy. With the genealogy, and mind me now, the archaeologists, the scientists, and all this, the things that they find to legitimize the fact that we had a concentration of people here. Well, that's fine. That's data recovery, but you gotta have the mo`olelo to go with that. And where you going find the mo`olelo to go with that is those kupuna of that time.

So like for me, I gotta force myself to look into probates, native testimonies, foreign testimonies, land commission awards. I looking for my kupuna so I can find knowledge within there that can help me make decisions on where I need to go today. And I also read missionary books. Why? Because they talk about Hawaiians being pagans. They always pray to the pagan gods. So I gotta look in their eyes to figure out how we was back then because they tell the truth. David Malo, Samuel Kamakau, they couldn't tell the truth because the missionaries would shun them and tell them, "Heathen! Oust this person from our community!" So I gotta go into that kind of history to find out the realities of how was being enforced by my kupuna, having my kupuna give me the information on the whereabouts I need to go to find some kind of just to make decisions on how pono - and pono isn't righteous, cause righteous is competitive. Pono means balance. You gotta have a little bit of hard and a little bit of soft. If you get too much hard, they going be stuck in here all day. Okay?

So I don't know whether or not that's the question you was looking for, but we live in a time today, yeah, with mixed, mixed ideas. But where the ideas coming from? Main thing comes from the source. Main thing it comes from the wahi. And a lot of the people, I said it before last time I was here, no only find mana`o from just this general area. Kua`i, Moloka`i, O`ahu, Ni`ihau, as far as Aotearoa, wherever we can find mana`o based upon what we looking for in our character and genealogy as kanaka, then you going find the decision-makers. You going find the persons who will make sure that do things that is pono. I hope I went answer your question. Mahalo. Did I?

Mr. Hutaff: Actually, actually, I think you did. If I can put it all into a nutshell, before you ask a question, you ask a question to Akua to get the proper answer. And then the person who you ask, he, too, needs to ask Akua to get the proper answer, but there is no definitive name.

Mr. Kapu: Let me just say, I never like be a part of the process because I already knew how this thing was spinning, but I'm already involved because He telling me I gotta be involved. And it's not gonna legitimize the fact that my paper going be on -- my name going be on the palapala to say this is a good idea because Ke`eaumoku part of this. I no like be pimped out that way or paperbacked the way how people like to portray us practitioners or traditionalists out there. So maka`ala on what you read. And if get people's name on top there, ask them. Is it true? That's why I never been involved, but I support the project hundred percent. I going be there for them hundred percent. I just no like the name down in the history of wherever the history going go. Good or bad, I'm there. Mahalo.

Mr. Fredericksen: Thanks, Ke`eaumoku. Next. What?

Ms. Wasson: I think -- excuse me. I think the --

Mr. Fredericksen: Name again, please.

Ms. Wasson: Dawn Wasson. I think the question is very easily answered, and that is, if you study Hawai`i's history, and you look at the land, and the name of the kupuna who lived near or around that area, they're not there just for the sake of being there. You will see many examples. For example, like Kualoa, and all of the people who lived on Kualoa, and they can recite their genealogy, seven generations and on, these people are there for a reason. They are the caretakers. They are the servants of the ali`i in that area. And they themselves are ali`i or alo ali`i, kahuna, kaula. They are there for the purpose of serving, and also for the purpose of preserving the history and knowing all of these things. If you go back to Moku`ula, and you look at all of the land commission awards and royal patents, and if you go and locate the descendants of these people, it will be amazing that you will hear them tell you the mo`olelo of that place. And you will also hear them tell where they came from. Some of them lived there, but guess what? They come from Hawai`i. They went to -- I mean from Hawai`i to Maui, Maui from O`ahu, and then coming to Maui, but they were traveling. And if you study Hawaiian history, it is during the history that tells you why this people were traveling back and forth, because there was a lot of things happening. And I will share my genealogy at the next time when I address E-1 and E-2. Mahalo.

Mr. Fredericksen: Thank you. Next person on the -- to testify is Kimo Faulkner.

Unidentified Speaker: He had to leave for another meeting ...(inaudible)...

Mr. Fredericksen: Okay. If he does come back, he can provide testimony at a later time if we're here. Okay, let's see, Joyclynn Costa.

Ms. Joyclynn Costa: Good morning. My name is Joyclynn Costa, but I think maybe we need to all take a deep breath cause kinda tight, yeah, right now inside the na`au, cause

it's not one easy subject. And I view it as salad dressing, vinegar and water. No mix. It's a little bit sour and a little bit slippery. If we going talk about Moku`ula, I'd rather stand on the right of the podium. If we going talk about one tax map key: 4-6-006:002 (portion), I need to stand on the left side of the podium. What we did is somehow mix the two together. And what are you really discussing today? A tax map key or Moku`ula? Because they both have totally different jurisdictions. And until you can identify what you are talking about, you not going know where you really are. And I commend the Friends of Moku`ula and the choice of archaeologists because they do have their expertise, and they did want to do in their heart of hearts the best they could for Hawai`i. Unfortunately, they have this tourism involved in it. Again, salad dressing, vinegar, oil, sour, slippery.

Moku`ula, you talking Hawai`i, and it's under the jurisdiction of the Kingdom of Hawai`i. Tax map key: 4-6-007 is under the corporation of the State of Hawai`i. If you are of a cultural nature, then you speak of the kingdom laws that addresses Moku`ula. If you are coming under the auspices State of Hawaii Corporation, no more culture there. There is no culture. There's holds, and rules, and regulations. We cannot mix the two together. I love what these people trying to do. Maybe what we need to do is step back and go, okay, how we gonna accomplish Moku`ula? If you want to accomplish tax map key: 4-6-007, you need to agendize separately, because that's two different things. Kingdom law exists. Ask your Corporation Counsel. Hawai`i revised statute, that's revised, not even amended. And where is the foundation? Kingdom law of 1892, civil codes of 1859, penal codes of 1869, all kingdom laws. This gentleman here, if he is Corporation Counsel and he says he is under HRS, he is under kingdom laws, revised. And if we do things under revised statutes, there are some statutes, if we are speaking of Moku`ula, does not apply, because if there are any laws enacted upon our original jurisdiction that is contrary or repugnant to the original intention of our original laws, it does not apply to the kanaka maoli. That is law. So again I repeat, are we speaking of tax map key: 4-6-007 or Moku`ula? Mahalo.

Mr. Fredericksen: Thank you. Okay, any comments, Commission Members? Next person, Vernon Kalanikau.

Mr. Vernon Kalanikau: Aloha, everyone. My name is Vernon Kalanikau. I've been sitting there and listening, and lo and behold, I guess I have to speak. Mahalo to Aunty Dawn and her ohana from Honolulu. They pretty much covered a lot of the stuff I wanted to share. But I will share mostly the spiritual aspects, and my kuleana, and my connection with this place.

I do not read any books. Reading is a good thing. It helps you make choices, but I always put things in prayer. Prior, you know, to June of last year, I wasn't into any of Hawaiian culture. I was a Vegas kinda guy, as often as I could. July of last year, my father and Aunty Mahealani Poepoe took me lao and to a place to meet my Tutu. And Tutu is Queen Keopuolani. I never understood what this is about. They took me to a site that was totally

overgrown. And I asked why they wanted me to come and malama, open up this place. I said, why? Because it is time for change not only for us Hawaiians or kanaka maolis but for all humanity. So, okay, I got my instructions how to clean up this place in lao. So as Auntie Mahealani Poepoe on my left, right here is Queen Keopuolani. They're the ones that push me. I move by spirit. Sometimes not sure why, but I find out when I get there.

So what I wanted to share, and the message is for our Friends of Moku`ula, mahalo for all what you do up to this point. They suggest that you ...(inaudible)... get so much blockage, ...(inaudible)... attachments, cause there are people here that -- entities that doesn't want this to happen, but we all do, right? But not everyone agree from the other side. So I ask the Friends of Moku`ula, from top to bottom, that you will . . . (inaudible) . . . Not all of you, even the ones that you have spoken to, have been straight shooters. They have hidden agendas. You have to take care of those things.

I don't think you understand how important this place and the affect it has on the world. We come from a time, 40,000 years ago, when the whole Pacific Ocean was one continent. The center point of this place was here on Maui. Maui was always the piko of the Divine, the beginning of the creation. Each island have colors. Maui is pink. Pink, unconditional love, not only for ourselves, but for all humanity. To restore Moku`ula, to open this place up is very, very important that we maintain our pono. We may feel pono now. The minute we walk out that door, things change, but that's why we ask forgiveness. We talk story. He not going abandon us. We have mouth. As long as our hearts are in the right order, the right place within the light. Always remain the light. Not everyone can do the work in Moku`ula. It should not be a tourist attraction. But the message is still the same: malama Moku`ula. We save Maui, we save the world, all humanity. What we do at Moku`ula affects the world. It's hard to see that for -- maybe for all of us, but it really does. That is how important and how much mana this place has. I guess I'm in the middle of this now showing up whenever I'm supposed to. And mahalo for sharing. I have -- share this moment with you folks. And mahalo to our kupunas that are here today. Mahalo.

Mr. Fredericksen: Thank you. Comments? Hinano Rodrigues.

Mr. Hinano Rodrigues. Hinano Rodrigues. I now wear two hats. The first hat I'm gonna wear is the hat of the Office of Historic Preservation, and that'll take about 30 seconds. For the record, I had asked to meet with Moku`ula, the Friends of Moku`ula. And thanks to Erin Wade, that had happened. But I had hoped that Moku`ula would've met with me before Erin asked them to meet with me, because had they met with me I would've told them that this would happen. Moku`ula is not just a site for those of us who are from Maui. So let me take off my Historic Preservation hat, and let me speak to you as a descendant of Olowalu and Ukumehame, which puts me within the moku of Lahaina. That itself entitles me to express my personal opinion about Moku`ula.

First of all, it is my personal opinion that there are three places in this my `aina, in this archipelago, that are so, so, so very sacred. The first one is Mauna`ala, and that's where have our ali`i interred. The second one is `Iolani Palace. That's where our ali`i lived, and in part, their ancestors interred. And the third one is Moku`ula. That, of course, is a very biased opinion because my descendancy is on this island. But let me make that a little bit more personal and give me two minutes to tell this story.

My great-grandma, Kemamo Ka`ae`a Kekahuna was born in Ukumehame. She was born blind. So her father, Ka`ai`a went to go see the Kahuna La`au Lapa`au and said, "Can you cure my daughter's blindness?" So the name of this Kahuna La`au Lapa`au was Napaepae. And I'm gonna tie it to Moku`ula in the end. So Ka`ae`a goes to Napaepae and says, "Cure my daughter's blindness." And Napaepae tells Ka`ae`a, "You gotta do ten things. You gotta get me nine herbs from Ukumehame. And the tenth item, you gotta get me the freshwater, the spring water, that comes under the ocean at Punahoa." I know it as Punahoa. You know it as the lone pine tree. If you go there about 50 yards out, the freshwater comes out of the ocean. When we were kids, we used to go with the mayonnaise jar. And you go underneath, and you fill up the mayonnaise jar, you cap it, and you come up, you got freshwater. You got clean, filtered, freshwater. So Ka`ae`a -- Napaepae, the Kahuna La`au Lapa`au, tells Ka`ae`a you gotta do this. But there's a rule, you gotta do all this before the sun comes over Haleakala. So Napaepae goes into Ukumehame Valley, gathers the nine herbs, but forgets the spring water. As he's making his way down towards the sea, he remembers, oh, yeah, I gotta get the spring water from Punahoa. So he looks towards Haleakala, and the light starts to come over Haleakala. So he runs and he runs and he runs all the way down to Punahoa, jumps into the ocean with the ipu to get the freshwater. Too late. The sun came over Haleakala. So he went back. So Ka`ae`a went back to Napaepae and said, "Okay, here's your ten items." And Napaepae said, "Not good enough. I told you all this before the sun comes over Haleakala." So Napaepae told Ka`ae`a, "Your daughter Kemamo can be cured in only one eye because you broke the rule."

So how does this relate to Moku`ula? Where guess where Napaepae spent the last few decades of his life? At Moku`ula. How does that relate to me? Where are my parents live in Olowalu today? On the property that they live on, that property was given to my mom by her grandfather, William Hoopi`i. When my mom was a young girl, she went with William Hoopi`i to go visit Napaepae. Napaepae lived where what we know as 505 Front Street. There was actually -- you had to walk on planks to get to Napaepae's house because that area was swamp land.

So William Hoopi`i was also a school teacher and a principal of Olowalu School. And this is a story that is passed on generation after generation. I'm the fourth to know it. According to William Hoopi`i, whenever the King and Queen would do their visits throughout the islands, because we all know historically, they went -- every year they went

to visit their subjects on each island, when they came to Lahaina, it was announced they were coming to Lahaina, the entire island would congregate at Moku`ula, and the entire congregation would `oli. And when they `oli, Kihawahine would come out of the moat, show herself for ten seconds, and go back down underneath. So my affinity towards Moku`ula, my rationale for feeling that Moku`ula is ultimately sacred is not just something I read in a book. It is in my family history. Thank you.

Mr. Fredericksen: Thank you, Hinano.

