

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
MAY 5, 2011**

** 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. ***

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Commission Member, Erik Fredericksen, at approximately 10:24 a.m., Thursday, May 5, 2011, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

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

Chair Erik Fredericksen: Good morning all. I'd like to welcome everyone to this - where are we? May 5, 2011 meeting of the Maui County Cultural Resources Commission. We've got a pretty full agenda. Anybody wants to testify on something and not say anything after their testimony unless it is -- it's something other than what they've testified, you can come forward, state your name, and indicate what project you're giving testimony on? Otherwise, we'll go ahead and get started.

Okay, let's see, before we actually start into the agenda itself, I'd just like to take this opportunity to welcome our new Commission Member from Molokai, and, Irene, if you could say hi however you would like, we'd really appreciate it. We've all met you.

Ms. Irene Ka`ahanui: I'll say "aloha." Aloha from Molokai.

Chair Fredericksen: It's very nice to have you onboard our Commission and thank you once again for volunteering to help out. Appreciate it. Okay, Stanley, item B.

Mr. Stanley Solamillo read the following item description into the record:

B. ADVISORY REVIEW

- 1. MS. NANI SHIMABOKU and MS. ATHLINE CLARK, on behalf of the CIVIL AND PUBLIC WORKS BRANCH, U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT, requesting comments on proposed design changes to the existing 'īao Stream Flood Control Project, Wailuku, Maui, Hawai'i, in advance of a joint National Environmental Policy Act (NEPA) and Hawaii Environmental Impact Statement (EIS). The CRC may provide comments and recommendations. Public testimony will be accepted. (S. Solamillo)**

Mr. Stanley Solamillo: At this point, I'm going to compliment MIS, who was able to convert this file into something that we can present to you this morning.

Ms. Nani Shimabuku: Good morning. Again, my name is Nani Shimabuku and I am the project manager with the Corps of Engineers. This is my co-worker, Athline Clark, and she's the environmental coordinator. And, Stanley, will you be doing the slides or can I? Sorry, I'm a little nervous standing up here in front, so if I stumble a little bit -- but anyway, Stanley did ask us to come and talk to you folks about the Lao Stream Flood Control Project. Last -- just last month, we've put out a notice of intent to let everyone know that we will be moving forward with the draft EIS. So I'll just get started with the --

Chair Fredericksen: Nani?

Ms. Shimabuku: Yes?

Chair Fredericksen: I've just got a quick question for you.

Ms. Shimabuku: Sure.

Chair Fredericksen: In the letter, you referenced the draft EA, and so that's been -- so it's been upgraded as it were to a full-blown EIS?

Ms. Shimabuku: Yes, and I will be discussing that.

Chair Fredericksen: When -- oh. Thank you.

Ms. Shimabuku: Okay. So real quick over the agenda and, at the last minute, because we thought we weren't going to have the presentation up here, Athline was able to make copies for you folks, but I just wanna quickly go over. We're going to talk about the past history with the project; the project purpose and needs; also some milestones and where we are today, the project status; talk about the draft EA alternatives; the draft EA was released in -- two years ago in April 2009, and then how we're transitioning and moving into an EIS, and then talk about some of the agency concerns, alternative development, and the criteria that we use to evaluate these alternatives and some mitigation measures.

So the project was authorized under Section 203 of the Flood Control Act 1968. The project was completed, the Lao Stream Project was completed in 1981 and it covers the area from the detention basin, it's about two-and-a-half miles long, from the detention basin above Market Street and goes down to the mouth of the stream. And as soon as the project was completed, erosion, due to recent events at the time, flood events at the time, erosion had started, and there was repairs that were done shortly thereafter the completion.

The project was constructed to provide a 222-year level protection, which is approximately .5% chance that a flood could occur in any year.

So this is a map of the area. Down on the bottom left is the debris basin, the detention basin, and it goes all the way, as I said, down -- up to the upper-right corner to the mouth of the stream. And the project -- the existing flood control project includes debris basin, flood plain that's off to the -- when looking at a stream, we're talking about -- when I refer to left bank, right bank, it's in the direction of looking down the stream - so on the left bank -- no, it's okay. No. We're okay. You know, just for reference. But we have an existing flood plain, we also have several diversion levees, and there are channel improvements that go from Market Street down to Waiehu Beach Road, and the drainage basin is approximately ten square miles.

So over the next -- there are couple pictures I have just to show the kind of erosion that has occurred in the area. This is an example of the slope failure that's on the -- one of the levees down near Waiehu Beach Road. This is in the middle of the channel, the invert, the channel bottom has eroded in some places up to ten feet below the original channel bottom, channel invert.

So the project purpose, since we started with looking at this design that we're calling "a design deficiency project," is to correct -- the purpose is to correct the deficiencies that are associated with the flood control project and so that we can provide it to what was originally intended so that it will provide the original level of protection, and so we wanna ensure that the design level of the flood risk management that it's properly maintained and previous repairs, we found that previous repairs either done -- that have been done by the County of Maui, and also by the Corps, it hasn't properly been maintained. You continue to have the erosion that's occurred.

The project need is to reduce the flood risk to the community and associated with also the loss of life. It's also -- the project need is to reduce project damages and resolve the original design deficiency and make it so that it's certified in accordance with FEMA.

So some significant milestones that have occurred over the years, just last year, the Na Wai Eha ruling was that there would be no water that would be restored to Iao Stream, although I know two of the other streams there was some flow that would be restored, but for Iao Stream, they were proposed 13 million gallons per day and there's no water that's to be restored to that. Last month, we -- and the reason that I'm here is because we issued out a notice of intent that was published in the Federal Registry and just to let people know that we are preparing a draft EIS for the project. And in the future, have other items that are listed over there. And next year, in our Fiscal Year 2012, we anticipate releasing the draft EIS and we'll conduct further public meetings; a year later, we'd like finalize the EIS and our internal decision document, and then issue a record of decision and complete

the decision document. And then Fiscal Year 2014-15, we would be doing plans and specs and then follow with construction thereafter.

So the project status, in 2000, the Corps had their channel stabilization committee that came out to Maui and they developed some structural designs. Following that, we had a public scoping meeting in 2003. And then in 2009, we released the draft environmental assessment and conducted a public meeting. And due to the significant comments that we received, we decided that it would be better to switch over to an EIS and we have since been working towards that and, as I said, the notice of intent of was posted.

Chair Fredericksen: Nani, I've got a question.

Ms. Shimabuku: Sure.

Chair Fredericksen: When -- okay, on the second bullet point, you said conducted public scoping meeting in 2003, or thereabouts, was that when you folks -- when this project came as an EA to the --

Ms. Shimabuku: Yes, that is.

Chair Fredericksen: Cultural Resources Commission? I was on the Commission back then and there were a bunch of concerns that were voiced at that point. What is the second -- third bullet, public -- and conducted -- so there was a public meeting, one public meeting after that in 2009?

Ms. Shimabuku: So after 2003, when we had the public meeting, it was to tell people this is what we're planning; we're going to be doing a project; we're going to be looking at repairing the stream, correcting these design deficiencies. In 2009, that's when we had the alternatives and we presented the alternatives that we had come up with.

Chair Fredericksen: So there was a six -- about a six-year hiatus?

Ms. Shimabuku: There was.

Chair Fredericksen: Okay. I'm just trying to make it real clear in my own mind what happened.

Ms. Shimabuku: It was likely due to the funding on this.

Chair Fredericksen: Okay. Thank you. Continue, please.

Ms. Shimabuku: Okay, and so continuing on with the project status. What's ongoing right now is that we've been -- we're going to be updating the existing data that would include the CIA, things like economics, and then we're also conducting design analysis of additional alternatives that we'll be considering, and conducting additional data gathering, such as stream sedimentation, coral reef baseline, groundwater recharge, and then we'll be developing mitigation alternatives, and the implementation plan, and conducting agency review. And so throughout this, we have been -- we've initiated our agency coordination. We've met with Fish and Wildlife, the County Planning offices -- I'm sorry, engineering offices -- oh ...(inaudible)... yeah.

Chair Fredericksen: Have you -- and this was something that was brought up that I have -- I have a long memory - this was brought up in 2003, the fact that there were deficiencies in -- given the scope of the project, there were deficiencies in the amount of work that had been done to address cultural and archaeological -- potential cultural and archaeological concerns. I don't see anything that has -- in a bullet form, that address that or have heard --

Ms. Shimabuku: We will be addressing those concerns, and all of the concerns that we did receive or we have received to date, we will be addressing in the EIS.

Chair Fredericksen: Okay, great.

Ms. Shimabuku: Yeah. Sorry, I just didn't ...(inaudible)...

Chair Fredericksen: No, no, that's fine. Don't worry. No, this is something that's -- I mean I've wondered what had happened to the project and I'm glad it's come back however long it is now but --

Ms. Shimabuku: To elaborate, I mean something that I did not put on, spell on here, but the design deficiencies that have happened, I mean you saw the channel erosion, and so the problem is the -- it's a very steep slope and with the high velocity flows that come through the channel, it's caused a lot of -- all the erosion and ...(inaudible)...

Chair Fredericksen: Oh, and I get all of that. It's just I, having sat on this Commission for -- this is my -- this is entering the ninth year or tenth year? It will be -- yes, I've entered my tenth year, broken up by a couple years in between, but we get many, many, many projects where there's -- the concern is - I don't wanna say "focused" on the engineering - but the concern is on engineering but there oftentimes is a lapse, if you will, on addressing cultural and archaeological concerns to ensure that proper mitigation occurs, and I can't stress that point strongly enough because I have never seen anything that indicated that something that was comprehensive has occurred to address those concerns in this - how long is it, two -- it's over two miles.

Ms. Shimabuku: Yeah.

Chair Fredericksen: Yeah.

Ms. Shimabuku: About two-and-a-half miles.

Chair Fredericksen: Okay, and I'm not trying to give you a hard time or anything. I'm very glad you folks are here, and I appreciate that and everything. I just wanna make sure that you folks are real clear because this point was made before and, you know, I'm hoping that I'm just expressing concern that is going to -- these concerns are going to be, you know, laid as we continue on with the presentation in this meeting.

Ms. Shimabuku: Okay. To clarify, you know, there is an existing project there and so the areas that we will need to include, you know, I guess beef up the cultural analysis on, you know, if we're going to be moving outside the footprint as well, you know, we'll be sure to look at -- you know, include those areas also into our analysis. But I'm glad that we're coming now instead of --

Chair Fredericksen: Yeah.

Ms. Shimabuku: At the end and we will be sure to take, you know, those comments back. And I did have a quick question as far as this is -- I guess we will be able to obtain the minutes I guess from this, I see Athline taking some notes, but, you know, all of your concerns we'll be able to --

Chair Fredericksen: Yeah, great.

Ms. Shimabuku: Obtain minutes from it so -- okay, that --

Chair Fredericksen: Because I mean --

Ms. Shimabuku: So that we can make sure that we do properly ...(inaudible)...

Chair Fredericksen: At least one Commission Member, and I'm sure others, cause I haven't had a chance to talk with everyone on the Commission about it is express concerns about the -- some of the language that's in this letter, I share her concerns, but some of the language in this letter indicates - I can't see because I don't have my glasses and low light don't do too well, I know there's words there, but that's one of those things about advance in age, what can I say - but we have -- there's some language in here that indicate or suggest that the public review process has already taken place and nothing's going to occur until some other time.

Ms. Shimabuku: No, because we did have the scoping meeting. It was back in 2003. Because we did have that. But we are including those -- you know, we're making sure that all of those comments received -- all comments to date --

Chair Fredericksen: Because that's -- I mean 2003 is a long time ago.

Ms. Shimabuku: Yeah, it is, and we still have it on file. So I mean we will be sure to address those but -- yes, as well as the 2009 comments and I've received some comments within the last month as well that will be included so --

Chair Fredericksen: Okay, continue, and we will have more questions, and I'm not trying to trip you up through the presentation. I just wanna make sure I'm getting --

Ms. Shimabuku: No. No problem.

Chair Fredericksen: The point across that I thought had gotten across before and I just wanna make sure that it's absolutely clear. Okay, thank you. Continue, please.

Ms. Shimabuku: Okay, so these are draft EA alternatives that we had considered that was released in 2009, and the trapezoidal concrete line, rectangular compound, all those cross out, those are the ones that we will not be moving forward with. All six of these alternatives were presented in the draft EA, four of the six are -- we're not moving forward with, but we are still considering, which was our recommended alternative, the roller compacted and boulder line alternative, it had a low flow channel in there, and the alternative was a no action alternative.

So because of the nature -- the comments that we did receive during the draft EA period, we decided that we should switch over to an EIS. We thought that there was a lack of understanding of the project need and purpose so, this time around, we made it a point to go around and discuss these with the various agencies to make sure that that is understood and that we will be including further analysis of impacts on the downstream environment, brown water recharge, sedimentation, fish habitat, stream flow restoration, and cultural.

Chair Fredericksen: Yeah, because I mean there's a major heiau complex that's just along the bank, basically, the stream up slope, and it doesn't just magically stop right where the structural -- the visible structural remains of the heiau complex are so it's -- and that's, again, I go back to my point about there needs to be something comprehensive that's carried out in that, whatever it is, two-mile corridor because my understanding of the overall project is when all of this occurred to begin with in the early '80s -- late '70s through the early '80s, the amount of the work that was done would not be considered adequate, you know, in 2011. It's a long time ago. Rhiannon?

Ms. Chandler: Chair, you mean the amount of work that was done to survey cultural sites or ...(inaudible)...

Chair Fredericksen: Yeah. Yeah, the amount of --

Ms. Shimabuku: Prior to the construction of the original --

Chair Fredericksen: Of the original impact, as it were --

Ms. Shimabuku: Okay.

Chair Fredericksen: Of the project itself.

Ms. Shimabuku: And so, you know, we, as I've said, we will be incorporating all of these issues into the EIS. And also, one of the bullets there I said, "analyze nonstructural alternatives." Nonstructural versus structural. Structural, you try to control where the water is going to be going. Nonstructural is flood proofing, raising, things to that nature.

So this is just a diagram of what the EIS process, what we'll be going through. We're now at the scoping process, early on, and so we'll move through the different steps and throughout the process, you know, we do give opportunity for agency input and public input as well.

So I just list -- we just listed a list of concerns that we had received previously from the draft EA. These are some of the response, comments, and then for the most part, you know, our response really is, you know, we'll be sure to look at these things. You know, we wanna make sure that we address all of the concerns that we've received, properly address them. And then these are specific to what the concerns that we received from Maui County. And so because I think the last time we were working kinda -- you know, just kinda narrowly, working strictly with engineering division in the County of Maui so, this time around, we've made a point to include the other departments, that we make sure that everybody, you know, that we have everybody onboard with this and get their concerns addressed.

Chair Fredericksen: One quick comment/question, Nani. In 2003, when this came before the CRC, a question was asked and it was basically, you know, what are the project limits, and that was never answered. I asked it several different times, I believe, and there was no answer that could be given. It was more of a, well, we're not sure because we don't know exactly how much of the area would need to be impacted to put the improvements in place. So the impact area is going to, in my opinion, is going to generate greater concern the wider the impact area gets because this area has not been -- it goes through a sand dune, much of it's a sand dune, and there are certainly undocumented burials in

that and sometimes they wash into the stream, and those, depending on how wide this impact, proposed impact area is, it could make things pretty complicated. And when I say "impact area," it's not like, okay, well, the channel widest area is going to be a hundred feet wide, it's like how do you, from an engineering standpoint, make it so that can be done. You gotta lay the banks back a certain amount and all of that. So that's the impact area that I'm referring to.

Ms. Shimabuku: The areas beyond the limits of --

Chair Fredericksen: It's like however -- whatever the improvement is proposed, on the ground, what is that impact area going to be because to just have it in a design say there's going to be concrete or boulders that are in here, well, in order to make it so the boulders can be put in place, I mean how much needs to be laid back, that sort of -- those are sorts of questions that absolutely have to be answered, I'm not saying right at this meeting, but they need to be -- those questions need to be answered. And then, for one, the State Historic Preservation Division absolutely needs to be afforded the opportunity to comment and I believe comment extensively in this case, but there need to be very, very clear plans and maybe plans would be modified based on, hey, well, in this area, it's proposed to be real large but you know what? The heiau or whatever may be is nearby and so it'd be more appropriate to design something softer and would present less impact.

Now that I've gotten you completely off what you were saying, I'm sorry, but I just wanna make sure these get down on the record so it does not get kinda not addressed again down the road or down the stream.

Ms. Shimabuku: So in developing the alternative we, you know, we do need to make sure that it's, you know, technically, economically, environmentally make sure, you know, it's feasible to do those things and as well as being acceptable to the sponsor to the community.

Chair Fredericksen: And I would also recommend putting something in there, measures to be analyzed for technical, economical/environmental feasibility/cultural -- a cultural significance bulletin or something like that within there as well -- bullet.

Ms. Shimabuku: And so from the measures that we -- we look at different measures and from these various ideas, measures, we pull together to make the alternatives, the various alternatives. So some of things that we're looking for alternative criteria, we need to make sure that, you know, it does reduce the amount of erosion, loss of life, damages, and that it, you know, bottom line, it is correcting the deficiencies so that, you know, it's being designed to what was originally intended, and we also look at, you know, the design and cost effectiveness and make sure that it is the least environmentally and culturally damaging and practicable alternative, and that we increase the functionality -- increasing

the environmental functionality that includes the various things, groundwater recharge sediment ...(inaudible)...

So just a few conceptual measures that we're moving forward with. We are looking at a low-flow channel with grade control structures. And so these are some examples; talking about riffle pools, and there's going to be grade control structures, and, you know, the intent of the low-flow channel would be to -- so that we can allow for the base flow to be restored to something that's more natural that utilizes maybe, in this case, engineered rock structures, they may be structures like rock ruins, ripple pools, meandering, grade control structures. Additional structural measures that we're looking at are natural channels or benching of the left bank so --

Chair Fredericksen: Excuse me, Nani. One more -- so left bank, as we're going downstream, that's going to be on the Waiehu side of the stream, correct?

Ms. Shimabuku: Yes.

Chair Fredericksen: Which just so happens to be the most culturally sensitive side of the stream.

Ms. Shimabuku: Okay.

Chair Fredericksen: And so, again, that's where these concerns were raised before and so that's -- I mean that's, I would say, that's a major concern. I mean it looks great on paper there or on the slide, but I mean that looks to me like there's an awful lot of lay back that's gotta get taken care of so you have that nice little bench, and then the slope, and then bench on top of it. So again, that's where the cultural and archaeological concerns really need to be carefully looked at because there's an awful lot there that hasn't been -- that nobody knows about.

Ms. Shimabuku: It may be helpful, I mean maybe at the end or something, I don't know if there's somebody directly that we would work with or, you know, to point out those areas as well as, you know, we would go forth and do our own investigation but if there are areas that you know of that --

Chair Fredericksen: Rhiannon.