Mr. Moikeha: Mr. Chair? I gotta apologize to everybody. I will have to depart, but I wanted to comment before I leave. And I think it's clear. What I really wanted -- all my notes that I wrote was, what is proper protocol through all these things? I mean, that was my major concern. You know, I mean, I'm all for educating the young Hawaiian that would like to study and to help excavate and things and such, you know. That's something that is good. But as far as if we just talk about the issue what we're for me today and that is that platform, my recommendation to the Commission would be no, don't do it. I mean, as I listen and hear, I think that's what I'm reflecting from -- from what I hear. And if I'm wrong, then so be it, but that's what I'm picking up from what is said. I thank everybody for sharing those that have come from afar, and those that have come from close by also. Welcome, Deeni, aboard the Commission also. You know, thank her for being here participating and everybody that has participated this day. But I think, everybody, when you speak, you gotta be clear as to what you want. I mean, we're here to serve you. And we're trying to do whatever we can, but the issue today is that platform. That's what I understand. Say what you have to say. We wanna hear, you know, I mean, that's -- we wanna hear. And we thank all of you for sharing, and -- but that would be my recommendation to the Commission as I depart. I know that's the chicken way out, but sorry, I need to depart.

Mr. Fredericksen: Thanks, Kalei. Drive safe going to work.

*(Mr. Moikeha excused himself from the meeting at approximately 12:10 p.m.)*

Mr. Fredericksen: Okay, let's see, so that takes care of public testimony for this item. We have one more? Okay, if anybody who had signed up, come back and state your name, please.

Mr. Wilmont Kamaunu Kaha`iali`i: Are we still on the -- agenda Item D-1?

Mr. Fredericksen: D-1, yes.

Mr. Kaha`iali`i: You know, all I really wanted to say about the --

Mr. Fredericksen: Could you state your name, please?

Mr. Kaha`iali`i: Yeah, my name is Wilmont Kamaunu Kaha`iali`i. Everybody call me the Junior O Kamaunu. I am a member of Hui Pono Ike Kanawai. We're an organized native-Hawaiian legal research group. Our objective is to primarily look at all the laws especially, focusing on the Hawaiian Kingdom laws, and what are some of the laws that have been transferred or migrated to current Hawai`i revised statutes, and how some of those statutes are still applicable today.

Since we are talking about Moku`ula, I've already shared this with some of you who have been present at the one public meeting we had over at Kamehameha III School. And the only request I have, the only thing I want -- and before I share that, cause I gotta share this mo`olelo because this happened to me when I was -- when I attended Kamehameha. And I was in the fourth grade. I was informed -- and, you know, for those of you who -- Kamehameha III, you remember, we used to go to Malu Ulu O Lele, go run around, kick ball, baseball? The Halloween Parade, I remember the Halloween Parade. We didn't know it was a sacred place. In fact, we were told -- and I remember this clearly, a teacher at Kamehameha III School, informed me that Malu Ulu O Lele Park was just a park that was named that because Ulu O Lele means, the flying breadfruit. Yeah. He was partly correct, but he was really, really, very, very wrong. It wasn't until I returned home in 1997 I would look into our history as a people and then come to find out and appreciate that the real name, the real definition or meaning, the translation behind Malu Ulu O Lele is the grove trees. There used to be breadfruit trees in abundance there. Malu, the ...(inaudible)... behind malu is the shade, a place considered sacred where you're protected, where you can feel preserved, where you can feel up close, you can feel real pili, or close connection with your kupuna. So my desire with respect to Moku`ula, if you guys have anything to do with Malu Ulu O Lele is please make sure that the children are never misinformed ever again because I carried that lie with me until I was 45 years old.

The good thing I see about this is, we're finally doing something. We're moving in the direction I think will help insure that Moku`ula is never desecrated again, ever again. However, we also need to be aware of the fact that as this becomes more and more public, there are other liabilities that begin to creep in and we need to give consideration to. By that I mean, and here's another example, we had discovered the burial site of a kupuna buried in a place called Kohanaiki, and Kepa knows about that. Having discovered this, it became public information. And so we did, we went and did the protocols. You know, too bad Kalei isn't here. When he asked that question, I was going say something, but he had to hele. We did the protocol. We re-interred our kupuna before I think it was 500 people were gathered there. When the economy went south last October, the project came to an end. Up until that point, the area was protected 24-hour security. But because funds ran dry, the project had to close. Security is gone. Now, the site is vulnerable. There's nobody there. So we run the risk of having all the iwi that we re-interred now being vulnerable or susceptible to desecration because there are cases, and Kepa knows this, there are cases where prior discoveries have been made in ancestral lands belonging to our family on the

Big Island, and there are burial sites, caves, cavities, lava tubes, burial areas scattered throughout Kohanaiki and Awake`e where there's traces that suggest that they've been visited and looted before. Where is our kupuna? There are stories in Burial Council meeting minutes, in journals, scattered throughout the ...(inaudible)... found in general circulation about how this is a -- this story is repeated over and over again when you have large development that comes in, and, you know -- I don't know if they do it ignorantly or if they have an objective in mind. But for them -- this is what I learned. It's not their kuleana. So you know what? They have a different objective, but it is mine. And I submit to you that if we all know, if we all know where our kuleana lie with respect to our ancestors, our kupuna, Moku`ula, just a single example, why are we waiting for the Cultural Resource Commission to take any action? If we were true kanaka maoli, we would be actively engaged in insuring that our kupuna are protected with or without their mana`o. They are here to help us. We need to help them help us. It would serve us better if we would all look to the resources -- look to all the resources that are out there. No one is the real enemy. I think the real enemy in all of this is when we become complacent and we forget where our kuleana is. Then we come to meetings like this and we tell you, hey, that's my kuleana. How come nobody's taking any action for over hundred years? We have the appropriate people in the right places. We have Janet as an archaeologist, Hinano, we have Makalapua. You know, I really no envy you guys, because now, we going really throw the responsibility on you guys, but this is a shared accountability. We all have to take action.

Now, I heard something about law. There is a Hawaiian Kingdom law. And we'll talk about that later, but there are laws that have been put in place. Why those laws have been removed when the intent of those laws was to protect sacred sites, to protect burials, to protect graves? I don't know. It's beyond me. It might have happened during the turn, if you will, the huli. Moku`ula, it is a very sacred place. If there's anything that this Commission can do to insure that this place is protected. If you're gonna talk protocol, have a place where protocol can be exercised and practiced so that we can instill it in the new and upcoming generation right now. That this is their responsibility. And you know what? Quite frankly, we can't force the kuleana on them, but before we can really begin to exercise anything, if you don't know it, we need to learn it. If you don't know what the protocols, you better learn what those protocols are, learn to practice it, learn to apply it, and how to teach it to others, because quite frankly, I see this coming. Whoever's gonna learn the protocols, and who's gonna wanna do something about this, not going be Hawaiians. You know why I say that? Because a real good example, in Japan, this is just an example, they have a thousand halaus. Of a thousand halaus, there's an average attendance of about 500 students. Now, do the math. That's about 500,000 students in Japan learning how for hula. We don't even have 500,000 kanaka maoli who can chant, who can `oli, who can do the ku`auhau. So, you know, really, our maka gotta be wide open. We gotta look to the people who can -- Ke`eaumoku Kapu. He's a great example. Living, a living testimony to who we are as a people. And I admire and aloha him for that.

Ooh, I didn't wanna go there. Anyway, mahalo for this opportunity. Please, please, please, let us work together, and don't let an opportunity go by where children are lied to about their culture again. Mahalo.

Mr. Fredericksen: Thank you. Okay. Yes, comment?

Ms. Marquez: I'm gonna add on to your mana`o, and I'm gonna try and bring mana`o from everybody to be positive. I look at -- I was listening to you all, and I remember the definition from the man in the bright, bright green shirt in the back, the word, "pono." And apparently, this man said it's really not righteousness, it is the balance. So if you take that, hua olelo, that word, and you think about it -- Now, we say a lot of things, but I hope we think about what we say. If that's what the pono means, then look around you. Where is the balance? Yes, you got mana`o from those who have PhDs, MDs, whatever they have. It's called the school people. That's good. I mean, that's excellent. And then we have the mana`o and knowledge from those who don't have any letters after their names. However, they're sitting right here and they lived that mana`o. To me, you take both, you work together, and you make it happen. So if you like talk pono, then we better walk the pono. If we going talk balance, pono ...(inaudible)... seriously. Look around you. You, too, Commissioners. I mean, hard to balance with this one next to me but, you know, you not only say it from the waha, but you feel it inside the na pu`uwai; in fact, deeper, the na`au. So I -- you know what we all gotta do is -- I stood up. Actually, I went shi-shi, but that's another thing. And I came back, and I literally -- and Kalei left. Only because I sat over there. I tell you something, when you're walking around, and you sit in a different position, you have, really, another different outlook. And then when you hear all this mana`o, you hear people talking, you listen, it's this -- I don't like to say this, it's all good things, because it's really not all good; however, you take the good. And so piggybacking on that last speaker, or all of you actually, what he said, you all said different words, but you all say it. So what I'm going to ask not only the Commissioners here and all of you is, look around you, find the balance. And if you folks say pono is the balance, then start balancing cause to me, that's -- we say Ke Akua. Maika`i. That we all need to work together. Mahalo.

Mr. Fredericksen: Thanks, Veronica. Ray?

Mr. Hutaff: Okay. Actually, I think part of the balance in this particular case and in all cases that probably come before the Cultural Resources Commission is that the priorities that we have before us need to be culturally-related, not tourism-related. So priority needs to be the culture first, tourism second. Now, I go off a little bit here on the side. I'm involved in tourism. My livelihood, my employees, are involved in tourism. I like tourists. They're human beings. They come from all walks of life. Some have hearts that I'd like send to back in a box, but for the most part they are loving people. And tourists are not necessarily our problem. Tourism is our problem. We've circumvented it by forgetting that culture needs to be established first. Alright? And I think we look at this project and what

needs to be done is that needs to be the number one top priority bar none. There is no second. There is no second in tourism. There is no second in curiosity. There is no second in needs. There is no second in wants. The primary focus needs to be culturally-related. To regrow this and to bring it back is an event that I think in the Hawaiian Nation and in Hawai'i as a whole in the last 40,000 years is something that is to be commended, and is something that needs to be done to bring back the culture. It needs to be again, the forefront. Every step we take from here forward needs to be culturally-related.

If -- I can't find a reason that to have an elevated platform is needed. I can tell you if there was one, I would stand on it and look in because my curiosity would overwhelm my rationale even though I know it would be wrong. And I don't think that the tourists, the students, need to have that perspective. They will see it all when it's done. They will see it all. They don't need to see a one-foot by one-foot somebody bending over. In the military we called that, assholes and elbows. Okay? They're really not gonna see anything there. As it gets bigger and bigger and bigger, I don't believe that we need to have as a priority, that we need to share that's being done on that site. The site is much, much, much bigger than that, much bigger, and that we have to amend ourselves to the site. Okay?

And I liked what Hank said. I wrote this down and I'm gonna be quoting your name many times. We don't want to sell our culture. We want to preserve it. We want to preserve our culture. I think that that's important. And I think that that's important that we share that with the visitor also, but again, culture first. We should not bend to the whims of tourism. We should bring the visitor, the human being, into our culture so that they could have an understanding of what's important not only in the Hawaiian cultural life, but their own personal lives too. One of the things that I'm very fortunate in being able to do with the way we handle our tourism is we teach. You know what the number one thing we teach, the goal is at the end of the day we wanna make sure that they've learned? A simple word: respect. The second word is aloha, but the real meaning, not the hello, good-bye.

So I think that I am concerned, too, about security. You were very good at bringing this up. What happens when the money goes away? The visitor, we can keep them back when there's somebody there. Can we keep them back when nobody's there? Unlikely. So the process of security has to be 24/7 for five lifetimes long. So before we undertake the real project, we need to look at what would happen, as he said, if funding went away, what is in place to make sure that we have security for the place? It's that important. I can tell you, I'm committed. If funding goes away, or you need my help, I'll donate 45 days of my life every year for security, not in a row, not in a row, but I'll commit. I'll commit. I'll commit. Thank you.

Mr. Fredericksen: Thanks, Ray. Any other comments from the Commission at this point? Okay.

Ms. Johanna Kamanu: ...(inaudible)... comment now but I'd like to comment now.

Mr. Fredericksen: Yeah, please state your name.

Ms. Kamanu: I'll try to be real brief. My name is Johanna Kamanu. I'm from over on Waihe'e side. And I really didn't think this was my kuleana, but I heard something here today that I thought I really need to kind of express for you. I heard today that there's a lot of distrust and I realize that there ...(inaudible)... I'm saddened by that because it makes it hard for us to work together. I would really like to see peace established. I think the CRC can do that. I think if anything that's something in your purview that you can at least address. I've learned in the last couple years as my husband and I have come before the Council and some commissions that unless you come forward and testify, unless you come forward and speak your mind, they're not gonna know what you're thinking. And especially after I was at the Council yesterday, I realized that I've been going to these meetings and I haven't seen any of you there. I don't know if because of the positions that you have that you're not allowed to participate, but you're talking about working together. Now, this is something that you could help us with. You're the CRC. You're the Cultural Resource Commission. You got more say in this government than anybody else in any other agency. I would think, I would think, they would listen to you, the Council. We have a lot of issues. We have a lot of laws and concerns. And as you heard from Joyclynn and Wilmont today, we live in a nation or in a society where we have dual laws. We have Kingdom laws and we have State statutes cause they're not laws, they're statutes. How does that work? How does that compute for anybody? I have to keep explaining to my 11-year-old son how come there's a difference between the revised statutes and Kingdom law. How comes there's a difference between citizens of this State and the subjects of the Kingdom? How come we have TMKs and royal taxes? Aren't they same thing? They're not.