Ms. Chandler: I think that's why maybe also the question about public comment, I know that you -- in the letter it says that you did receive a lot of comment with your last round of meetings and that maybe the draft EIS would be completed without anymore public comment; that's what it says.

Ms. Shimabuku: No, we will be --

Ms. Chandler: Okay.

Ms. Shimabuku: We will be -- I'm sorry if it wasn't clear in the letter.

Ms. Chandler: Yesh.

Ms. Shimabuku: We will be coming -- requesting for more public comment.

Ms. Chandler: Oh good.

Ms. Shimabuku: You know, once the alternatives are, you know, a bit further developed, then at least we can give the public an opportunity to further comment on those. I mean since you saw my list earlier, we crossed out more than half of them --

Chair Fredericksen: Right.

Ms. Chandler: Yeah.

Ms. Shimabuku: And so, you know, to be presenting the news one and just going final with it, no, we would be open to public comment on that.

Ms. Chandler: Very good. And then my question about the last slide about riffle pools, is that for the -- the stream life, the opae and o`opu that use that stream?

Ms. Shimabuku: Yes.

Ms. Chandler: And are you working with DLNR's stream division?

Ms. Shimabuku: We are. Yes.

Ms. Chandler: 'Cause I know there's concerns about, right now, the heat of the water and the lack of habitat.

Ms. Shimabuku: And then it's the lack of water.

Ms. Chandler: Yeah.

Ms. Shimabuku: Yeah, and so the riffle pools would at least, you know, as they go up still have an area to kind of rest and then continue forward.

Ms. Chandler: Oh great.

Ms. Shimabuku: Once water is restored.

Ms. Chandler: Okay. Thank you.

Ms. Shimabuku: So, winding down, you know we haven't gotten too much into the mitigation measures but we will be looking at, you know, what the area that is impacted and what, you know, what can be applied to those areas and should it be within the same watershed or would we be moving to someplace else, to the nearby areas? What we're -- you know, as we see what areas are impacted, you know, what the project limits are going to be, then we'll be able to better define what the mitigation measures will be for those. Okay, go ahead.

Ms. Athline Clark: Sorry. I'm going to jump in for just a second here. Just a couple things just to clarify that we're talking about. Within the current --

Chair Fredericksen: Could you please state your name for the record? Thank you.

Ms. Clark: Athline Clark from Army Corps. Within the one alternative that we brought forward, one of things that we would be doing is looking at these additional measures and how they fit within that alternative. In addition, we're looking at developing new alternatives or new measures. The area that we were talking about that we're talking about specifically as the left bank is - I'm just going to walk over and point this out to you - there's an area right along here, which is actually designated as ...(inaudible)... and part of the original design to be a place that would be flood plain where they would hold water, and there was an easement that was purchased as a part of that, that area is not supposed to be developed in any way, shape, or form. It's only supposed to be at this current point in time used for agricultural resources. It's actually well before the heiau. It's in an area that -- it's just by the Imi Kala Bridge, that area along there. And there is already a sediment basin up at the top if, you know -- within our alternatives, one of things that we're considering, if we were to look at expanding areas for holding or pooling or ponding water, it would be either within the current ponding or sediment basin up there and then along just that upper portion of the Imi Kala bank area. If we go anywhere near that, we know we need to go out and do additional archaeological assessments, you know, we know that there's a lot of stuff there that hasn't been previously looked at, and so -- but we wanted to kinda just give you a clear perspective of if we do anything along those lines, where it would potentially be considered at this point versus where we wouldn't be considering it. So, you know, just in terms of the dialogue. And we've actually gone out and walked the stream already with the natural resources folks; if we need to, we'll come back and we'll also walk the stream with whoever we need to on the cultural resources side.

Chair Fredericksen: Yeah, I would highly recommend having a sit-down with the State Historic Preservation Division staff on -- Maui staff, and with figures that provide more detail than this because this is -- how long is this, two point what miles? This red?

Ms. Clark: Two-and-a-half miles approximately.

Chair Fredericksen: Two-and-a-half miles. I mean they're going to be able to tell you, you know, the area below Market Street is -- from Market Street makai, there is large potential for impacting undocumented sites and/or -- I'm just going to say "and" undocumented burials because both are there. But I would very strongly encourage early consultation with SHPD on this. I mean the area's been disturbed to some extent and, yeah, the original flood control project did disturbance, however, it was done at a time when the level of work that was done was much, much, much, much less than what is done in 2011.

Ms. Clark: Right. And that's, as part of our agency consultation process, that's still on our list of things, we have not yet done that, but we are in the process of trying to get to all of those different agencies. And until just recently when we looked at, you know, basically what are the measures we wanna bring forward, we couldn't even have that conversation. We just sort of finalized all that a few months ago so now is the opportunity for us to do that.

Chair Fredericksen: This is the perfect time to be doing it - as early on in the process as possible. I can't stress that enough because, otherwise, there will be problems downstream, so to speak.

Ms. Clark: Yep.

Ms. Shimabuku: And that was the end of my presentation. You know, if there are any other comments or -- but if, you know --

Chair Fredericksen: Yeah, we'll I'm sure will have a few questions for you. I'm not sure -- what are we looking -- oh, okay. And we've got this contact information. Now, I do have -- thank you, by the way, for the presentation. I do have a real -- just a very quick general question. This letter, we meet once a month and so this letter came in after our April meeting and in here, you have a request to have something in writing by May 9, which is of course is going to take -- would not be possible from our end. I'm assuming that the minutes and everything -- or not minutes, but what you've heard, that you've gotten a clear message that there's a lot that needs to occur from a cultural resources point of view because I think that element has kind of been not -- it was sort of in a gray area, from my memory from the 2003 meeting, and it doesn't appear that it has been addressed in, you know, maybe at the same level as some of the environmental issues, which of course are very, very important issue, but there definitely needs to be more attention paid or given to

the cultural/archaeological resources in this area because, again, the work that was done before was not sufficient, you know when the flood control project was put in period.

Ms. Shimabuku: I did put that -- you know, we do have that date of May 9th, but again, you know, if there are concerns after that or, you know, you don't have time to prepare it by that date, you know, please send it in anyway to make sure that we have the documentation and we can -- and that we can go back and make sure that we're addressing all of the concerns.

Chair Fredericksen: Okay, because I will put it on record this project has to include this, this information, otherwise, that's going to -- it's not -- and I know you folks are interested in doing that. But, Stanley, could I ask how long do you think it would be to get a written response just kinda summarizing our concerns and whatever public testimony may come up too?

Mr. Solamillo: The departmental letter will go via email on May 9th.

Chair Fredericksen: You think? Is that enough time for you?

Mr. Solamillo: I mean I will not have minutes, but I will take notes what comments are made.

Chair Fredericksen: Okay. Well, I just wanna make sure there's enough time for you to do that. Is that okay?

Mr. Solamillo: If you can send me a list of your concerns and specifically itemize kind of -- I've gotten some of them --

Chair Fredericksen: Well, you and I, we'll go over that after maybe after this, after we've had public testimony ...(inaudible)...

Mr. Solamillo: Right. And then we have to have public testimony and I'll take notes during public testimony.

Chair Fredericksen: Okay, thank you. Any Commission Members, questions, please?

Ms. Chandler: I just have a logistical question. This letter is -- I've found addressed to me, actually. I thought that they were individually addressed to all the Commission Members so I didn't notice, but I just looked at my neighbor's packet and it does say me and I'm not the chair or, you know, didn't request it so I was wondering.

Ms. Shimabuku: I apologize that if we sent it to the wrong person. I guess for the future, would we send it to the chair or each member?

Ms. Chandler: I think it would be nice. Like, generally, in this setting, it would be sent to the chair and then copied to all the members.

Ms. Shimabuku: Okay.

Ms. Chandler: I don't mind, personally, but I just don't want to offend the chair or anything ...(inaudible)... and --

Ms. Shimabuku: So, I'm sorry, you know, our consultant had the list and, you know, they helped me send all these out, but are you saying that it was addressed to you and then everybody gotta get copied?

Chair Fredericksen: Same thing. And that's kind of -- doesn't really speak very highly of the organization and the whole process. Yeah, I don't have an ego thing involved. It's just if it's being sent to a commission, it needs to be sent, you know, so it makes something -- not somebody just going, oh, that's the name I kinda remember and just put that on there. That's all. It just doesn't look very thorough.

Ms. Shimabuku: Point taken.

Chair Fredericksen: Any other comments? Ray, I think you had one or two or three.

Mr. Ray Hutaff: Yeah. It's more of a maybe a question. This is all about, you know, the stuff that's going to be done on the land and why it needs to be done and what the cultural significant areas are know are unknown. Has any level of determination been given to the ocean, to the stream entrance?

Ms. Shimabuku: Yes.

Mr. Hutaff: You know --

Ms. Shimabuku: We will be having surveys done in those areas as well to look at that. We've started some, as Athline was saying about the, you know, we talked to the natural resource agencies, Fish and Wildlife, planning to do surveys of the stream and of the ocean.

Mr. Hutaff: Okay. And there's really no plan to change how or where the water enters the ocean?

Ms. Shimabuku: No.

Mr. Hutaff: No. That's correct.

Ms. Shimabuku: The work that we're focusing on is within the stream itself and it would be between -- the primary focus is between Waiehu Beach Road at the bottom to Market Street. We may also look at the debris basin to see if, you know, maybe -- and possibly further, you know, maybe further enlarge to hold flow there, you know, to further reduce the amount of flow coming out during high event flows. I mean but that area upstream of the bridge, there's no -- you know, we haven't had any problems with that. The focus was on between those two roads.