Now, if I can get up to go to these meetings, overcome my fear of speaking, have to stand in front of all these people then, I think I really believe that this something that you can do as well. It would be so nice to have your testimonies beside ours as we go before Council, or as we come before the Burial Commission, or as we come before the Planning Commission. You know there's things that come before up in those meetings that really need to be heard here and they don't even come here. Why is that? Now you're asking about this Moku'ula situation, and the archaeologist, you know, she is one I would really support and stand behind? There's not many I would. In fact, after the meeting last week, there's quite a few I wouldn't support. But that's besides the point. They wanna try and do something. The environment, the atmosphere is not conducive to it, and we're not helping it any. I think in your capacities, you could. At least start. At least help create this atmosphere where we'll come together. We'll try and help heal. We'll try and bring peace so that there's not this discord. Anyway, my recommendation is that you would be there at the committee meetings, at the commission meetings, at the Council meetings as well. Thank you.

Mr. Fredericksen: Thank you.

Ms. Kanuha: Can I make a comment, please, Chair?

Mr. Fredericksen: Yes.

Ms. Kanuha: I'd like to -- I just wanted to say mahalo nui, mahalo nui loa for keeping us accountable in our positions. And today, I'm not very kamaaina to a lot of the meetings that have been going on in our community. I had taken on this kuleana today, so in my busy schedule, and it doesn't excuse me from my position, but in my busy schedule, I want to know what's going on. And there's many of you that's sitting out there that know how involved I can get before I came over here. So I understand what my kuleana is. And, yes, leave me accountable because I willingly took on this position to help our community. Your husband knows where I am, and where I work, and how to get a hold of me. But if not, I guess you can get a hold of the secretary and she can forward some of these things. I may be opening up a whole different kuleana for myself but, hey, that's my life. Makalapua Busy Kanuha. What can I say? Thank you.

Mr. Fredericksen: Okay, let's go ahead and we'll close public testimony on this one historic district application thing. Now, let's have some discussion about it. Yes, Veronica?

Ms. Marquez: Okay, so now it's --

Mr. Fredericksen: We're looking at the platform issue only. I mean, it's obviously been way wider range than that, but we're right today are looking at that issue.

Ms. Marquez: For the permit?

Mr. Fredericksen: Right.

Ms. Marquez: Okay.

Mr. Fredericksen: And I have a question for staff. Erin, could you come up, please, for a sec? Hi, Erin. Okay, we're all kind of a little bit confused about what we're specifically looking at today because, of course, we had the data recovery plan, and I discussed or talked about that an awful lot, but I was just coming from my own perspective as an archaeologist. So at this point, the only thing that we're looking at specifically is the placement of the platform near where the excavation area when it occurs is going to be for this particular item?

Ms. Wade: There are four elements related to the permit. There's the signage; the deck; there is a screening, a tent, which will be like a shade tent for the students and visitors; and then the fencing, the security fencing that would surround the archaeological area.

Mr. Fredericksen: Okay. Now, did we get all this in May?

Ms. Wade: Yes, correct, that was in your original packet.

Mr. Fredericksen: Okay. I apologize. I didn't bring that. Specifically, today, we're looking at only the platform issue?

Ms. Wade: No, everything that came up to you in May is before you again. The reason the archaeological -- the data recovery plan --

Mr. Fredericksen: Yeah, we requested that.

Ms. Wade: Right, you requested it. The reason that that use specifically isn't for discussion for you today is that was approved quite a while back when the County gave a license agreement to the Friends of Moku`ula. That was one of the things on the list of uses that was approved for them to conduct on the site.

Mr. Fredericksen: Archaeology, an archaeology --

Ms. Wade: Correct, going back to the Bishop Museum's archaeology, yeah.

Mr. Fredericksen: However, the data recovery plan is something that directly is going to impact the site -- potentially, site integrity and everything. So that is something that we, as a Commission, I feel pretty strongly need to be able to provide comments on.

Ms. Wade: And I think they're very open to having your comments, yes.

Mr. Fredericksen: Okay. On the question on signage, that's still -- it sounds to me like it's still in the conceptual stage, so it would be something that we would say, okay, that's a good idea, but I'm assuming that would come back to the CRC and/or SHPD for input on what sort of language is appropriate to be used in the signage?

Ms. Wade: I don't have a permit process to make that happen. Generally, sign approvals in the historic district are administrative. So if you would like to have additional input, I'm sure you can request that or put in the conditions of approval that they come back for sign approval. But we wouldn't, based on, you know, the regulations, I wouldn't require it.

Mr. Fredericksen: Okay. Okay, thanks. Okay, so we have at this point, there's four things to consider: the signage, the decking, the screening, and then the temporary fencing. My understanding is none -- the screening, and the fencing, and the decking are all movable, and not subsurfaces. Is that correct? Okay.

Ms. Six: A couple of -- Mr. Hutaff, is he gone?

Mr. Fredericksen: State your name again, please?

Ms. Six: Janet Six, sorry, the archaeologist on the project. Security-wise, that's partly what the fence is about, to keep people out, and motion-sensor lights. And he said when the money runs out, what's gonna happen with the site? We got all this done free through the Sustainable Construction Academy. So the whole idea is once we open it up, there's going to be people that are interested in what's in there whether they're bottle hunters or cultural practitioners. So security's always been a factor. We plan on putting a camera onsite, if that's culturally appropriate. And we plan on having motion-sensor lights. So the part of the fencing is, we're not opening up anything in the ground right now. This is all -- need to be approved for being down the road cause we're not fencing anything until there's excavations.

The platform, like Jessica said, can be on the ground, but I still think rather than having people stomping on the area that it might be nice to control access to the site. That's what the platform idea was. I'm the one that suggested it be up so we can store stuff underneath and a lot of people can see farther from farther back. So right now, there's no archaeology gonna be done.

I'm gonna take all Erik's suggestions and any other suggestions if you folks have any for the data recovery plan. I did not know Ke`eaumoku Kapu had not seen it, so I'm sorry that I said that. It was my understanding that he had a copy, so I did not understand that that he did not say that, and I would never have mentioned that. So I just wanted to let you know on that.

Tourism, if you read the data recovery plan, tourism is a very small component. This is about education. I spent all summer, every Friday, the last six Fridays, taking a vacation day so I could teach Kamehameha School kids how to map. So for me it's education. And if I can work with 100% kanaka maoli and you can find an archaeologist in everyone that would be the perfect dream. And if no tourists could go, but like you said, tourists aren't bad people. You don't wanna make that double-edged sword, tourism, everybody's bad. Education is the main component. And so when you said that it needs to be culture, if you had a chance to take a look at my data recovery plan, I tried to incorporate as much background and history and culture that I feel that I can as a non-Hawaiian, and got input from other people, and not just four people. We had meetings. Hundreds of people

attended. I had named four people by name, but I mean, hundreds of people attended both the meetings, and we got input from lots and lots of people so -- and many on tape. So I just wanted to let you know what.

And the platform, basically, we're not going forward with the field school so the idea is this is all -- you know, if it needs to be me to get back with you with the data recovery plan, that's no problem. And the way that the data recovery plan, and this is talking to archaeologists is Bishop Museum had opened up units. So we were gonna plan on going on where they had already found stuff and digging up there. So we know where the platform will be. If we go forward with this site, this platform will move. So that's it. It's movable. It breaks into three pieces as designed. It's not been built. So none of it's been built. And anything is open to change.

The fence is quite high. We didn't want people to climb over them, and we didn't want people to jump over them. And we don't want them to be so intimidating that people think like barbed wire, you know, we don't want that. It's a very fine line allowing access and preservation. So we're trying to accommodate those things just so cause you had some issues about security on the site after the money runs out.

Mr. Fredericksen: Yeah, I do have a one comment again, and this goes back to Ray's comments about security, etc. Having done lots of different projects just in Lahaina, I mean, we've had really some negative experiences with people ripping different stuff at night. And so given the location again, I mean, the fencing in some ways, people might not like it, but I really think if this is gonna happen, it absolutely needs to be there just because it is -- people know that there's bottles there, and there are a lot of people that want to have bottles. And they don't care. They'll dig. I've seen bad stuff happen.

Ms. Six: At Valley Forge, we got a guy with night vision goggles in our back at night. And he had musket balls, and buttons, Revolution War buttons in his socks because a Revolution War button will bring \$700, \$800 on eBay. So looting has always been a part of my mindset. And it's not a part of your life, but partially highly visible can help once people know what's going on. And a fence that is intimidating and permanent enough looking that you can't just push it over and climb over it, but still allows people to see in that are interested. So I just wanted to clarify those things that again, since we're not going forward with the archaeologist field school right now, there's no timeframe for groundbreaking, so again, if there needs to be more input into my data recovery plan, that's absolutely fine. I appreciate all that.

Mr. Fredericksen: Thanks, Janet. Ray?

Mr. Hutaff: Yeah, my understanding was based upon the last meeting we had that the design drawing was given it included a raised platform. Okay? So I'm basing that in my

comments based upon information provided in the last meeting by you. Okay? Or by them. So my comment to that is, remove it. Just remove it. That's all. Just don't have it. Okay? Why have it? I think that's another question. Out of respect for the culture and what you're trying to accomplish by having people see what's going on, those are selfish reasons, really. You wanna show off. You wanna share with them. Those are reasons that go beyond culture. Okay? Culture first means that, okay, this particular area is an area that which you would pay homage to. Okay? That if you were back in the old days and you approach this, first of all, you had better been asked. Okay? Second of all, you had better know what you're doing. And third, you need to bow instead of approach it, not necessarily out of being subservient, but out of being respectful. And so to take a platform, and raise it up, or to have a stage go over it, circumvents that cultural side of that particular area. Okay? We wanna move forward. So based upon the facts, do you really need this? I don't see a reason. I honestly don't see a reason that quote, "you need it." I see many reasons that culturally, it's not appropriate. Just erase it. Take the eraser and go - We can put it in as an amendment and say, no, we don't want a platform there.

As far as the security goes, you know, I guess maybe you missed my comment was the security needs to go for five lifetimes. How long does a motion detector lasts? How long do lights last?

Ms. Six: Why only five lifetimes?

Mr. Hutaff: It's actually because you can actually conceptualize that. It's an eternity. Okay? Even when it's broke and people are doing their -- it's highly more likely after it's been cleared and done that security will be automatic. It's self-funding. Okay? We have seen projects begin and fail. We have seen projects begin and stall. We've seen how long it's taken this project to get to this point. The possibility in my eyes of it failing is great. I pray that it does not, but how do we insure on paper today not knowing what the future brings, okay, and we've made amends to this site to have constant security? It's not an argument. Okay? It's not gonna be an argument at all. It's gonna be a demand. Culturally, it's a demand. And it's not gonna go any way, sideways, or anywhere else. It's a demand. We're gonna open up the site. We're gonna open up her heart. We need to protect it. That's our responsibility. No ifs, ands, or buts, no selfishness. Tourism, I'm all in favor of tourists. Actually, I think you can be self-funding. I think there's lots of things you can do out there that can bring the tourists. You build it, they will come. Now how do you make sure that it's all pono and good? We can only do what we have here in front of us on paper. And one of the things that I'm suggesting to the Commission is that an erasure be made of this, and that a plan for security for eternity be in place.

Mr. Fredericksen: Thanks, Ray. Any other comments, Kepa?

Mr. Maly: Sorry, I know this is getting longer than was perhaps expected, but I think you've made a point – remove the viewing platform. As an interpreter, an opportunity arises that a viewing platform doesn't need to be placed to be within the site itself, and you maybe don't need one. The idea was to show people what, to be crass, a dig looks like. You could as easily do as a part of your walking tour on the side, just off to the side of the walkway or something, you could have a story telling about the incredible work that's going on within the Moku`ula, you know, vicinity, and have a small diagram, a living, you know, a mock-up. Here are the strata. Here is what -- just on the side. So now you're not looking out looking over. It's not a real thing, and it will be removed eventually, but you could actually take a sort of an interpretive approach to this also sort of as a wayside exhibit. Remove the deck. I think the message that we've been hearing is that it's not necessarily thought to be appropriate. But you could still achieve the goal. You've got the real work going on out in the field. You've got competent interpreters or nationalists telling you the story, cultural monitors, cultural interpreters telling you what's going on, and now you can visualize it. It's -- you know, when you think about platforms, I think I reflect back on the days that I was in the National Park Service and working at certain places out in Grand Canyon where we would see these leftover exhibits of the 1940s and '50s where they would actually encase burials in glass cases, or they would encase traditional sites. And this also happened in Hawai`i, Kauakahiakahaula Heiau, in the Puapua`aiki Ahupua`a of Kona. And this was local people of course at that time, but they were working under that Park Service mentality. Henry Kekahuna ma, Theodore Kelsey with Tutu Naluahine. Ka`opua established a viewing grave site with a platform in the heiau, you know. We don't need that. And so the idea is that maybe, as you said, simplify it. Since it sounds like there are four items that are being discussed now, the recommendation is let's remove the platform, but let's suggest that they might consider alternatives so that you could also meet the requirements of your HTA grant, you know? Create a small mock-up, a replica, of what a trench would look like. Anyway, that's an idea.

Mr. Fredericksen: Yeah, that's very good input. Thanks, Kepa. Anyone else on the Commission? Any more comments. Okay, so for this particular item, we're looking at the program going forth, which I don't think anyone has a problem with. The platform issue is an issue. And Kalei has already expressed his opposition to it, and Ray has mentioned that as well. Is anyone -- if there's no more discussion, does anyone want to make a motion for this saying something about the absence of the platform?