Mr. Hutaff: Between those two so -- and any consideration for what would have been in the actual flow of debris coming from stream over time? You know, streams flow into the ocean, and storms bring whatever whatever.

Ms. Shimabuku: And in this case, it's very large boulder sediment coming down.

Mr. Hutaff: Ah, yeah. I've kinda wondered about that too cause you're going to smash a bunch of big boulders to make smaller boulders. It seems like smaller boulders would be easier to get down than the bigger ones. I'm just kind of concerned. But you are taking into consideration those things because probably some will bring it up during your other meetings that you have with the public, I know I will so ...(inaudible)...

Ms. Shimabuku: Yes.

Chair Fredericksen: Other questions? Bruce?

Mr. Bruce U'u: Question. In your draft EA I guess that was released in 2009, and we didn't see it, I have no idea what it's about, did you have anything about the cultural sensitivity of the area in the draft EA?

Chair Fredericksen: We didn't see anything.

Ms. Shimabuku: You know, I know we did have a report, CIA report, that was done. I apologize. I know Stanley had -- I believe it was Stanley who had asked me to come up at the time and, you know -- and I received comments from I think it was Department of Planning saying that, you know, you folks would be meeting on it and comments would come after that. We never did receive any comments from the, you know, from you folks, but I would have to go back and check. I would think that it was sent out to you folks but maybe it was sent out also to -- I apologize.

Ms. U`u: Erik would know. The Chair would know.

Chair Fredericksen: I was here. I don't remember seeing anything about it. I don't know if I was the chair in 2009. I don't remember.

Ms. Shimabuku: I know it was brought up and I think like this -- well, fortunately, this time we got in before, you know, during the period that I was saying we have open, you know, an open comment period. I think the timing on it, the last time, you know, kinda missed the meetings and I was asked, you know, can we still get comments after; I said yes. And so I'm not sure what happened. But I do know that there was a CIA that was done that was included in there and that that is the one that we will be updating.

Mr. U`u: And just to followup. You know, for myself, it will be hard to comment on something on what's given to me in this -- you know, so it says here that we need to -- "CRC may provide comments and recommendations," so this more based towards one engineering standpoint, which is not our purview. We are the CRC. And it was just curious that -- I don't know if you're at the wrong meeting or I'm at the wrong meeting, but it doesn't take into account what we're looking at and through your presentation, I haven't seen anything that would reflect the opinion of the CRC. So I'm just curious.

Ms. Shimabuku: I'm sorry. You know, we went over the presentation this week and I went back and I was -- it was my, you know, oversight on this and --

Mr. U`u: How do I comment on something or provide a recommendation? Who has the final authority authorizing a FONSI - is it the Planning Commission? Is it -- who says -- the mayor? Okay.

Ms. Clark: It's not -- sorry.

Chair Fredericksen: Could you please speak into the microphone? Thanks.

Ms. Shimabuku: But, you know, you were talking about the comments though? I understand, you know, this is just, you know, giving our intent that we will be preparing the draft EIS. We will be coming back again with -- I mean the draft EA was the last document, two years old already, not necessarily so much expecting comments on that old document itself, but just, you know, just general comments that you may have, like what Erik's been giving, yeah, so those are very well -- and for stuff to make sure that what we're incorporating as we development the draft EIS, so later on we will be coming back to meet with you folks and then talk further about, okay, this is the alternatives we have and, you know, this is, you know, maybe some cultural findings that we did find and this is how we're addressing it, and see if, you know, there's, you know, if you can give us more comments, specifically, on what we are going to be doing.

Ms. Clark: I think that the other important thing to realize is that in an EA, we found as well as we heard, very loudly and clearly from the public and from our project sponsors, that it wasn't enough. So an EIS, when you start the EIS process, you restart the clock. So we are restarting the clock by coming back to you. So this is that opportunity, that initial opportunity to restart that clock and to get it right this time because this is a restart of the process. You know, it doesn't mean that all the work and all the consideration that was done before will not be part of and brought forward into the package, but when you start with an EIS, you basically restart that clock, which is part of the other reason why the majority of the recommendations and alternatives that were proposed before are not even being brought forward, so they'll go into this pile that was called "previously considered," but I think that that's the other important thing to understand here is that we're starting all over again, basically, so this is the opportunity to say exactly what Erik has already said, which is if you're starting over again, then let's do the cultural piece appropriately and more thoroughly this time because we didn't last time.

Chair Fredericksen: And -- once second, Bruce. And I just wanna make it real clear that, you know, when you say the cultural side of it, it's -- you said there was a cultural impact assessment done, which is -- that's one component, but the CIA, in this instance, without a comprehensive archaeological -- it would be an archaeological inventory survey of the project area is going to not have all of the information which to, you know, carry out the CIA.

Ms. Clark: Right. And --

Chair Fredericksen: And so we've got a CIA that's in -- that was done and I'm assuming in 2003, 2, 4, I think something had been done when it came to the CRC when I was on it in 2003, but that's also old and there was no archaeological information other than what's out there right now, which is of course very incomplete. I'm sorry, Bruce. Go ahead.

Mr. U`u: No, no, I echo the same concerns you have 'cause, in normal, what you're saying we starting all over but now we're starting at an EIS level, as far as I'm concerned, but usually the norm is we take one draft EA, and we look over the draft EA, then we provide comments, and then on that comments it kicks up to one EIS, but right now we're given no material to address to kick it up to one EIS without even having one draft EA.

Ms. Chandler: Chair?

Mr. U`u: That's the norm; that, and maybe I'm wrong, but that's normal that we do have a draft EA, we make comments and give our concerns, and then we kick it up to one EIS, but at this point, you're saying we're starting over with an EIS.

Ms. Clark: Unfortunately --

Mr. U'u: And we don't have -- I don't have one EA.

Ms. Clark: The EA is on the website. We can also make a copy of it available to you. The public comment period for the EA, which kicked it up to an EIS, was in 2009. So we kicked it up to an EIS at that point based on the fact that we heard, loud and clear from everyone, that it wasn't enough. And so this is the -- okay, it wasn't enough; now we gotta go back do all this stuff over again. So that's -- I guess that's the only missed step. You can look at the EA, but what you're going to say about the EA isn't going to be any different than what you're saying right now, which is it wasn't adequate enough, so now's the opportunity for us to hear you loud and clear and make that change occur.

Chair Fredericksen: Rhiannon.

Ms. Chandler: I just wanted to agree with you, Commissioner, because I understand what you're saying about restarting the clock, however, in this letter, you did explicitly ask us for comments and it wouldn't be a good use of our time if we make comments that are perhaps redundant to what you already know, which we don't know because it's in the draft EA. So just in the future, I would consider providing that to us if you're going to ask us for comments. It just probably would save time on both ends - ours and yours. In addition to that, we were talking about funding and you had mentioned the mayor but is this not a Federally funded project?

Ms. Shimabuku: It's a -- right now, there's no cost-share agreement in place. It's been 100% Federally funded. Down the road, we will have to get it cost-shared with the County. And so it's something that -- it is a co-sponsored project. I believe engineering has been I guess planning for this and so they've had it in their project for the -- I think like their five-year plan or something.

Ms. Chandler: Okay. So the delay between 2003 and now --

Ms. Shimabuku: It was on the Federal funding side.

Ms. Chandler: On the Federal funding side. Okay.

Ms. Shimabuku: And for the record, this was a letter that I received from Department of Planning on May 13, 2009. I mean it was requesting that the Commission receive four additional weeks for receipt of comments from the CRC meeting that was scheduled for June 4, 2009. And following that, yeah, I didn't get anything and it may be because you didn't see it so I don't have a record of who we sent everything out to. I apologize that you didn't see it earlier, but, yeah, if we can -- we just wanna move forward from here ...(inaudible)...

Chair Fredericksen: Oh yeah. And that's -- and we're, you know, well I'm speaking for myself and I'm sure the Commission is in agreement, you know, we definitely wanna work, you know, with you folks --

Ms. Shimabuku: We appreciate that.

Chair Fredericksen: And not try to put up a roadblock or anything. It's just to make sure stuff's done properly and if mitigation measures do need to be taken, which they do, in my opinion, that they're taken properly and not kinda the cart before the horse kinda --

Ms. Shimabuku: Okay.

Chair Fredericksen: Any other questions or comments.

Mr. Hutaff: Just a comment.

Chair Fredericksen: Ray.

Mr. Hutaff: Bruce, that was perfect.

Chair Fredericksen: Yeah.

Mr. Hutaff: I mean it does allow us to make recommendations and we can make the recommendations when we see a little more ...(inaudible)... not before it goes any further, so excellent job. Thanks.

Chair Fredericksen: Any questions or comments? Okay.

Ms. Shimabuku: Thank you.

Chair Fredericksen: Thank you. Stanley -- oh yeah. Okay, that's what -- okay, let's see, anyone from the public wanna testify on this, please come forward, state your name and try to keep your comments focused and not too lengthy. Oh, okay. Well, we'll just read off the list. Jocelyn Perreira. I can kinda see okay now that I got the light.

Ms. Jocelyn Perreira: Good morning to the Members of the Cultural Resources Commission, especially to the gentlemen - Happy Boys' Day. My name is Jocelyn Perreira. I'm the Executive Director and the Tri-Isle Main Street Program Coordinator for the Wailuku Main Street Association, Inc. Tri-Isle Main Street Resource Center. I do wanna note that we received a request to review. The letter was dated April 8; received on the 11th. We did the review with our team of professionals on the 20th. Our board is not scheduled to see this until the 13th so the comments back by the 9th is a little bit of a problem.

Chair Fredericksen: Is a challenge and that's something we can ask about.