Mr. Hutaff: I move that before we consider the whole permit that we remove the platform from the permit's design. Is that how you wanna word it?

Mr. Fredericksen: How about something along the lines that we support the permit going forward minus the platform? I mean if that's what -- that's what I've heard in testimony and also with --

Mr. Hutaff: I move that we move to approve the permit with the condition that the deck be removed -- the platform be removed.

Mr. Fredericksen: Not be included or --

Mr. Hutaff: Not be included, sure.

Mr. Fredericksen: Does anyone have any comments?

Mr. Maly: Just a point of clarification, are we approving the permit or recommend making a recommendation to a higher agency?

Mr. Fredericksen: Stanley? It looks like it's recommendations.

Ms. Wade: Yes, we did. Actually, you do have approval authority over the historic district permit. I was mistaken when I said that it was just a recommendation. The historic district permit is your approval authority. The SMA and the other is a recommendation. So you're kinda doing both at the same time. I do have eight conditions that I wrote down as you folks were talking. I wondered if you would like me to share that.

Mr. Fredericksen: Yeah, let's listen to them first.

Ms. Wade: There were five that you recommended for the data recovery plan. The first was incorporate the comments of the kupuna and community whether individual interviews or testimony or larger discussions, and please include these as appendices and identify where portions of the DRP are incorporating that input. The second was provide the DBD with interviews when final DRP is submitted. The third is DRP added to pages 1, 8, 14, 20, and 21 which you provided. The fourth was explain in the DRP that a significant effort will be made to have someone with Hawaiian field experience assisting the archaeology. The fifth was explain --

Mr. Fredericksen: The students -- overseeing the archaeological students, field students, field school students.

Ms. Wade: Overseeing field students.

Mr. Fredericksen: Field school students.

Ms. Wade: Okay. Thank you. Explain in the DRP that the graduate students will be selected with field -- well, an attempt will be made to select graduate students with field experience relevant to Hawaiian archaeology. And then the -- I have three related to the project itself. One was insure 24-hour security. Two was remove the observation deck

from the proposal and consider alternatives. And the final one James Giroux recommended, which I think is a good idea, the license agreement requires annual reporting. So perhaps the CRC would like to be provided an opportunity to also review and comment on the annual reporting of the license agreement.

Mr. Fredericksen: Yeah, that's a good idea. Any Commission Members have any other thing that they'd like to add?

Ms. Marquez: Clarification. So I'm looking at this. Review and approval for the three-year annual and it goes on. So in addition to permitting for signage, fencing, security, are we also saying in the same breath that we are pursuing approval or disapproval of the program itself? I mean, this is what I'm reading.

Mr. Fredericksen: Yeah, I mean, that's what it appears to be. Maybe Erin can clarify?

Ms. Wade: Yeah, I mean, they already have the authority and the ability to do the educational tours and some archaeological activity. So we're just adding some additional elements into that what they're already allowed to do.

Mr. Fredericksen: Does that answer your question, Veronica?

Ms. Marquez: Well, if it means approval for the three-year annual archaeological educational program -- that's what you're saying?

Ms. Wade: Yes, yes.

Ms. Marquez: We're approving something that's already existing?

Ms. Wade: Portions of it are already existing. The structures themselves do not exist today. That's what I'm saying. So that's the extension of what they've already been -- have been unable to do.

Mr. Fredericksen: You okay, Veronica?

Ms. Marquez: Yes.

Mr. Fredericksen: Okay. Yes?

Ms. Chandler: Actually, I'm gonna reserve that comment.

Mr. Fredericksen: That's okay. Any other comments or additions from Commission Members at this point? I mean, we ended up having sort of a much larger calabash of

issues and everything, but that's just to be expected with this area, this site, period. But, yeah, does someone wanna try to make that motion again with the additions as recommended by staff?

Mr. Hutaff: I move we take all the recommendations ...(inaudible)...

Mr. Fredericksen: ...(inaudible)... that are probably -- that are gonna need to be added or subtracted along the way. Yeah, just come up, please. Thank you.

Mr. Hutaff: Oh, no second.

Mr. Fredericksen: No second.

Mr. Hutaff: No second.

Ms. Shirley Kahai: Okay, I'm Shirley Kahai and I'm with the Friends of Moku`ula. So we'll go ahead, if this observation deck is not approved, then we'll go ahead and seek other methods of going ahead and doing signage and what it'll contain. I will be sure to get it approved and we'll run it pass the CRC.

Mr. Fredericksen: Okay, thank you and best of luck. And it's just a very, very -- and I know you folks know.

Ms. Kahai: Yeah, we sent two other archaeology digs, and you're aware of it, Erik.

Mr. Fredericksen: Yeah. Thanks.

Ms. Kahai: Thank you.

Mr. Fredericksen: Okay, let's come back to our motion that's on the table. Is there -- Are we still -- Yes, Kepa?

Mr. Maly: I was actually thinking of seconding the motion as initially stated by Commissioner Hutaff described by Ms. Wade. And so I think that it covered the points. I think it reflects a responsibility on the part of the Commission as a recommendation back to the other guys.

Mr. Fredericksen: Okay, so we have a second?

Mr. Maly: Second.

Mr. Fredericksen: Okay. Now, all those in favor, say aye. All those opposed say nay.

***It has been moved by Mr. Hutaff, seconded by Mr. Maly, then unanimously***

**VOTED: to accept recommendations initially stated by Commissioner Hutaff and described by Planning Department Staff.**

Mr. Fredericksen: Okay, motion passes. Thank you. And I think at this point, we'll take a break. Thank you for everyone's testimony.

*(A recess was taken at 1:05 p.m., and the meeting reconvened at 1:45 p.m.)*

Mr. Fredericksen: Got a little late. Just was talking story and forgot about the time. Anyway, let's see. We've completed Item D. Now, we're moving on to Item E-1, Investigative Committees. Stanley, do you wanna -- do you want me to read it or you'll just go ahead and head forth?

## **E. INVESTIGATIVE COMMITTEES**

- 1. Discussion regarding the designation of an Investigative Committee to develop a general policy for new development on lands identified as "Burial Grounds" and other "Traditional Cultural Properties," for the purposes of proposing amendments to the Maui County Code. The CRC may act by designating an investigative committee. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo read the agenda item into the read.

Mr. Solamillo: Late after this agenda had been sent out, the Planning Department instructed me to withdraw the use of an investigative committee as an appropriate vehicle to do this, but we will still conduct a public hearing. Therefore, public testimony and recommendations from this hearing will be included in the Cultural Resource Management Plan or CRMP as a policy recommendation and brought back to the CRC for consideration. So that means we will still have a public hearing.

For background on this decision, I'm gonna ask Dave Michaelson to give some explanation about how investigative committees have been used. I think the principle thing at issue right now is staffing. Having an investigative committee, that means that we have to have staff commitments that are beyond our capabilities at this time. Dave?

Mr. Dave Michaelson: Thank you, Stan. Good afternoon and aloha. My name is Dave Michaelson. I'm in the Long Range Planning Department. I'm a colleague of Stan's. I

recognize several people in the room with my work with the Maui Island Plan. First of all, a big mahalo for what you do. As someone in long range planning, I think you deserve a much more active role in the decisions we make for the future of Maui, and that may be a discussion point that if you'll like me to come back, I'd be glad to discuss that.

First of all, let me describe what an investigative committee is very briefly. We used them with the Maui Island Plan. And it was somewhat of an extraordinary circumstance, frankly. We had-- Did anyone attend a GPAC meeting? I know several of those in the audience did. It was a pretty unworkable mechanism. It was 25 people coming from 25 different perspectives and trying to come to an agreement on even like what the weather was like outside. So we did what was -- we formed about seven investigative committees. And what they allow you to do is appoint Members of your Board to work in small groups with staff outside of the public process, and bring back a product for your consideration. The one thing about IRCs that are a little burdensome, frankly, is because of the way the Sunshine Law is structured, you have to appoint the IRC, you have to give them a specific task, then they have to come back to an adjourned meeting, give you a report, you can't make a decision in that second step, then you come back again and make -- you can have a deliberation and a decision-making process. So they're a little bit cumbersome. If you still wanna form them, I'm certainly not in a position to tell you as an appointed Commission you can't do that, but that's how they're structured.

There's another option. And both of these issues personally I think are so important that we should find a mechanism and get it on task. They're critical. But the other option would be to essentially direct staff which would be Stanley and myself to start formulating, and obviously we would -- with these issues, we'd need assistance from Hinano. We'd need assistance from kupuna. We'd need assistance from archaeological historians. There's a lot of moving pieces to these two items. But staff could go ahead and take a crack at it and then bring it back to the Body as a whole. That's option no. 2.

Quite frankly, Stanley does the work of about two and a half people, and he is only one. So my concern is that if you choose option two, which is more efficient, it's not fraught with a lot of legal issues that James can describe. If you so chooses with what we did with GPAC, it's gonna take us some time to do it. We'll throw everything we got at it. But that might be more efficient in the long run because we still have to staff the investigative review committees. I mean, we are the technical assistance.

So I just wanted to make sure you clearly understood what an IRC is, what the legal obligations for not only their formation but the reporting back are. And our recommendation right now, I think to get these on board would be to do at the staff level, to do it as quickly and efficiently and as responsible -- be as responsible as we can, bring that back to you, and then provide further staff assistance as you guys go through the approval process. And personally, I'll be involved in that as much as I possibly can.

Mr. Solamillo: Okay, thank you, Dave.

Mr. Fredericksen: I have a question. Okay, in that second scenario that you're describing, I'm assuming that there's gotta be a way that public testimony, etc., is gonna be incorporated in the plan that you're referring to or the creation of that plan -- the modification of it.

Mr. Michaelson: These issues are so culturally sensitive that that's another reason why the IRC process concerns me to a certain extent. When we did the IRCs for GPAC, we had specific elements like transportation, housing. And we could form those outside in sort of an open and transparent process without compromising the quality of product. With this, I think you have to have workshops. It's gotta be out there in the open. And even though I did my best to make the IRC process transparent, just because it's outside of the Sunshine Law, it's tainted, I guess, to a certain extent. So that's why I would suggest that staff bring recommendations, we agenda workshops, we describe what we come up with, and we use those who know more than any of us to help us understand if we're getting to where we need to go. Does that answer your question?

Mr. Fredericksen: Yeah, thanks. Anybody else have any other questions? Comments?

Mr. Hutaff: ...(inaudible)... we could actually be involved, or the County be involved, or the developer could be involved before -- or identified burial grounds. Okay? Now I'm reading identified burial grounds as oops, there's iwi here. Okay? My understanding of what we were trying to do was to say, okay, how do we get to the oops? And how do we prevent oops from happening again? By identifying the cultural areas from the community's input to say, hey, we know this to be fact. So when the developer comes in and says we wanna develop this area, before he spends a dollar, okay, he can be given information that -- about this particular area so that the County can say he maybe needs to an archaeological survey before you spend your dollar. You sure you want to do this? That's what we were kind of looking at because we were involved too far into the project to really make the decisions we wanted to make, which to be honest with you was don't go there, but it had already been there. And so the only thing that we could there was mimic what SHPD did is in insuring that the iwi was protected in place or was going to be in re-interred forever. ...(inaudible)... to the Cultural Resources Committee -- Commission what the process is for a developer to come in. And then get with the communities and say you have a responsibility to document, to inform, and this is where the file folder will be. So the County can go let's go look in this file folder and see if this particular area is sensitive and what is sensitive about it so we can get with the developer and say -- so the County can get with the developer and say you need to do this first before you spend ten million dollars on excavating the place and then finding out there's thousands of iwi. I think that was our purpose of trying to have this investigative committee was really to find out what can be done as a matter of prevention with the community taking some of the responsibility, and

then make it easier for the County because I can, you know, see the County being in a dilemma. You have certain laws and rules you have to follow, but you only have those laws and rules to follow. So if a developer comes in and says I wanna develop this area, and you go, you got this permit, you got that permit, how are you gonna do it, how big is it gonna be, how deep is it gonna be, how wide is it gonna be, you followed all of our rules, go for it, oops.

So we were trying to kinda look at is there a way to do a prevention process, or an educational process, or process to get the County the ability to go -- we didn't wanna be placed in that position again. Nobody wants to. We don't want you to. The community doesn't want you to. The developer sure doesn't want to be. So what processes can we have? That, I think, is what we were trying to say where we wanted to form an investigative committee. How's the process work? Okay? How can we incorporate laws and rules to give the County? How can we get the community to designate certain areas historically, writtenly, orally, so when a developer comes in, we can say, you need to go look?

Mr. Michaelson: I think staff and the Commission are on the same page with the intent with no question. The system's broke. It doesn't work. And I think what my good friend Hinano will describe in his testimony is that what we take on now is State statute. State statute is not good enough. And Maui County, in fact, does have the ability to go above and beyond that with our land use approval process. So I don't think there's any differences at all in the intent of what we're trying to get to. I guess the caution that we're throwing out there is the investigative review committee, because of the issues that we're dealing with, and the sensitivity of those issues, and the amount of homework that's gonna have to go in to doing that, that a more public process might be more appropriate and might be more effective.

Mr. Fredericksen: Yeah, we, as a Commission -- well, I'm speaking on certainly, from my point of view, and I believe the other Commission Members are very concerned about there's too many pukas in trying to help get something as basically as a backup to the State system because the State system right now is horribly underfunded. And if a permit doesn't get reviewed after a certain point in time, sometimes the County has issued permits if nothing comes back from SHPD. And so at least from my point of view, one of the goals was to help insure that there is -- sure in some terms, it could be a bit of redundancy, but to make sure, like if SHPD hasn't responded on a certain project wherever on Maui that there'd be something that the Planner could as a last kind of a defense, if you will, to try to avoid a bad error, could look at and try to have something that would give them an idea that, oh, this probably is -- this is something we'd better hold off on or make sure we get SHPD's comments back to help insure that there's not yet another transgression or breach of what the Counties should be doing and what the State, for that matter, should be doing in protecting cultural resources.

So if the investigative committee way at this point might be too cumbersome or not transparent enough, I don't personally have a problem with doing it through the overall Cultural Resources Commission. The concern and interest from my point of view would be making sure that it happens, and that there is public input because that needs to happen, and there are lots of folks that are very knowledgeable and would be very helpful. So is that something -- From what you're saying, it sounds like that mechanism -- we could accomplish that goal that it would be through the Commission and staff involvement.

Mr. Michaelson: Yes.

Mr. Fredericksen: Overworked staff involvement, but still --

Mr. Michaelson: I've seen Stan do three people's work before so --

Mr. Alika Romanchak: I have a question. The second process that you described where the staff would do -- would take on the responsibility, how are the Commission Members involved in that process other than reviewing your final product?

Mr. Michaelson: No, it would not be a final product. In fact, that would be the biggest error we could make is to come in and give you a final product. I think the way to do it is to structure it so we're incrementally bringing things to you and asking not only for your response to it, but the public's response as well. The biggest error you see is, you know, the Planner's coming in and say, we did it. And then the public and the Commission saying, no, you didn't. So that's what we wanna avoid. And the IRC process, that's one weakness in it is that this smaller group formulates something, brings it forward, and it was not a home run. So by incrementally coming back to you in a public meeting with people in the room where we can have a dialogue generally, I think the process becomes more effective and gets us to an instate that you folks are after.

Mr. Fredericksen: Veronica?

Ms. Marquez: Okay, let me see now. So address E-1, I'm just trying to summarize what you said, either we go with an IRC, which is an investigative review committee, or we leave it at staff level, which is you folks. Is that you said? Well, anyway so --

Mr. Michaelson: We would work collaboratively with you in a public setting as opposed to an IRC, which is not a public setting.

Ms. Marquez: Right, so in that essence then you staff people who already are staffed out will be the ones who come up with ideas, bring it to the CRC, kukakuka. Isn't that what you folks already supposed to be doing?

Mr. Michaelson: That's -- that is the traditional approach of what we do. An IRC is different.

Ms. Marquez: Right. So it's really happening.

Mr. Michaelson: With the exception of now you have another face involved in it.

Mr. Solamillo: How do I address this issue? The fact that it is happening, or this meeting, or these topics are on this agenda is kind of a new thing. It's not -- anybody agree with that? When we -- when I first began staffing CRC 2005, you might as well been talking to someone on Mars if you reacted negatively to the fact that, you know, burial grounds or traditional cultural properties, wahi pana, this morning, as described -- when we were describing Moku`ula were routinely coming in with development applications. The question is, why is this happening or why -- just -- continue to happen even though we know we have long oral traditions that say these places are sacred because this place is a burial ground, iwi will be found here, yet development applications continue to come through? We had a member of the public -- Is she here today? She is. She left. Who came in and for better or for worse, you know, personally letters to Council people, to the Mayor, to myself, to the Planning Department, to say this is wrong. And it's because of her efforts, and I believe there were Members of this Commission who sat and listened to her make a presentation at least one time when we all kind of came under the same, you know, the same recognition of why is this happening? If the land, which it is, is sacred -- There are many sacred places here. We cannot divulge burial grounds, right? We can't divulge exact locations, but there should be general areas which should be identified as, if you can, no development, or slow development zones, because we are stewards and have to protect these lands and the culture for future generations.

So the fact that it is here, the fact that we're making the stab that in this case I'm gonna go into a short presentation on traditional cultural properties for people who haven't been here, and for those that you have seen this, I apologize that you have to sit through it again, but it is at least being discussed, because believe me, I was flabbergasted. I went to my first Burial Council meeting in 2001 and I left crying. I couldn't deal with it. I still haven't been -- I have particular disdain to go there because -- And I'm not linked by blood. I'm linked by marriage. I had a Hawaiian uncle who took me while I had red hair and freckles, and I was yai high. And he took me around and gave me aloha. That was the only taste that I had early in my life, but it stayed with me all my years. So I was lucky to come back, so that's my connection.

So anyway, what I would probably propose is that we do it in a workshop forum because there are people who know so much more and who are knowledgeable to help us craft some kind of policy to deal with this issue that no one really wants to talk about in the development community.

Mr. Fredericksen: Yeah, Stanley, I like the workshop approach because as you said, we can reach out and have folks come that will give good suggestions and very important information on approach, etc., etc. It's gonna take some doing, but I think that, to me, seems like that would be the best approach -- the workshop.

Mr. Solamillo: Okay. Hinano, do you want to speak now or later? Later?

Mr. Hutaff: I have a question. The second scenario, okay, the Commission would formulate guidelines for Stan, Stan, and Stan to research and find the answers. Is there any problem, James, if a Commissioner or two volunteering to assist? In other words taking direction sort of like in a Commission setting where you give him direction, and then volunteer our time for this as well? You go out and you talk to that family. You go out and find out about this. Even as individuals, private citizens, you know, assist him in gathering information and bringing it back to him. Is that something that's -- I probably should ask Stan. He might not want me around.

Mr. Solamillo: No, it's Corporation Counsel.

Mr. Hutaff: No, I mean, Stan, would it be something that you'd be open to, if it was legal?

Mr. Solamillo: If it's legal.

Mr. James Giroux: I think that's the whole reason we had agended as an investigative committee because we were looking at this, you know, one or two people actually going and helping. I mean, if it's one or two, that's fine. I think it when it gets to three, then that's when you have to incorporate your investigative committee process. So if it's just one or two people, or in contact with the staff, then that's fine especially if it's not at the same time, I mean, if it's done individually, but that's up to the staff. And I would recommend that it would be authorized by the Board to say, you know, appoint one or two people. So if that's all you want, then that's fine. But if it's more than that, if it's three people, and it's gonna be less than quorum, which is five people, then you gotta go and use your investigative committee process, which is the same thing. You're just telling somebody this is what we expect you to do, go and do it, and when you do it, come back and report to us so we know what you did.

And so I think the long range experience with what they're calling the IRC is a little -- you know, I can see why they're a little hesitant about that whole process because I was. The -- what they did is they had 25 people to deal with. And they had a huge document to produce. And so to try to get movement, they did breakout sessions. Those breakout sessions were the investigative committees. And then on top of that, they did another conglomeration of review, and that's why they're using the words, "investigative review committees," because they went and -- on top of an investigation, did an investigation just

to get this document rolling. And so I don't think that's what we have to so much worry about. I think what we need to worry about at this stage is since we've never talked about this is that we're -- actually way back in policymaking, we're really saying is this something we wanna do, what is it, define it, and then from there, how do you move forward? And in moving forward, you're gonna be -- the whole long range process is, well, you can do mapping. Once you do mapping, you can do ordinances. Once you do ordinances, you can within those ordinances, give agencies like yourselves, certain powers, and review duties and standards, but without first having your policy, then moving towards your mapping, then moving towards your ordinance, and then moving towards giving certain powers toward your agency, you've gotta do this bureaucratic dance within the system which starts with this communication. So you don't have to have an investigative committee to have that conversation. You can just have it on the record. But sooner or later, you've gotta know what your end goal is, and that's what the discussion was. You asked what is the legal framework of this. And I think this may or may not be useful at any point in a time-an investigative committee. I think it was just one of the tools in the tool box at the time that said, well, we don't seem to be going anywhere. What if we just get a few people together and have them hammer something out? And, you know, I mean, that doesn't have to be the way it's done. And I think at this point, the Department is saying, well, we can help you out with this, but let's just not go down this road right now.

Mr. Fredericksen: Thanks, James. Any other comments from Commission Members? Kupa?

Mr. Maly: Sorry. I don't want this to go on because this is going on forever but, you know, I think there are several key things that need to happen. And what Stanley was raising and what had been raised probably in the January or February Commission meetings was we have known areas like Kama`oma`o, Honokahua, Kaiua`u on Lana`i, at Punalu`u, when they were doing the waterline on O`ahu. If they had spoken with the community, they would've known that there were burials there. These are the kinds of things that were we talking about. There are noted places that are either, you know, ilina, wahikupa, paua wahi pana, traditional story places, sacred sites.

So the problem is, is that it's really a major task. And there's been no concerted effort in the State to get this done. I would love it if Stanley, because we know the kind of integrity he has that if he had the time now to do this, but the key things -- there are several key sources that someone needs to go through. Key mo`olelo, native -- the noted native historians, there are three, four primary ones, but in the native language newspapers, there are countless, thousands of native people of lands that were authors, and writers, tellers of their history that haven't yet been translated. We're just going through this for Lana`i right now. Land commission awards like Auntie Dawn Wasson was saying, you know, just in the hundreds of thousands of land commission awards, if one person were to go through

every land commission award for the Island of Maui and just search the word "burial," we would already get a major indicator of places to be careful of.

A critical thing, a few years ago, my wife and I were asked by Maui Land and Pine to do an assessment of their archival collection. In so doing and doing a summary of it, I prepared a review of Honokahua. And 20 years ago, had someone simply looked at the native language of -- Boundary Commission testimonies of Honokahua collected as early as the 1850s, they would've known that Honokahua at that time was identified as a burial ground, let alone community knowledge that was living and alive at that time. You know, so Boundary Commission, then Bureau of Conveyances, Kingdom surveys, then coming to the modern or contemporary community knowledge. I mean, there are many resources. How do you find the time to go and do it, you know? That's the problem. It's critical. We need to find a way that our communities, our agencies, landowners, whether they're local or foreign or what that they can alleviate some of the problems that they go through now. And it's so much simpler if we just identify places and know that there are certain places that you just don't do this, you know? But I'm not sure how other than like I said I just identified what are key primary sources of information for us to be able to establish a record cause the kupuna recorded all for us already. The problem is we're not hearing the stories, you know? We need to go back and investigate them. Sorry, it's just, you know --

Mr. Fredericksen: No, thank you, Kepa. That's -- I mean, you've brought up some very, very excellent points, and you also indicated the time element of just trying to deal with it all. I guess my comment other than of course saying that I completely agree with you is, you know, at least we can start. And I have a question for James. We now have nine Members on our Commission. We have nine, so what is the Sunshine Law break off on that for how many people can be helping out or doing something?

Mr. Giroux: It's gotta be less than quorum. Your quorum is five. Five people at a meeting taking a vote makes action, if they all agree. So you would -- to do it -- your maximum in an investigative committee would be four.

Mr. Fredericksen: Four, if the Commission -- let's say three or four Commission Members wanted to kind of take off smaller bites to help out Stanley, could that -- something like that, three or four do that without getting into any issues?

Mr. Giroux: Yeah, I don't see a major problem. I think you gotta think it out, you know, look at what these bites. Somebody would volunteer to go up at all the land use commission awards in a community plan district. You know, there's nothing stopping you from doing that. Go to the documents, collect the documents, hand them over to Stanley. It's not a meeting. Stanley -- that's just going to be a part of his stuff now. You know, everybody can do that. Anybody can do that. I think it's about systemization, I guess. It's about knowing -- not overwhelming the Department with information. I think in our age, that's

kind of the problem. The information's out there, and then when you get it, beware what you ask for, you know. It needs to come in, in a way that the people who are the users can use it, and put it in -- you know, I mean, knowing that you're dealing with either an area, or dealing with a concept, or dealing with -- you know, knowing how to -- and that's an administrative issue. That's not a legal issue. But there's no -- nothing stopping the collection of data.

Mr. Fredericksen: Thank you. Comments, Commission Members, or Stanley?

Mr. Solamillo: I got probably a couple of comments. I am not a native speaker of the Hawaiian language. I wish I were. If I had to do it all over again, I would've started out learning this language, but I do not. In doing a lot of historical work with on the Mainland as well as here, however, I don't think that we need to go into the details. I think what we need to do is define a policy and instruct, if you will, people who would like to develop on lands that those are things that they must produce in order to get a development project approved. I think that's The burden should not be on this Body, nor on staff, but is to develop a policy that has up to this point not has been addressed because for better or worse, and no fingers being pointed, the trend appears to have been that everybody really cared about what they could build on the land and how much money they could get out of it. I mean, that's the colonial paradigm that exists today. The question that gets brought up when we discussed kanaka maoli rights, sovereign people's rights, indigenous people's right is whose land is it really? Although it sells for "x" number, you can transfer it legally by title or fee simple or stuff like that, it still remains the land of your ancestors. So those are larger issues that have to be debated by people who know more than I do.

What I'm trying to do is get some kind of policy crafted by this Body to make sure that what may have been happening for last 30, 20, and ten years does not continue unabated. And perhaps as Commissioner Maly these are the sources, this is the documentation that you must bring forward because right now, we don't have this kind of coverage. When I first started getting document samples in 2005, it ranges a whole gambit here. And as I'm trying to say what we need to define is, how do we craft this policy? We can identify and in discussions with Hinano, we've had a look at traditional cultural properties because it covers all sorts of properties which currently aren't covered. And that includes a wide range that I go into further detail for everyone, but then it's up to communities if they want to identify specific areas, yes, you know, but what I wanna do is concentrate on the policy. That's the most important thing. And then remember, since we are advisory, it must go to Planning Commission. It must go the steps and be ultimately approved by Council.