Ms. Perreira: Okay. So, you know, for us, we try to look at things in balance, balance between the economics of a project as well as the cultural importance of a project, and we are concerned about the new FEMA maps that will affect a lot of people in the flood zone. Mortgages on their properties will require flood insurance; it will increase their insurance cost from about \$300 a year to \$15,000 a year and this affects their mortgages -- it will undoubtedly affect their mortgages. We, therefore, I mean there's a list of things that we are concerned on the cultural side but speaking from the economic side, is it possible to look for a viable, reasonable, and responsible kind of option? And has there been an economic impact study done relative to how that is going to impact the properties and the areas that surrounds this and ...(inaudible)... I noticed that she had comments from the different departments but I don't see one from the Office of Economic Development and I think that that should factor in in keeping things in balance. We support a way to keep the character of the existing town alive and anything that keeps the current flood regulations as is will help to retain Wailuku's unique sense of place, which includes the retention of its multi-generational residents and whatever remnants of cultural and archaeological artifacts that are connected to the area, such as undocumented sites and burials, and the heiau. We note that there has been a six-year hiatus, as you did, in this EIA in 2003 and, therefore, if we're starting from scratch, that's great, and I'm glad to see that their starting by giving the kind of priority to the cultural and archaeological aspects of this project. And, finally, we have concerns on focus because what you're seeing and we tend to see in most projects the focus is on engineering and less focus on mitigation concerns. We have two-and-a-half miles of important property here, and adequate analysis on that area, and the effects outside of the footprint, the downstream, the sedimentation, the fish, and how it impacts on cultural assets and also the ocean. And in -- so thank you for being -- taking the time to review this. In conclusion, I just wanna say that I have a personal connection to this property that you're talking about because prior to it becoming a flood project, I believe I might have been one of the last classes to have the opportunity to go down to the stream. I had Brother Charles, at Saint Anthony's High School, and we did our biology experiments off of things and, you know, just as a cultural aspect, it's kinda -- it's really, really -- I know we needed to do this because it was dangerous, the flooding was a dangerous situation, but I think when we have to make improvements for the safety and welfare of our people, we need to -- I mean you know, it's like if you do a surgery for cancer, you can do the radical surgery for cancer, or you can do what is responsible surgery without taking out the whole -- dissecting the individual's being, whole being, and in this particular case, I think we are concerned for the -- how Wailuku is treated. It needs to be treated very sensitively and part of that is the cultural, archaeological, but also the residents who comprise Wailuku and what kind of devastating impacts on them and do they have enough time to prepare and what are some of the -- what do they get in the return; what are some of the ways to help them as well. So thank you for this opportunity to provide that kind of balanced viewpoint.

Chair Fredericksen: Thank you. Any questions, comments? Okay, yes, thank you. Let's see, next person on the list is John Duey.

Mr. John Duey: Good morning, Chair and Members of the Commission. How time do I have?

Chair Fredericksen: Just try to -- we'd like to keep it three minutes or so, but just try to be concise.

Mr. Duey: You gave Nani about a half-an-hour. I'd like have a little more time than three minutes.

Chair Fredericksen: Let's just try to do it the best we can.

Mr. Duey: Thank you. My name is John V. Duey. I'm a resident landowner in Lao Valley. I'm also the President of Hui O Na Wai Eha. I've lived in Lao Valley since 1969. This project does not affect us. We own land below Kepaniwai Bridge at about 690 feet elevation, down about 580 or something like that. We call Lao now. It used to be called "Lao River." And then it became "Lao Stream." I call it "Lao Trickle" because that's all it is now. As reference to Nani's comment about restoration, she's right. The commission -- the hearings officer allowed 13 million per gallon. The commission voted for zero per gallon in Waikapu. We are in court, or will be. We filed a petition -- we filed papers at the Court of Appeals. We've asked or sent it to the Supreme Court to get some restitution. We will get water in Lao Stream sooner or later so having said that, a little history. In 1950, the early '50s, Lao flood control improvements have been discussed and public meetings have been made. In 1966, there was a study completed. In 1975, there was an environmental impact statement of Lao, just before the '81 -- '78 to '81 completion. And on -- this impact statement was done for the environmental office for the State of Hawaii. And then this one it says, "This is signed Colonel F. M. Pender," who was the Colonel of the Corps of Engineers, the district engineer. On this summary -- or on the first page he says, "I also found that the awareness or concerns for protecting and enhancing the environment have increased sharply since completion of survey study in 1966. On Lao Stream, these concerns related primarily to retaining as much open space and natural stream as possible, and wildlife habitat, and the aesthetic quality of these same areas . . ." This was 1975. The -- one more thing from this -- hang on a second. In this same report, it also states, "A preliminary alternative involved and a complete concrete channelization of the stream channel above the Market Street Bridge to the mouth . . ." And it further says, "The disadvantages, however, appeared to outweigh the advantages, and the plan was rejected." This environmental impact statement from 1975.

The Corps, I don't know whether you know or not, you probably know, the Corps just blew up a levee in the Mississippi River yesterday. They put the levee in I don't know how many years ago; yesterday they blew it up. So this whole project is -- is, I don't know, sad.

The draft from the U.S. Fish and Wildlife report in 2004, they have a lot of information in here about things 'cause they said -- and one of them was -- this is in 2004, this was after 1981 construction was put in, actually from that '75 environmental statement, they went ahead and done what this guy suggested they shouldn't do, then what's there now, which is -- anyway, on page one of the Lao Stream Flood Control, U.S. Department Fish and Wildlife, this is November 2004, it says, "The down cutting and the erosion prior appear to ... (inaudible) ... several factors ... (inaudible) ... combined effects of increased water loss due to channel straightening." If you straighten the channel -- Corps of Engineers. One page two, at the bottom, "In review of service files indicates that serious concerns were freely expressed regarding resource impacts anticipated to result from the original project. These concerns include threats to population of fish and invertebrates due to reduction or elimination of in-stream ... (inaudible) ... habitat and substrata." And on and on. And page eight, these things I don't make up, this is what I do. I research things to find out what's going on. On page eight of the same report, there were eight species of animal life in the Lao Stream, all these species are migratory and depend upon a free-flowing connection to the sea by the stream channel. That's my issue and Na Wai Eha trying to get this all to happen.

In 2008, the Corps sent out a letter, 12-11-2008, this project we're entering into now is, as Nani said, to correct design deficiencies from 1981 when it was completed. The draft EA, which came out, which we got a copy of, in 2004, March -- I'm sorry, 2009, there was a public meeting held at Wailuku Community Center. There were 15 public testifiers there at that meeting and most of them is from our group, 12 testifiers were ... (inaudible) ... which all of the 5 says to remove everything in the channel - everything. I see in the slide it was crossed out. Do not remove -- that's one of the things that crossed out, do not remove -- they're not considering that although people has testified, so when they hear -- when I hear people - I'm not putting them down; they need a job; they work for the government; they need a job; I can't blame them - but when they come up and say they hear public testimony, they don't pay attention to it. They have this thing they want to do so they're going to do it no matter what and it's really -- my blood was boiling to hear some of the comments and some of the we're going to do it. No matter what you say, we're going to do it. Get out of my way. I'll listen to you, but get out of my way. We're going to do it. So many of the stream -- oh, all of the five said remove everything in the channel after 1981. Well, that's not quite what we were in favor of. I just read it last night or yesterday and I realized, since 1981 is when the existing conditions were put in, they've done some more work in '83, but '81, so we need to go back to '78 where it was started. So I don't have any problem with building along side 18 high walls -- 18-foot walls on the side of the river but leave the bloody channel alone. They're talking about riffle pools and all that, they're there

already. Why put cement and rock in there and spend money we don't have with a 14 billion dollar -- trillion dollar deficit and we don't have the money. It's -- I don't know. And then the last thing I wanna say is that -- that we're talking about is all the way 2500 feet of cemented channel, adding 7200 feet, that's 9,700 feet of channel. We would have the distinction of having the longest cement channel of any stream bed in the State. That's nothing to be proud of. I did send comments in by May 9, emailed them. Nani told me -- I hadn't got a response whether they got them or not. I was just told they got them so that's good. I could probably go on and on but my time is somewhat limited ...(inaudible)...

Chair Fredericksen: We got some questions here. Go ahead.

Ms. Chandler: Thank you for your testimony. Can you please, and this is probably -- this is so informative for me so I'm going to ask you a few things. In the initial public commenting, do you remember why this project was so necessary in the beginning? Like I, personally, wasn't there, you know, and I'm trying -- but ever since I have lived on Maui, I've wondered why so much cement in such a beautiful stream.

Mr. Duey: Well, I guess, I can't explain it all, I guess you'd have to get a copy of that EA -- EA I guess it is and try to understand. It's supposed to protect the people but I say we have 18 acres in Iao Valley, part of it is in the flood plain, in the 500-year flood plain, I will not let my kids build a house in the flood plain. Read your stupid card. You know, why build a house in a flood plain? If it rains, the rivers flood. The water comes down, it floods. I've lived in Iao since 1969. The river floods. That's what happens.

Ms. Chandler: So because development had occurred around the stream, then the channelization --

Mr. Duey: Iao Parkside for instance.

Ms. Chandler: Protect the development?

Mr. Duey: Yeah.

Ms. Chandler: Okay. And so at that time, when there's comment on the initial project, do you remember there being cultural or environmental concerns expressed?

Mr. Duey: You're talking about '04 or 9?

Ms. Chandler: The last public comment prior to the major construction.

Mr. Duey: That was '09. As far as I know that was -- oh, before the construction?

Ms. Chandler: Yeah.

Mr. Duey: That had been in '75. And I didn't -- well, I read all the draft but, as the fellow said, there wasn't as much interest in things at that time as there are. These things, like our issue with the water recharge and all that, have come up since then, the cultural aspect of things have come up since then so, in '75, didn't have this group. So these things have matured since that.

Ms. Chandler: Thank you.

Chair Fredericksen: Any other questions or comments?

Ms. Chandler: Chair, I have a question, actually, for the Army Corps. Is it possible to ask?

Chair Fredericksen: Sure. Yes. Come on back up, please.

Ms. Chandler: Thank you. Do you have the original records from the public meetings that he's referencing?

Ms. Shimabuku: When you say "original," you mean preconstruction or --

Ms. Chandler: Yeah, preconstruction public comment on the stream.

Ms. Shimabuku: We do have documents. I don't know if specifically. I would think it was included in those documents, like if it was the EA or EIS, normally we include it in there.

Ms. Chandler: Because I would think that with that many years, he's just offered testimony of the sequence from the '50s, '60s, '70s, and '80s. With that many years worth of individuals giving testimony, maybe some of them have passed away, you know, and wouldn't be able to give testimony at this point in time but all of that is valuable information that can be put into your EIS coming up.

Chair Fredericksen: Yes, because it is an EIS now. There should be some consideration given to the original -- what set things in place to begin with. And I think the testifier's comments/concerns about the hardened streambed are very germane to this process. That also would go into the cultural aspects of the stream itself because this flowing body of water was essential to native Hawaiians in the past and a lot of people still rely on the water, I mean granted it doesn't make it all the way down to the shore all the time now, but that, hopefully, will change at some point. But I was wondering if you could just briefly comment, Nani, on why the proposal for removing the -- some of the hardened structures that are there, and, specifically, I think it's more along the stream channel itself, people --

everybody recognizes the problems, the challenges with flooding and impacting areas, but the stream channel, the base, excuse me, the streambed, as it were.

Ms. Shimabuku: You're asking me to comment on why the alternative was taken out.

Chair Fredericksen: Why that alternative was taken out, yes.

Ms. Shimabuku: In, I believe, in 2003, in the scoping meeting, I wasn't there for that one, I believe that was brought in, that was a concern back at that time, the way we looked at was ripping out -- you know, the way we understood the comment was to rip out the entire project, all the line features. In 2009, in that last meeting, it was further clarified that, no, we, you know, we want the flood protection, however, you know, we don't want -- you know, maybe if you can leave the channel bottom, the invert unlined, you know, try to keep some natural features. We're not -- I think what we're doing, John, is trying to maybe incorporate some of the more natural into it. We're not -- and we're trying to get away from -- you know, we're looking at alternatives to try to get away from the extreme of how the recommended alternative was practically was to line that whole portion and we're trying to come up with some sort of happy medium for it so that it will be something more natural, however, it'll serve the functions of, you know, reducing the amount of flood risk in the area.

Chair Fredericksen: Go ahead.

Ms. Chandler: Thank you. I wanted to also ask, because one of the concerns outlined that you went over earlier was aquifer recharge and I think that's what he's speaking to about trying to remove maybe trying to remove maybe this ...(inaudible)...

Ms. Shimabuku: And so that's why -- but, you know, the County, you know, we're working with the County on this. This is a -- you know, the County has a certain amount of liability they have, you know, to -- you know, they have a responsibility to the community. You know, they're not just going to want to rip everything out and the people that are living in the area that, yes, they have come in after the project has built -- you know, to build up to the levees but, you know, the County does have a responsibility and so what we're saying is, you know, we still need to find something that can reduce the amount of flood risk to the community but we would like to try to be further sensitive to the fact that, you know, we would like to make it -- keep it as natural as possible. So those are some of the newer measures that we're trying to, you know, incorporate with modeling and with different I guess ideas that we have coming together and we're trying to work on that.

Ms. Chandler: I'm sorry, one more question. The slope of the project, if the concrete walls were to remain intact but the bed was to be removed, have you -- has the Corps studied what the impact of that potentially would be?

Ms. Shimbuku: What would happen is that there would be further erosion. What's happened in the past, in the existing project that was constructed, we did not line the whole project; only portions of the stream, right now, are currently lined, and because of that, because of the high velocity flows of the the size of the debris that comes down, it's caused further erosion of the parts that have been lined, especially like on the upstream portions, if you transition from an unlined to a lined, you'll have further erosion, you know, in that transitional area. So I think one of the alternatives we were looking at, which was -- which we did cross out, was just, you know, can we somehow repair the levee toe, I mean because that was really the -- that was the main -- the original concern is the toe keeps getting eroded out and the invert, the channel bottom, goes lower and lower and lower, and so the erosion is just going to continue in the area and further create undermining of the levees itself, which could have potential failure, the levees fail and then the water will go out that way.

Ms. Chandler: Thank you.

Mr. Fredericksen: Any other questions or comments from the Commission?

Mr. Hutaff: Okay. We know now what we never knew before. Get it? We have created an action that created a problem, that creates the solution, that creates another problem, and we're going to continue that path forever, like it or not, okay? Indigenous days, all across the world, when the weather changed or something became uncommon, people move, okay. If a stream flowed and big rock came down because it came down fast and all of a sudden the flowed in a different direction, so be it. If you look at all the streams across the world that have not been touched by man, they are not a straight line. Mother Nature has her way. We have our way. It's called "economics." When we develop an area or we move into an area without a konahiki, okay, to manage and teach and to have us understand, we create a problem of ignorance, not on purpose, it's just the result of what we don't know. The streams flow naturally and we should move. Unfortunately, we moved into an area not knowing the consequence of what may happen. Hawaiians had different taro patches. They had places all over the place because they knew that there was going to be dilemmas. They didn't know what the dilemmas were. They just knew we live on an island, we have volcanic activity, we have tsunamis, we have bad weather - something is not going to be the same in the future so how do we prepare for an unknown? Now we come down to a point here where we the result of change, not letting Mother Nature take her place and we just go, oh okay, we had a big flood, or we see our stream changing, we see it getting wider, maybe we should move. Instead we say economics means that we have to do this in order to survive the economic problems, or to prevent economic problems. In return, we put a bunch of money into stuff and then realize it's not going to work, and so we have another economic problem, okay. What is the solution to all of this? Unfortunately, the solution is to continue doing what we're doing but learn some of the lessons that we have, like if you make things straight line, okay, it will go down faster. If

you take a whole bunch of big boulders that slow down the water, it may come these slow little pebbles, and they go away. Where do they go? To the ocean. And we now change the ocean. So we've already changed the land and realized that -- at least, hopefully, we're realizing that it wasn't the best thing for us to do. We should just up and move, you know, kinda be flexible and move like 10 feet, 20 feet, 2 miles, like they did in the old days, which they'd move countries actually, but we're going to be moving things in the ocean, which is going to change our ocean, which is going to change our coastal. Everything we do has a consequence. The solution is just to kinda remember all of that and to do the minimal because Mother Nature is going to do whatever the heck she wants and we should be very understanding and open to that because out of all the things that we can do in the world in changing minds, opportunities, economics, Mother Nature we no can, and we should put that into consideration in whatever we do or undo. It's just a comment. Unfortunately, it just makes more problems, my comment, but I felt it needed to be said.

Chair Fredericksen: Thank you, Ray. Any other comments or questions? Okay, thank you. We can have one more, sure. Come back up.

Mr. Duey: Quick comment. No, I just wanted -- Ray asked a question about recharge; that's my thing. When I made comments in April of 2009, according to the USGS in their research in Lao as far as recharge that the 7200 feet more of concrete would eliminate 1.3 million gallons a day of recharge. That's according to USGS's study as for recharge per mile. I just ...(inaudible)... you get 1.3 million gallons. So that's one of the reasons I'd like to see that 2500 feet taken out cause it would add - I don't have it in my head right now, I didn't look it up - but it would add more recharge and Maui is running out of water, and we need the water, so it's inconceivable to me to cement a streambed when you want recharge. That's where it's coming from. We're going to get water back in the stream one of these days, so it's inconceivable to cement when you want recharge, why cement the streambed? Anyway, thank you much for your -- I'll be here.

Chair Fredericksen: Thank you. Any questions for the testifier? Comments? Thank you. Thank you for your interest and also your persistence. It's very important. I mean it's a long time when this first all started. But thank you. Okay, next testifier, Roselle Bailey.

Ms. Roselle Bailey: Members of the Cultural Resources Commission. My name is Roselle Bailey. I don't normally come and give testimony but John said yesterday, after our trip from Europe and Croatia, "Roselle, you have to go." Okay. It is government's duty to take care of the safety and welfare of its people. And I, personally, think that all the agencies and departments should work together because, as you say, time is changing, and changes are needed, and we need to think smaller rather than larger so that our aquifers can be recharged and precipitation happens and the environment is all happy and people are happy. It's interesting to listen to the presentation of the Feds. Flood control. Of course, it needed to be controlled because of development. And in 1968, the level of work, and I'm

quoting someone, "was not good." True, because at that time, no one had any value to the Hawaiian archaeological and cultural establishment and use of the land and its natural resources. And now, it's 2011, and we've gone through several changes of perspectives and being respectful of the original people who were here. I happened to go to an irrigation water conference in Australia in 1986, and the things that are still being talked about to develop is so antiquated, and this new information, new, in 1986, was to let the streams flow so you have restoration of your water tables and your cultural, archaeological, environmental, economical systems will remain intact, but man seems to think man is smarter and can control Mother Nature, but that is not true. So I'm just saying economical -- the economical situation is really based on real property; it's not based on tourism. Everything is on real property today. The other thing, there is no real commercial value in the Hawaiian streams with the Hawaiian biota. It's only the Hawaiians and the Filipinos and some of the Japanese, the old Japanese, who likes to eat what's in the streams. And we all know that the streams feed the ocean but we do not have the palapala to say we are experts, but we happen to work the land and the ocean and that makes us experts as cultural people. The environmental and technological things need to work -- no, I should say that the technological aspects of our society today need to step back and read the histories of the past, and it doesn't have to be that far back because we weren't that much developed until after the Second World War, and then we were targeted for development. So in essence, I guess, what I want to say is that don't take any action until the government agencies or departments begin to rethink their planning and start thinking small and open space so people can stretch and not be so angry but revive their spirit because the land is being revived and the water is being preserved and moved and serves everybody. Thank you.