Mr. Fredericksen: So, I mean, if you pardon the use of the expression, I mean, we're looking more at the broad brush strokes.

Mr. Solamillo: Macro.

Mr. Fredericksen: Yeah, macro rather than lots of too much detail. The detail has to come at some point, but that would be more at -- you know, prior to development occurring, that detail would have to be shown by the folks that we're saying that this is what they propose to do in a development? Is that --

Mr. Solamillo: Once you started to codify something or make it into ordinance, then that's where you get into details.

Mr. Fredericksen: Any other? Kepa?

Mr. Maly: I just think that Stanley's hit it on the head. To simplify it, the problem is that in the past when we've gone through the typical EA, EIS sorts of -- even into the cultural impact assessment stuff, the developers already at the point where they've invested a significant amount of funds. Forget the purchase of the land, but they've already in their big plans. And so what we need to do is to have this policy prior to that and engaged into that. So now you have done this and it's not enough to simply regurgitate what you know, sorry, Pat Kirsch, or Ross Cordy, or Don Hibbard, or whoever else might be, or any of the contract archaeologist, it's not enough to simply regurgitate what someone wrote 20 years before relying on -- particularly, if we're dealing with -- and I'm sorry, I'm saying -- I say this -- if we're dealing with a group of say, three primary native historians. Remember, they were also of a particular lineage and household. They were of the conqueror's household. And their take on history is very different than when you start to go through the native language newspapers and see what natives of a given area were saying about what occurred. So it's not enough to simply just keep regurgitating what someone wrote -- oh, we need to encourage -- set the policy then so that these -- In the OEQC guidelines, OEQC guidelines set a great foundation except that I've had the staff at OEQC say -- in fact, they've asked, you know, among themselves, how can we take a kumu pono associate's report, which is was our former business, you know, which is 1,200 pages of detailed ethnographic material, including oral history interviews and accept that, and also take a 75-page from someone for the neighboring land of Honokahau Nui and say that they're both adequate? We can't, because one is filled with information that's never been reported in English in some instances before, and the other is just -- so fixing the standard is really important and setting it upfront. So you simplified it, you know. Put the burden back on them.

Mr. Solamillo: Okay. I'll go through traditional cultural properties. Just short and sweet, and then we'll probably -- this is a long presentation. I'm gonna abbreviate it at some point. And then we'll open it up for public testimony. Sorry. Thank you.

Alright, this is -- these are called traditional cultural properties. They're identified actually by the Federal government. The Federal guidelines for the identification of traditional cultural properties or TCPs are outlined in the National Park Service, NPS publication

guidelines for evaluating and documenting traditional cultural properties. That is National Register Bulletin No. 38. Everyone, please get a copy.

The traditional cultural property is defined as a property that is eligible for inclusion in the national register because of its association with cultural practices or beliefs of a living community that a) are rooted in that community's history, and b) are important in maintaining the continuing cultural identity of the community. Identification of TCPs requires the same systematic study that is required for other kinds of historic properties with the ultimate goal of evaluating the TCP using the national register criteria of eligibility.

Under the State of Hawai'i, the State of Hawai'i guidelines for cultural impact assessments include Chapter 343, Hawai'i Revised Statutes, and Articles 9 and 12 of the Hawai'i State Constitution, which require government agencies to promote and preserve cultural beliefs, practices, and resources of native-Hawaiians and other ethnic groups. Proposed actions should be evaluated according to their potential impact on cultural practices and TCPs located in the study area. This is covered under guidelines for assessing cultural impacts adopted by the Environmental Council in the State of Hawai'i in 1997. And that describes the protocol for conducting cultural assessments. Chapter 343 also requires environmental assessments of cultural resources in determining the significance of a proposed project.

Under the guidelines for assessing cultural impacts include the following: Identify and consult with individuals and organizations with expertise concerning the types of cultural resources, practices, and beliefs found within the broad geographical area, i.e., district or ahupua`a. Identify and consult with individuals and organizations with knowledge of the area potentially affected by the proposed action. Receive information from and conduct ethnographic interviews and oral histories with persons having knowledge of the potentially affected area. Conduct ethnographic, historical, anthropological, sociological, and other culturally-related documentary research. Identify and describe the cultural resources practices and beliefs located within the potentially affected area and assess the impact of the proposed action, alternatives to the proposed action and mitigation measures on the cultural resources, practices and beliefs identified.

For cultural impacts on native-Hawaiians, the methodology for defining and quantifying cultural impacts on native-Hawaiian populations was articulated by Minerbi McGregor and Matsuoka, "Native-Hawaiian and Local Cultural Assessment Project Phase One Problems, Assets, and Identification." This was produced in 1993, as well as something called, the Energy Research Group and "Hawai'i Extranalities Workbook" which was produced in 1997.

Both documents include the following aspects as indicators for cultural impacts on native-Hawaiians. And we have visited some of these just in dealing with something that impacted local Lahaina life, which was Halloween in Lahaina. This included community life. It refers

to the cohesion and integrity of cultural kipuka, the continuity of life cycle events, community services, and any displacement of people. Two, referred to family or the extended family, conjugal support systems, sharing, exchange and child-rearing networks. Three was human well-being and spirituality, refers to physical health in relation to cultural loss and stress syndrome, the impact of changes on mental and cultural health, and identity and pride. Four, natural environmental, cultural and ecological resources, refers to areas for gathering, a sense of place, wahi pana, legendary and sacred places, where spiritual ties to ancestors stay, these life sources are experienced, healing places and hunting areas, fishing zones and access, the differential impacts upon resources within the district. Five, customs and practices, refers to subsistence activities. They exercise their spiritual beliefs, customs, and practices, and through generational linkages to ancestral lands and to cultural historic sites. Six, rights, impacts on the exercise of rights as defined in the Hawai'i State Constitution, the Hawai'i Revised Statutes, the American Indian Religious Freedom Act and Common Law, which was incorporated into the Hawaiian Legal System in 1892. Seven, economics, refers to employment, wages, purchasing power, socio economic status and cost of living, value of subsistence activities, and benefit to community-based and culturally appropriate economic development initiatives. Those were essentially many areas and the predominant areas that need to be looked at and can be considered when we consider traditional cultural properties. This will be the obvious for us on burial grounds, beaches and sand dunes which functioned as burial grounds all or many under the threat of development and parcelization.

This is an example from Moloka'i. And I took photographs that are placed on the travel brochures and real estate brochures. You can see the adjacency of the sand dunes in relation to the actual subdivision. The cultural landscapes which is the second traditional cultural property example. And we're just choosing Ke`anae in this instance. This has been long known and recorded for it being a very important place and an intact cultural landscape first identified as such by USGS field teams in 1924. Ke`anae Homesteads was created by legislation in 1920 and was published on the Sun Publish Quad in the same year. Ke`anae was also recorded by unidentified USGS photographers in 1933. If we look at photographs today, the places are still very similar. A photograph taken in 1903 compared with one below taken in 2008 show you that virtually, the landscape is pretty close to what it was.

Looking at land uses such as lo'i or how dwellings were placed within kuleana parcels of Ke`anae reveals traditional divisions of land. If you look at the lefthand side, you can see the development of post contact hale how they eventually, under influence from American building types started using additions, building porches, using wood windows and doors, enclosing porches until you got houses by 1904, which completely covered the island. And the last vestige of that which was built in Lana'i City in 1922 or '23.

Another really important traditional cultural property which is also at risk are fish ponds. We have the largest collection in the Hawaiian Archipelago of fish ponds in the Pacific yet they are all under threat. If we look at Moloka`i which has the largest intact collection of them within the Hawaiian Archipelago, there are separated between public as well as private ownership. This is a map taken in -- recorded in 1897 which shows the location of fish ponds on the east side of the island. Today, as in many cases since Statehood, there's a permitted development of lands adjacent to or on fish ponds that includes grading and grubbing.

This is one that goes back probably to contact, and it's one I recently came across, which was substituting what I call neo-Hawaiian names for traditional kanaka place names. In Lahaina proper we have use of Puamana and Kaupapili for a place known as Makila. The background for this particular place is that both Puamana and Kauapaupili are monikers which were created in the early twentieth century by Anglo American or kamaaina families. In the fashion of the day when houses for the elite were assigned Hawaiian names, this activity was and still is comprised by the construction of imagined often lyrical names which have been used to supplant original Hawaiian place names and substantiated by the creation of imagined histories which have been told or written and repeated until they have required legitimacy and popular culture. And this continues today.

This pretty much is where I'm gonna edit this part out because it continues to go into more depth. But these are kind of what I envisioned in the first call of traditional property examples or traditional cultural property examples that would be covered under this policy. If there are other questions from the Commissioners at this time, I'll take them. Otherwise, we should go into public testimony.

Mr. Fredericksen: Any comments from Commission Members? Yes, thanks, Stanley. Any comments? No? Okay, so let's go into public testimony for Item E-1. Yeah, Stanley, as a Commission, we've had this on this agenda item as using -- designating an investigative committee. I believe the Commission is of a mind that we'll go away from that, but we'll use the workshop approach. So it's within the Commission itself so the public has full accessibility. James?

Mr. Giroux: Yeah, as far as the agenda today, yeah, it's fine. We're just in a discussion phase. So if they wanna talk about that idea, that's fine.

Mr. Fredericksen: Let's see, anyone would like to give testimony on Item E-1? Okay, state your name, please.

Ms. Dawn Wasson: Kala mai. I gotta catch my breath. One, I excited. And two, let me say, kala mai. I apologize for speaking earlier without first doing the proper thing, and that is to say my mookuahau to Maui. My Tutu Emily Pahuanani Makakau came from

Ke`anae. I didn't know that. I had a dream this woman taking me on this mountain. She was all dressed in white with white hair. And she told me our `aina is down there. And when I looked down, I see this water coming out. I seen all these taro patches and I've never been to Maui. So I kept that in the back of my mind. And my son was an applicant for Lahainaluna. And he received the answer that Lahainaluna had rejected him to be a student at Lahainaluna. And the reason why I had my son apply for Lahainaluna was because my great-grandfather Oliwa Alapa was one of the first students from Kaua`i when he came to Lahainaluna with his ohana, Wahinu. And my husband had a dream that summer that our son went to Lahainaluna. And I said, "Oh, first of all, Papa, it's unusual for you to have a dream, but let me call Lahainaluna." I called the Principal Ariyoshi, and I said, "I don't know if you believe in this kind of stuff, but I had a dream and my husband had a dream, and he said that our son going to Lahainaluna." And he said, "Okay, thank you for calling," and we never heard from him. That year, that fall, school was in session already for two weeks. And I got a phone call from Bruno. That's his name, Bruno Ariyoshi. He said, "Mrs. Wasson, where's your son?" I said, "He's in school where he belongs." He said, "We waiting for him." I said, "For what?" He said, "To come to Lahainaluna." And I said, "You guys told him, no, you rejected him." He said, "Mrs. Wasson, we have an opening for your son." I raised my son, my sons, to do all the things that our kupuna did. My kupuna came to Lahainaluna. I sent one son. One kupuna went to St. Louis. I sent another son.

My husband's kupuna come from Kaupo. He's a descendant of Kealiimaika`i and a woman named ...(inaudible)... I am a descendant of Alapa. My mother is an Alapa. My father was a Keaweamaahi. And I was wondering why I was such a warrior whenever I went anywhere. I was always questioning things. And little did I know that one day that I would question those of authority who came to steal our lands. And my whole life—I'm 65 years old now—has always been to dedicate my life to the well-being of our people, the Hawaiian people.

For over 30 years, I collected old history of kupuna in the Ko`olauloa District, 30 years, written literature, oral history-taped. And so when I get up every day, four o'clock in the morning, I play these tapes. I hear these voices. Even though these people hala 20, 30 years ago, their voices are still there strong, valiant, telling what they know because they were the ones that held the last kupuna who died. They're gone 20, 30 years and yet still they had a connection to the generations before them.

So I heard you folks talk today about these stories. And these stories do have substance. They have standing. It has mana. And that's why we come. It's important that we come because we need to come back and establish ourselves on the different islands in regards to who we are as a people. Who were we? And I hate to say we ali`is, but the important thing is to take care of the people, to serve our people.

Someone spoke today about the place that -- like Moku`ula that they wanted to be close, or maybe they shouldn't be so close, but far away. I had an interesting experience this summer. We had a family reunion, and we had different cultural and historical activities every day. This one night, this activity was called, Night Marchers' Storytelling. Seventy-five people went. We went to this street, Moana -- Moana Street. And we were standing in someone's yard and the owner came out. He said, "What are you people doing in my yard?" I said, "Hey, Macy, can we borrow your yard so we can tell stories?" He said, "Kupuna Wasson, is that you again?" Well, I was there to tell him a story about kupuna who lived there. That house is no longer there. The hedges where the spirits of kupuna stood that night is no longer there. The two-story building, people yelling at us to move our cars because we were blocking their driveway, the coconut tree, that crooked coconut tree is no longer there. The two coconut trees, one with ahu`uhane inside, a skeleton, is no longer there, but I took them there. I made them listen. I made them imagine all of the things was there. You see where that stone wall is, is where the hedges were. And the young men of our community at night when we grew up, there was no street light. When they came to kupuna's house, they would know they were coming close to the hedge, they would get ready to run. And they would run and they ...(inaudible)... even past the pavement. And then when they would get to the other end, and they would look back, and they said, did you see the 'uhane standing there? They said, "No, I didn't see the 'uhane standing there, but I felt it. These legends they're called today, but these are spirits of kupuna who speak to us, who tell us of things of the past, and how we can protect them, and how we can live with these things today so that we, our children, our grandchildren can malama, can take care of these things.