Chair Fredericksen: Questions or comments for the testifier? Ray.

Mr. Hutaff: Yeah, quick comment. Get with him.

Ms. Bailey: He's my cousin.

Mr. Hutaff: Okay, because I believe that everything that you talk about about knowing but not understanding in a scientific way, I believe the science is supporting the fish and fisheries and water going into the ocean and the more water you let go into the ocean, the more rain you have on the land.

Ms. Bailey: Right. It's the Hawaiian cycle of water.

Mr. Hutaff: Yeah, but the science is supporting it and he's got that information, if I'm correct. Am I correct? Yeah. Okay, science is proving the Hawaiians were right all along.

Ms. Bailey: Yes.

Mr. Hutaff: But we now we need more voices, yeah?

Ms. Brandis Sarich: I have a comment, and I apologize very much for being late this morning and so I haven't said anything 'cause I didn't know if I had missed it, but did anybody talk about what lao means to this island? What this stream means? Or is that part of the presentation that I missed?

Chair Fredericksen: I don't think so.

Ms. Sarich: That was would be I think very important for us to read.

Chair Fredericksen: Here, we'll have -- we'll have our presenters come back up and talk about --

Ms. Sarich: We have some experts right there. Yeah, I just would like a historical, cultural --

Mr. Hutaff: lao is huge.

Ms. Sarich: I know it's huge so I just would like to understand more about that.

Mr. Duey: Thank you. John Duey again. I can't go into a lot of details but one of the things -- a couple of things that the State -- maybe Skippy knows the terminology -- but there's a State organization that identifies streams and out of the streams of Maui, there's nine what they call "blue ribbon streams" and lao is one of them, and lao has, as you know, lao has the most access for tourists or locals or whoever to go, and the kids would go, we live in lao, the kids will go by our house all the time on weekends, after school, to go swimming. Of course, they can't go swimming down below, they have to go above the intake, but that's another issue, it's sort of cultural but -- I guess it is cultural, but they have to go up there to swim. So it was lao, the Needle, and the big valley you see from the airport, it's -- of course, Waihee is the bigger stream, but lao is the more accessible and you see it, you know; although you go to Market Street or down Sack-n-Save, you see a dry stream, but you go up to lao, Kepaniwai, not Kepaniwai, but lao State Park, you see a live stream so in that respect, it is a live stream if you get mauka, it is a beautiful stream, and it's an important stream, and one day, it'll have water.

Ms. Sarich: Thank you.

Chair Fredericksen: Okay, let's see, we've got one more - thank you - one more testifier signed up, Lucienne deNaie, please come forward and state -- well, I already stated your name.

Ms. Lucienne deNaie: Thank you, Chair Fredericksen, and thank you, Commission Members, for this chance to share my mana`o. I'm Lucienne deNaie and I'm here actually representing Maui Tomorrow, which is one of the organizations that is involved in trying to restore some water to all the streams for Na Wai Eha, and we did attend and, in fact, I personally did attend the meeting in 2009 on this subject, and we submitted comments to the EA, and, as Mr. Duey said, the majority of people who testified and submitted comments did support alternative five saying, okay, we've made a little mistake here, can we try to fix this. And, in fact, I just have to say mahalo to the Army Corps of Engineers because I have attended some hearings long before 2009 on this, personally, and, you know, there was one way and the highway and that was their way, and now it's just a much kinder, gentler, more considerate process so, you know, I do believe there is some listening going on and certainly hope that more listening would occur, but just the fact that all of us testified that an EA really was not going to cut it on a project of this magnitude, and we were heard, so that's good 'cause sometimes that's not the case. I wanna thank the Commissioners. I think each of you have brought out very very key points. Commissioner U'u's point about, you know, do we know anything about this to make comments on is an excellent one. A lot has been offered and I would think that your comments could be more robust if you knew sort of what has been proposed before, what people have said about it, you know, in a synopsis version, so, hopefully, you'll get a couple more bites at this apple, and you'll have that information, and you'll be able to make comments, you know, based on it. And, of course, Chair Fredericksen's comments about the fact that the banks and everything hold a real possibility of cultural artifacts, burials, remains. I mean this was the heart of a very important cultural system. Iao Valley was one of the most sacred places, you know, where the very high born ali'i were consigned for all eternity, and those waters are connected with it, and I believe one of the other Commissioners made the point that the waters, themselves, are a cultural aspect, and the stream life; all of this is important to the practice of Hawaiian culture, so it's not like on one side there's, you know, biology; one the other side, there's culture. It's like they all mix together there. So what happens is really important and I hope you folks retain that jurisdiction and feel free to comment that this is, you know, something that is bigger than just whether a good archaeological inventory survey has been done. Also, it's my understanding that there will be a 106 consultation process because of the Federal natural of this so you folks should be able to have a robust influence on that, and Maui Tomorrow and other organizations are going to request to be consulted parties on that too. Whoever made the comment, perhaps it was I think Commissioner Chandler, that we have folks that have now left us who made very important comments about this whole project, and two come to mind - Ed Lindsey, the late Ed Lindsey, and the late Doctor Glen Shepherd - and both had very very worthwhile comments to make, and came to these meetings and so forth, and Doctor Shepherd, in particular, you folks might be interested, suggested early on, and he's a geologist and, you know, this was his business is working with the earth, you know, in this field, he suggested perforating the existing -- if you're not going to tear them out, perforate the existing concrete areas to allow more percolation into the aquifer. So I hope some form of that -

we've come such a long way with our technology, you know, as Commissioner Hutaff said, we try to find a solution, we made another problem, but we still have some places, I think, that we can look and I just urge you folks to look at a way that we can take this from just a, you know, a straight channel and somehow look at how those curves get worked back into it, and maybe it will cost a little bit more money, but it's going to save in the long run because the straight concrete channel has not worked out so good. And, you know, I have sympathy for the folks for whose property is at risk, and I think one of the things the Commission would wanna have answered -- I sat through the meetings about the hikes in the flood rate thing, that those were horrifying, and it affects many small property owners, folks that I know and probably some of you know who just, you know, bought houses unknowingly far away from Iao River and now they're insurance rates are going to the moon so how is this project going to help that? Will it help it? And can it help it? Because I think that's a important consideration in these tradeoffs because if they're going to be forced to pay these same high rates, even after the project's done, then maybe we should be, you know, rethinking that. So, you know, in conclusion, I just really appreciate your review, really appreciate that you want to see, you know, the public process expanded, and, hopefully, when we talk about mitigations, if mitigations are planned either for that area or for some other area that's adjacent, for Waihee or Waiehu or something, I think it's very important that a public process be conducted on those mitigations so you don't wake up one day and have some folks say, oh, I didn't know that this was planned for, you know, near where I live. You know, maybe it's a good idea but I would have liked to know about it. So, you know, before we go playing god and taking science everywhere, it's like let's go back into the communities, the communities of Na Wai Eha, and I can just testify this from working with folks there on these water issues for the past ten years, hold a treasure trove of traditional knowledge, and it is available for those who take the trouble of reaching out and asking. So let's go through and make sure that those voices get heard. Thank you.

Chair Fredericksen: Thank you, Lucienne. Does anyone have any comments or questions? Yeah, I've got one comment. You brought up Glen, Glen Shepherd, he -- I knew Glen pretty darn well, and he had some really interesting out-of-the-box ideas and, Lucienne, thank you for refreshing my memory, you brought one of them up about the channelization of the stream but then how do you get the water on recharge? And if for some reason from an engineering standpoint it's not tenable to do it one way, what about putting pukas in it?

Ms. deNaie: Yeah. He also suggested going to the side and having, you know, recharge areas to the side. He brought up many of the things and the Corps was very respectable. They didn't go, oh, silly old man. Let's laugh at him. They were taking notes and writing things. So I just wanna, you know, emphasize that this process should continue, and the CRC has an important role to play in it. Thank you.

Chair Fredericksen: Thank you much. Anyone else? Oh, okay, go ahead, Nani.

Ms. Shimabuku: I just wanted to respond to the concern about if, you know, we are building the project, is it going to affect the, you know, be built up so that residents won't have to be paying the high insurance rates, and so if we do build it back to what it was originally designed for, a 222-year, FEMA is -- they look at areas that are within the 100-year flood plain, so by building up to a 222-year, we will be addressing that concern, and following that, you know, once the project is completed, I mean, you know, if we were to construct it up to that level, then the County would need to do their part in making sure that, through FEMA, the project's certified, the levees are certifiable, and then that would, I guess, be passed down and affect the flood insurance rates or the rates would be adjusted. And my understand is, with flood insurance, because the levees are -- I believe they are going to become uncertifiable and would have an impact on insurance -- I'm sorry. I'm getting off-track on it. But my understanding is they -- they would be at a different rate, and I'm not sure what the time frame on that is, but because there is a current study to fix the problem, I think FEMA looks at it slightly different than if it was just a stream that doesn't -- you know, there's nothing being done to it, it's going to continue to not serve -- continue to flood in that area, so there's adjustment factor to go through.