Another example is Kaluanui when we had this landslide. It was Mother's Day. We were coming home from having a luncheon and we saw all these police cars, and buses, and people running all over the place. And we wondered what were these people doing? So we drove down this street. And the first person was this young man about 14 years old. I said, "Hey, what happened? What happened?" He said, "Kupuna, those people went inside the valley, and they make any kind. You know, kupuna always told us when you go inside Sacred Falls Kaluanui, you pule. You no yell. You no scream. And when you coming out of the valley, then you ask permission to eat anything from the valley. These people went inside. They yell. They scream. No more aloha for our people. Twenty feet, the rocks and dirt fell in that valley. Nine people died. There was no way they could retrieve their bodies." Couple of weeks later, there was a newspaper article. A geologist wrote this story about what happens when you have dry land, dirt loose, rocks fall, vibrations because of the valley being steep that if you ...(inaudible)... you'll have vibrations that will create a landslide. Comparing that to what this young man said, although we're both coming from different perspective, the end result was do not make noise, the valley's too steep and deep, you will have a landslide. Although we come from different perspectives, but the end result is still the same. We are fighting for our life. We are

fighting for our survival. Our culture, our history is going to die. Not in my house. Not with my children. Not with my mo`opuna.

I have a college degree. I have a bachelor's degree in political science. You know what I think of my college degree? It's not good enough to even wipe my `elemu with. That's what I think of a college degree-mine's. I've taken graduate courses. I've taken field archaeology. I've registered for an ethnology class to learn as ethnology from the perspective of my own kupuna. I teach in the community not for money but perpetuation of our history, of our culture.

I read the proposal in E-1 and E-2. And there's some advantages and disadvantages, but I think what's important is -- oh, I must go back. There's some people I really wanna thank and that is Claire Apana and Annette Hew. If not for their patience and stamina in striving to find people like us, we would not be here today. And to you, Members of this Council, I wanna thank you for your years of service. That's why you've been asked to sit here. I think not only that, your kupuna are holding you to that path. I've heard many of you speak about the right thing to do, and I'm very humbled by that. And I say thank you. You don't know how much I appreciate it.

If you've heard me in other meetings, you would never hear me speak like this. I'm a heckler. I take hostage. And I have take no, no tolerance. I've done that for 30 years. I took my background in political science, and applied the principles, and seen which one works. It was a fun journey. But in the meantime, I think we need to be really careful about the effect of all of these agencies would have on the cultural impact, and rules and regulations that will apply. And we need to look at all of them and the implications and how it's gonna support the Hawaiian community and the community overall. And more important, trust people first. We cannot go Japan. We not Japanese. Cannot. It's not our culture. It's not our history. And we have bent backwards far too long, and more accommodating than we should have been because people misinterpret our being accommodating by being it's okay for us to interpret. And some of our kupuna have been known to invent culture and said kupuna said that when, in fact, someone just made it up at the spur of the moment. And one of the things I've done in our community was to have someone teach Hawaiian history because kupuna get embarrassed to let everybody know, "Oh, I don't know that." There's nothing wrong with that. You don't know, you don't know, but don't make up. That's more embarrassing. Then you make up, and then you find out, yeah, but young kids that olelo, they go, "Did you hear Kupuna?" And they come and tell me. And I go, "So why didn't you ask?" "Oh, I cannot." But you don't want the children to talk about you, and to say things, and they would never address you. And I would rather them come and tell me directly.

So I thank you for allowing me to speak today. I brought my husband, my son, and my niece from O`ahu because they have a responsibility to come here and to speak to all of

you, and to be in your presence. So mahalo nui loa Akua nei nui ke aloha aimama noa. Now can go eat lunch.

Mr. Fredericksen: Thank you. Anyone else want to testify? Come forward and state your name, please, whoever wants to come. I gave up on the list. We kind of went through it all as it is so --

Mr. Kaniloa Kamaunu: Hello, Commission. My name is Kaniloa Kaumaunu. I'm from Waihe'e Valley. It's been a long week of testimonies, different -- my testimony is the same. As you heard from Wilmont Kaha`iali`i, I also am with that group that he has talked about, Hui Pono Ike Kanawai. And I was -- I'm very appreciative of what he's opened my eyes to. I remember him relating to us as we get together to discuss some of the things that we have. And his main thing is, I'd like to see what the law says. And basically, it's what we're dealing with. When I finally realized that the laws aren't being taken advantage of. For one thing, we have two sets of laws and that was talked about earlier. We have, of course, the Kanawai, which is the one here, the Kingdom law. And of course, we have the Western revised law. And we talk about Hawaii Revised Statutes. My thing is, we already -- it's been established within this year whether or not the Hawaiian laws prevail. The U.S. Supreme Court, even though they question 103150, by the way, which was also signed by two Senators here that are still trying to get the Akaka Bill done, but they also agreed in 1993 that such action -- so we have two people that represent this State that agreed upon 103150. We also have -- of course, the U.S. Supreme Court, even though they question 103150 and validity, they still said in the end, we have no jurisdiction over Hawaiian laws. Hawaii Supreme Court cited whose land it is made a statement, "Unless compensation is made to the native-Hawaiians, nothing can be done." So what does that mean? That means the laws are still in effect. So we're talking about burials. We're talking about all these things.

I'll read, if you don't mind, the laws of 1860. And this is during the time of Kamehameha IV. And it says, "In action for the protection ...(inaudible)... assembled." Section 1, "If any person not having a legal right to do so shall not willfully take up, descent, or remove or conveying 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 and hard labor for not more than two years or by a fine not exceeding one thousand dollars." Section 2, "The law takes effect from after the date passage which is approved this 24<sup>th</sup> day August A.D. 1860 by Kamehameha, witnessed by Ka`ahumanu." So my question is, why we recreating a wheel? Our people understood what their responsibilities were. The Kanawai that they provided us goes into everything that -- you know, everything I noticed that we talked about in other commissions already was established back then. They know exactly what needed to be done. We talk about resources. There's a law especially for us kuleana owners, anybody, tenant, landowner. He can make use of everything that's here:

ti leaf, whatever is there for his personal use. Now, they deny you the use for commercialism. And as we see today, when we commercialize things, what happens? They disappear. But you have to remember, too, the United States is, okay, commercializing. Washington, D.C., is basically, a corporation. They state that. They don't deny that. That's what it's all about. And if we look at our society, or they try to be invasive, the thing that's happening is, they're trying to change us into this commercial or corporation, and our resources are disappearing, but yet, we still see people wanna develop. I no understand. A lot of issues. We know that. We've been hearing that. I've been going to every one of board meetings every time they have one because I'm a kuleana owner. I have water that comes down. And these guys are telling me that, oh -- And we're talking about my vested rights. Through the deeds that my ancestors received direct from the King ... (inaudible)... were paid. That means at the time, my family owned nothing. He was given -- he acquired the title, all his lands, all his rights, all his vested rights to my kupuna. What gives the State of Hawai'i, the County of Maui, the United States government come and change my rights, vested rights now? These things go forever, ever and ever, ever and ever, ever and ever. Cannot be changed, but yet, we get infringed upon by having this done to us. Even one law right here says you guys cannot touch'em. Go ahead. To me, I look at the Wal-Mart. Maui -- in 1860, a thousand dollars per disturbance. So, let's go interest or how many years is that? What they go owe us now? See, it comes back to the same thing that the Supreme Court found that unless you compensation, you cannot get nothing, but yet, you get guys they just supercede the law says, well, that's okay. You know, I have lots of money. But yet, we sit here, we discuss this, but our kupuna, right here, right today's statement saying that no more. We cannot. You gotta leave alone, but people do'em anyway. So if I was to give you -- I mean, to say to you, sold, a thousand dollars a piece. And we see how long they going last because that's the law right here. And according to your Supreme Court, which is the ruling official for this United States or this nation, the highest court you can go, they came out and blatantly said we have no jurisdiction. So let's put this back into place. The Kanawai is the jurisdiction. Whether we like it or not, whether we live in it or not, it's time. This is the law.

So knowing that, that's the information to you. Remember, Kalei said, what do you want done? Action taken. Okay? This is what you guys was talking about this morning. So I put'em back to you. Learn the Kanawai because this is what's law. They're already stating this. So why are we trying to redo it again and again? So now your responsibility as Commissioners is to educate. First, yourselves. You can do whatever you want with things, you can say and use it. Believe it or not. You get guys out there still denying. But remember, like you say, we talked about being pono, being balanced. One factor is always true, there's only one right thing, and there's only one wrong thing. You cannot be in between. Okay? That's the law of fact. Either you going do what is right or you going do what is wrong. You cannot hide. So make your choice. I give this information to you. I don't blame anybody for anything. Now, if you asking me to ask me what I want done, I

want the law followed not for me. Those people in the ground, they still people. Their spirits still live. Their names still live in the mo`olelo you guys heard today. They call Auntie talked about that. So they still say we here. So they say our King's smarter than we thought they were.

You know this is a little comment. I was amazed to find out that all these years that I always thought about my people was wrong, but these things are stated in books. They was barbarians, uneducated, nothing more than just running around naked on the beach. And they went print that in books and they taught that my whole life. And today it's like comprehensive for them. You guys made these things. You tell me if the description of our people is correct when you see this. All we asking is do what is right. Pono is being right. There's only one way you can do that. That's up to you guys now. My fight is education. Because then I know when I leave this place, you cannot say you never know. Mahalo.

Mr. Fredericksen: Thank you. Any comments, questions, Commission Members? Okay, who -- Just state your name, please.

Ms. Johanna Kamaunu: Johanna Kamaunu from Waihe`e. You know Kai started talking about these laws and stuff, and couple things. I used to think those laws were old until I started researching them. And then I realized that they're used in courts today. All those cases are used.

And one real interesting case for me was one of the first we researched called Smith V. Alo. Mr. Alo, this Chinese man, wants to vote, but in 1892, they tell him he cannot register to vote. So he goes to court. He loses. He appeals. He goes to the Supreme Court, eventually, and they make the decision. "Sorry, Mr. Alo, you cannot vote." And they make the clarification on why he cannot vote. The law read that only--and this in 1892--that only Hawaiian-born, American-born, or European-born citizens could vote. Mr. Alo was born Chinese. "But I voted in the last election. I voted as a subject of this Kingdom." And again, the Supreme Court said, "Mr. Alo, your right to vote as a subject of the Kingdom can never be taken away. It's your vested right. No one can ever take that away from you." I was so happy to hear that, but then we realize that there was a distinction back then. Mr. Alo had rights as a subject of the Kingdom, but he did not have rights as a citizen of this new government, and because of that, he couldn't vote. The prominent thing about this case is that it tells us the Kingdom laws is still alive. Somehow we became a society of dual laws.

When Kai was talking about the fine that was assessed, we have to remember in 1860, how much was a thousand dollars worth. I can only guess that in pre-1900, just before the turn of the century, my grandfather was born, he was going to school in Kahuku. And he said every morning he would go to school and walk past the bakery that they would buy two loaves of bread for a nickel. One loaf was for breakfast, and the other loaf was for lunch,

and that was their meal for school. And I'm thinking today I can go to the store and pay six to seven dollars for my favorite loaf of bread. That would make a thousand dollars at least a hundred thousand today. So you can see they put some value, some importance, in breaking that law. And what I'm starting to see, too, is that some of those laws are really necessary today.

Yesterday's Council, I don't know what Committee it was, it was Nishiki's Committee, but they were met with the same problem having to deal with burials. And as each Council Member gave their report, they stated "We're very uncomfortable with the cloudy issues of these projects that are being brought to us." And finally, Jo Anne Johnson said, "Chairman, I don't know if this is the place to bring it up. I don't know if this is appropriate, but I have to say it. How can we make these developers realize that they cannot keep bringing these kinds of projects to us? We spend so much time haggling over it, deliberating on it, trying to negotiate things. We're wasting our time, taxpayers' money. When are they going to get the message that they can't do this?" And so Mr. Nishiki realized and commented to them more or less saying, "You're right. We're going to have to start sending that message." And I think that's what I'm hearing today. We need to send that message. I'm so glad you folks all on the same page. I just hope we can get to the action part pretty soon. But thank you. That's what I wanted to leave with you.

Mr. Fredericksen: Thank you.

Mr. Ke`eaumoku Kapu: I gotta come up here with my conscience. Ke`eaumoku Kapu and this is my granddaughter. It cannot be an agendized item. You know I wish I was still sitting on the Cultural Resources Commission because it's beautiful. The bottom line is, I don't know whether or not how this is gonna rely heavily upon that the Cultural Resources Commission's jurisdiction really is. When you start viewing certain development areas, normally your responsibility is relying highly upon areas that has been identified historic: historic district one, two, three. And I guess that's one of the key reasons why you come to Lahaina because Lahaina is known as the Capitol of the Kingdom of Hawai'i of these historic properties. I think what needs to be stringently worked on in the Department is how you can extend the boundary in the historic district mauka from Lahaina Moku`ula all the way to where I live in Kaua`ula so I no have to deal with all these cultural inventory assessments that always coming to me and slap me in the face where they wanna have a little bit of history of us just so they can say we did what was mandated to do. Now, I want my preliminary subdivision approval. You know, these kinds of things rely heavily upon whose jurisdiction. Whose kuleana literally is it to make sure that--? I'm on the borderline of a historic district, so I welcome comments from here. But when I'm on the negative side of the border of this so-called historic district, everything that I say or everything that anybody says within the scope of the development doesn't matter. So I live right on the border. That's like living between Mexico and the United States. Both sides get guns pointing at each other.

I think what needs to be recommended maybe in the development application that if you guys feel that there is problems in certain areas that might have potential burials and— Can send one stringent letter to the State Historic Preservation Division on how they would adequately assess this, and also send a letter to the Planning Department to deny applications of these developments. And it's kind of a hard shot because the Corporate Counsel over there kinda little bit worried already because they don't know what kind of lawsuits going come out about this because the developer spent millions of dollars on an archaeological survey by—I give you an example—Cultural Surveys Hawai`i, which is defaulted to the max, but they complied to what they needed to, which again, I hate using this word, “triggers” the 45-day where the public only has 30 days to comment and 15 days on the State's behalf to make final recommendations for the development to desecrate.

I was at the County Council meeting yesterday when we talked about the Maui Lani Subdivision. And they're deliberating on whether or not the least impact of where we going create this affordable subdivision. So they look at the whole map and they say how many burials get here? Two hundred. Oh, that's not a good idea. How many burials get here? About a hundred. Oh, well, let's think about it. What's the burial treatment plan for this area? Is there any other area that might be even easier for us to deal with, with the least amount of burials? So let's look for an area that is 50 acres with the minimum of three burials. When I hear those kinds of things, it only makes me angry to say what's more important? Two hundred burials, 100 burials, three burials? They're all important, even one, even an inadvertent piece of tibia that they found in a parcel. These are the kinda things that we have to take into consideration. Oh, by the way, I may as well give this because I'm being watched right now. I also sit on the Burial Council for the Lana`i Island Burial Council for Maui. And I'm here representing Ka`apuni. And my family is from the Kaua`ula Valley. And when you look at these kinds of things that are happening, what is the triggers, and whether or not this can be an entity to push the button? If you ask me, hard to say. You gotta look at what's your share of duties are as a Commission here. What is it? What are you allowed to view in applications? Now, if a development was to come across say, 50 burials, where does it go? You guys don't even know about it. You guys have no clue.

I sat on this Commission and the first thing I asked for was all memorandums from State Historic Preservation that I wanted. I got stacks of memorandums, yeah, that came from at the time, Chinen -- no, before that, Don Hibbard. And all these memorandums that came forward to the Cultural Resources Commission was only for my viewing purposes. Now, if I wanted to take one of those memorandums and said, hey, I trigger one concern on top this. Planning Department, go check it out. I want some information on this. I wanna address certain things on this. Oh, I can't do that as a public constituent. But as a Cultural Resources Commissioner on an item that I have a problem with triggers another precaution.

There's so many rules, and regulations, and policies, and CC&Rs, and covenants. The bottom line is, we really gotta do something fast because I'm seeing every time and every place that they wanna develop in Maui coming across the issue you have on this agenda-wide. I even see it even way up close because that stuff come to us. The burial laws that are in place right now under the Section 16, HAR 13-300, they good laws. They really good laws. A lot of them questionable, but the enforcement part is an issue. And if an archaeological inventory survey is not addressed by the State, then it's defaulted to an automatic acceptance. So this occurring realities now. If you guys like jump inside the fire with us, right on. We definitely can use a lot more kindling for the fire, but trust me, when you get involved in these kinds of things, there is no room sometimes for personalities. There is no room sometimes for just being a kanaka. When you're dealing with -- and I call'em -- I call this the kepolo. This is the kepolo.

Me and my wife go to the Land Use and Codes Office at the County because we concerned about one development coming. So we gotta submit the TMK. We go to them, tell them we like see the whole development plat. They gave us one big giant folder. In the folder, has all these lists of triggers that these developers got to go by before they get the preliminary subdivision approval into the final subdivision approval. Gotta have something inside there which what you guys looking for to be implemented in there in the Land Use and Codes before the developer get that. I think all development should go through the Cultural Resources Commission. All developers that apply for permits should go through the Burial Council. I think these developers should go through Ka'apuni. And I say that. And I hope this on the minutes verbatim, but there should be a monitor monitoring the monitor that's monitoring the monitor because we here for help you guys. We all here for help each other. We just gotta figure out how that's gonna be done without bruddah over there getting on our case about violations of Sunshine, and ethics, and all these kinds of things. And we can. Why? You of the place or you from the place. Just as important.

But make stringent recommendations to make sure that the guy up there, yeah, stay in his office and not on the golf course. And I really hope that does happen. Like I said, I don't know whether or not this item is in the right place. Maybe there's a way you can kake this thing. Stringent letters from the Chair backed up from all the Commission that all developments that have these kinds of questions, all you gotta say is, the Cultural Resources Commission comes to a recommendation of no development within this area because we feel that this area is highly significant to the people of that wahi pana. That's all gotta be done. Then the wheel start spinning. Then the County Planning start spinning. Then the State going start spinning. Then we going start getting to the point where we need to start getting to the people of the wahi pana to make sure we doing things right. Rubber stamps, I know, because they all developing right around me. So mau kaukau. Mahalo.

Mr. Fredericksen: Okay, if anyone else is gonna give testimony, we're starting to -- we're gonna run into some quorum issues pretty soon. There's a couple of Members that have to leave so just try, if you can, just tie it up a little more quickly. We want to hear as much as we can before -- if we do lose quorum, okay? Thank you.

Ms. Joyclynn Costa: Good morning, everybody. My name is Joyclynn Costa. I, too, am proudly representing Ka`apuni as well as Hui Pono Ike Kanawai. Several different points. When Dave Michaelson came up and he said -- and there was a question about what about the comments from the public, you know, is it just a checklist, or is it actually gonna be implemented into that decision? It could sway a decision, but I think we should be part of the decision.

Mr. Fredericksen: Can I interrupt? I believe -- I certainly feel very strongly that if -- with this going forward not as an investigative committee, but actually within the CRC with a workshop-type format, one of the key ingredients, if you will, or components, would be public testimony to be included within the framework that gets developed over time.

Ms. Costa: Well, the reason why I say that is because I've been involved with public testimony for a few years now only to see it all go on the wayside--big developments, General Plan. Okay? Even I watched Mr. Michaelson lobbying for parts of the General Plan to be implemented only to kinda like fall away because of public testimony. So you know although there are some that continue to come and speak out, this is why you don't have the populace come because when they do come, a lot of times it's on the wayside. So I thank you for that integrity, that thought, because keep that. Keep that. That part of it is the tainted perspective. Sometimes it's not so much what we say because it becomes misrepresented and misinterpreted. And sometimes it's not even the developer, okay? Because sometimes the governmental agencies need that extra money from that developer for go put the fire hydrants in the road, not even in the project. So sometimes we gotta wonder the bait and switch who we talking to.

When Kaniloa came up and he told you folks about how there are two separate laws, you have the Kingdom law, and you have this still provisional government corporation, you need to understand that is what you're representing--the corporation of the United States. And the reason why I say that is because you are being counseled. And on his nameplate, he is the Corporation Counsel ...(inaudible)... We saying stuff because these are facts. This is a fact. Although you may think that you're doing it as a governmental agency, you work with contracts. We, on the other hand, have the other side, which is the law. So I just wanna reiterate what Kani said. There is only two things. And I read this on a kupuna's T-shirt one day. And I said, "Uncle, Uncle, I like your T-shirt." But of course, it was too big for me, so he didn't give it to me. And it said, "Do not mistake my kindness for weakness." So there's only two things to do: either you going do the right thing, or you going end up not doing the right thing. Only two. Thank you.

Mr. Fredericksen: Thank you. Anyone else? We are getting close to losing close quorum so --

Mr. Maly: Yeah, okay, how much time do I have?

Mr. Fredericksen: Three minutes.

Unidentified Speaker: Oh, shoot, you know what then? You guys better get into it. I'll go ahead and submit written testimonies then.

Mr. Fredericksen: Okay, thank you. Okay. Okay, so let's see, on this particular item, as the Commission, I'm assuming we want to proceed. Do we need a motion to proceed? Okay. I'd like to entertain a motion from a Commission Member about agreeing to proceed with this format -- with a CRC format -- in a workshop format --

Ms. Marquez: I'll try.

Mr. Fredericksen: Okay.

Ms. Marquez: Help me out. Okay, so I move to what? I move to -- we proceed with the format of workshop.

Mr. Fredericksen: Developing a general policy for new development.

Ms. Marquez: Develop a general policy for new development on lands identified as "Burial Grounds" and other "Traditional Cultural Properties," for the purposes of proposing amendments to the Maui County Code.

Mr. Fredericksen: Okay. Corp. Counsel? That's good. That's fine. Yeah. Any second?

Mr. Hutaff: I second it.

Mr. Fredericksen: Okay. Let's go ahead and vote.

***It has been moved by Ms. Marquez, seconded by Mr. Hutaff, then unanimously***

**VOTED:** to develop a general policy for new development on lands identified as "Burial Grounds" and Other "Traditional Cultural Properties," for the purposes of proposing amendments to the Maui County Code.

Mr. Fredericksen: Okay, motion carries. So this will be an agenda item at the next Commission meeting or two -- in two meetings, and it will be carried out in a workshop format which will also allow public testimony. And this isn't going to be decided in one meeting just for everybody's information. It will -- this will take a bit of doing. Yes, Stanley?

Mr. Solamillo: Okay, because we're gonna lose quorum shortly, we will defer the Item E-2 until the next meeting as well as the Director's Report. We now open up for Commissioner's Announcements.

Mr. Fredericksen: Who needs to leave? Kepa. Who can stay a little longer? Commission Members, on this Item 2-E, I guess we have to take public testimony, too, Stanley. Okay, yeah, let's defer that. Do we need to have a motion to defer?

Mr. Hutaff: We should.

Mr. Fredericksen: Okay, is there a motion to defer Item 2-E?

- 2. Discussion regarding the designation of an Investigative Committee to develop amendments to the Maui County Code, Chapter 36, "INDIGENOUS HAWAIIAN ARCHITECTURE," as necessary to allow for the construction of "Kauhale," or indigenous Hawaiian dwellings for residential purposes. The CRC may act by designating an investigative committee. Public testimony will be accepted. (S. Solamillo)**

Mr. Hutaff: I move to move Item 2-E, defer to the very next meeting we have.

Mr. Fredericksen: Any second? Okay. All those in favor? Opposed?

***It has been moved by Mr. Hutaff, seconded by Ms. Marquez, then unanimously***

***VOTED: to defer Item E-2 to the next meeting.***

Mr. Fredericksen: Okay, Item E-2 is deferred to the next meeting. Stanley?

## **F. DIRECTOR'S REPORT**

- 1. July 27 Meeting with National Park Service**
- 2. September 3 CRC Meeting Agenda**

Mr. Solamillo: Director's Report will be deferred until the next meeting.

## **G. COMMISSIONER'S ANNOUNCEMENTS**

Mr. Solamillo: We now open it up for Commissioner's Announcements, Item G. ... (inaudible)... Erin Wade is handling those, is handling that application. And she indicated that she had gotten nothing to date on anything for the upcoming Halloween. We will check and see if the people that did the keiki event last year still wanna do it. And if that's the case, it'll come through again.

Mr. Fredericksen: Any other Commissioner's announcements? None?

Ms. Watanabe: I just have one.

Mr. Fredericksen: Yeah, Nani?

Ms. Watanabe: I went to the Lahaina Plantation Celebration because I had to work, but the display they had about the plantation days and the memorabilia and the stories was awesome. It was really, really -- and we got to eat fried soup. And they served it in the pink paper, by the way, you know the butcher paper? It was so historical. I didn't see you guys there, you know. We served traditional vanilla ice cream. They asked for chocolate, but during those days, there were no chocolate so --

Mr. Fredericksen: This is something that we talked about sometime back but I'm not sure it ever happened. I'd like Commission Members to bring a couple items that they'd like to accomplish. Did we go over this? I don't think we did. A couple of items that you'd like to accomplish in the next year or so. And let's discuss them just to put them out there and see what we can as a Commission can agree on that we might want to have a few things to tackle. A couple of these were thoughts, but okay, if you can for next time. Any other announcements? Okay. Thanks, everyone. We'll entertain a motion to adjourn.

Mr. Maly: I make a motion that we adjourn the meeting. And thank you all very much.

Ms. Watanabe: I second.

Mr. Fredericksen: Okay, all those in favor? Okay. Thanks, everyone. Thanks for the folks in the audience for testifying.

## **H. NEXT MEETING DATE: September 3, 2009**

**I. ADJOURNMENT**

There being no further business to come before the Commission, the meeting adjourned at 3:36 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA  
Secretary to Boards and Commissions

**RECORD OF ATTENDANCE**

**Present**

Erik Fredericksen, Chairperson  
Raymond Hutaff, Vice-Chairperson  
Rhiannon Chandler  
Doradeen Kanuha  
Kepa Maly  
Veronica Marquez  
Kalei Moikeha  
Alika Romanchak  
Nani Watanabe

**Others**

Stanley Solamilo, Staff Planner  
Erin Wade, Staff Planner  
James Giroux, Deputy Corporation Counsel