Chair Fredericksen: Okay, well, we look forward to being involved further in the EIS process.

Ms. Shimabuku: I anticipate another hearing coming -- I mean, you know, attending another hearing and answering questions.

Chair Fredericksen: Warren, do you have a question or a comment?

Mr. Osako: I had a comment. I think what my comment would be is that the human memory is pretty short, and geology, we're talking in terms of thousands or hundreds of thousands of years, so a 100-year flood plan doesn't work. Look at New Orleans. You know, it might take more than a hundred years. Eventually, if it's a flood plain, it's going to flood.

Ms. Shimabuku: Yes.

Mr. Osako: The most recent example is the tsunami in Japan, and I don't know if everybody heard about this, but in a lot of the areas they had monuments that were there for generations that had warnings about tsunamis, but people went and built up, and it's all economics, you know. It's all done for money. And, you know, we just gotta rethink how we do things because, like you said, you can't control nature, you know, eventually it's going to happen regardless of what we, as humans, think we can do to prevent it - we can't.

Chair Fredericksen: Any other questions or comments? One more? Sure. Go ahead.

Ms. Chandler: Actually, a couple different testifiers have brought up the issue of stream life and I believe Mr. Duey had referenced that there are existing like dips to allow for the stream habitat, and just because I know that Skippy Howe is here today, is it possible to ask him? Is it possible, Chair? Skippy? I'm so sorry. But really, I know that the Corps is going to get this meeting all written out, you know, and recorded, and they're going to use it to inform their EIS, and I think it would be a loss for you to not have spoke to this issue to be able to inform the process, so my question to you is, besides water in the Lao Stream, what is missing from the structure as it exist now to be able to allow for better habitat for stream life?

Chair Fredericksen: Please state your name for the record first though. Thanks.

Mr. Skippy Howe: I am Skippy Howe. I work for -- well, I'm with the Division of Aquatic Resources. I'm the aquatic biologist. I'm the person who's been collecting post larvae, the o'opu, and the -- in fact, even hihiwai. Well, where do I start? I guess I've been working in Lao Stream since 1985. And then the question that I had, 'cause I grew up in Kaneohe on Oahu, was that what happens in the diverted stream and the channelized stream, and are there animals even trying to come up the stream? And so when I came here, that was sort of like my project behind. I did my work, and then after work then jump in the streams. For Lao Stream, some of these things I have presented to the Corps of Engineers. I did present before the public meeting in 2009 and explained to them certain things in the stream. I guess some of the things that I recommended, I guess there was some talk about the big boulders, and that's why I've seen the big boulders in the stream, and some of the big boulders, they're just like even the size of Volkswagens and things, but I have also seen high flow where the big boulder where I thought would not move in Lao Stream by the State park got washed down after a big flood. So, you know, I have a lot respect for the stream as well and understanding the threat of the flooding problem. I'm glad you folks brought up about the water recharge and I think some of the things that I've also brought up about Lao Stream is that if you take a look at the rainfall data, we've been in four years -- well, we're going into our fourth year of drought and what's sort of interesting, kinda tied in with the biology, up until four years ago, I had hihiwai coming back to Lao Stream mouth and so the last four years, there's been no hihiwai coming back so I stopped even checking for hihiwai at Lao Stream mouth. But Lao used to have a little estuary, ground water used to come out by the stream mouth, and I've also explained that to the Corps and Fish and Wildlife, and what was interesting was that the animals would come back to this ground water, and the animals don't know that the stream is diverted; all they know is when the water is flowing, they start heading up the stream, and what's interesting is that when we had that ground water, and I kinda -- I guess what it showed me was that it kinda reflected on when we did have sufficient rainfall that there was ground water, it's something like what fishermen tell me is that sometimes when they look at the water, the water is not only on the surface but water also goes underground. In some of the instances when we go to the stream mouth, the nopeni in the groundwater, the nopeni will crawl through the rocks, they

won't come up on the surface flow, but if you dig down, you can even find nopili crawling in the big rocks coming up the stream. And that's some of the things as well as, like I said, the big boulders. I was kinda concerned because, even on the boulder situation, I did talk with Nani them about for surfing because erosion is a natural process, so you have some straight, you have big boulders, and rocks, and soil washing into the ocean, and what's interesting is that some of that sediment and rocks and boulders that basically go to Lao Stream and go into the ocean, that's where the surf break is where the surfers that go to surf on the break or Lao, I was not sure, and that's also what I had asked the Corps to take a look at and by stopping the movement of boulders going into the stream, are we possibly having an impact on Paukukalo and the possible erosion of the shoreline? I'm not sure how much the stream -- you know, it's more of a long-term and more of a geological question, is that boulders going into the ocean, now they're making a surf break, but also possibly protecting the shoreline and Paukukalo area? That's something --

Ms. Chandler: Oh no. No. I have one more question for you. I know that as the animals move up the stream, when there's a trickle, they move up on one side of the stream, but there's a part of the stream where they would have to cross over to the other side in order to continue moving up.

Mr. Howe: Okay. I guess I brought that up. If you -- have you folks seen the stream? If you go by Happy Valley, and if you look downstream from Happy Valley if you cross the bridge, if you look down, there's a low-flow channel, and that's something that I had brought up with the Corps also, was that the low-flow channel, I guess what they're describing is on the right side of the stream, and if you go to that 20-foot drop in Happy Valley, it shifts over to the left side of the stream and --

Ms. Chandler: And there's no sign, you said, no stop sign for them to say move over to the other side.

Mr. Howe: But when there's adequate water, what happens is the animals will crawl and even the 20-foot drop, and that's one of the things I tried to show is that on the natural water falls in east -- well, anyplace, if you look at the waterfalls, if there's sufficient water, the animals will climb it. So that's also why, on the 20-foot drop, I just recommended if they restore water, the animals would climb it naturally, so this is both the opae, the shrimp, as well as hihiwai and the -- I guess the problem with the hihiwai, it would not be able to come up into the concrete channel. There's just not enough water maintained so that they would be able to come up, but the shrimp and fishes will come up, and we'll have the o'opu coming even into the debris basin and they'll -- so if they can get into the debris basin, then they're out there living in the debris basin.

Ms. Chandler: Thank you.

Mr. Howe: Sorry.

Ms. Chandler: No, no, no. I appreciate it. Thank you, Skippy, because I know that you've done so much work in Lao Stream and really, when you talk about environment and culture, they're not separated so if we're here to talk about culture, this project has affected the ability for residents to perpetuate their cultural practices and without the allowances of this for element of the stream life to continue to exist, we won't be able to continue with those practices, so I appreciate your time and the Commission's time for allowing that.

Chair Fredericksen: Yes, thank you. Any other comments from folks who have not testified on this subject? Okay, well, Stanley, could you come back up please? So on our comments, Commission comments, do you have an outline of comments that you could read back and we could just see if you wanna add anything?

Mr. Solamillo: Read back?

Chair Fredericksen: Or you and I can discuss it later or -- just to see if we've got --

Mr. Solamillo: I have really bad handwriting, and I don't have a magnifying glass, and I've got really bad eyes, but I'm going to try. So you're going to have to bear with me. Alright, first item, cultural resources have not been documented adequately in previous work; there needs to be more attention given to cultural and environmental resources; this project has not been adequately documented in the past --

Chair Fredericksen: I would put on that maybe a bullet on the archaeological side and then we need to have something in there, Rhiannon was -- she brought it nicely together, cultural aspects of the stream are interwoven with the environmental health, if you will.

Mr. Solamillo: That occurs at the end of these notes. Then the comment about correspondence that -- correspondence should be sent to the Chair and then copied to all Commissioners; the question was made and the comment: What affect does the project have on the ocean, beaches? And archaeological inventory needs to be done; things addressing cultural sensitivities need to be added to the CIA; May 9th deadline is a challenge, in the case of this letter, it will be met, but the comment was made that the May 9th deadline is a challenge.

Chair Fredericksen: I'd like to have -- I believe Nani has indicated that, but I would like to have it in writing, that this needs to come back to the CRC during the process, not at the end of the EIS process where it's like, well, this is all said and done so here it is kinda thing.

Mr. Solamillo: Another comment, the impact -- the economic impact needs to be assessed for this project, specifically, as it affected FEMA rates, and I think Nani addressed that in

part but it'll probably be good to include as well. Another comment, given the six-year history, it was good that we are at a point that where we are restarting, and that the hope was that instead of just focusing on engineering, that we would expand our consideration to in-depth analysis of cultural resources, fish, and other wildlife - and actually we should just combine them and say cultural and environmental resources. The statement was made, especially from Na Wai Eha, we had indications of at least what had been done from 1950 through 2009, and then the question was made: Why has the channel removal not been recommended? The comment was made that something needs to be done to address aquifer recharge. The comment was made that the change initially for the channelization of Iao Stream may have been made without regard to Mother Nature. I'll change the wording of that that the Iao Stream was filled with concrete and the channel straightened; stream's natural processes require meanders and that's been removed, so the question was: Why are we continuing to essentially work on a model that may not be workable? The other comment beginning with the government's duties to take care of the people, made the inference that the channelization of Iao might have been made for real property needs in a time when Hawaiian cultural values and sites were not considered to be very important and we're in a different time now when Hawaiian values and cultural sites do carry importance. In the same vein, for water conservation purposes, there needs to be water flowing back in Iao Stream and the recommendation was to let the stream flow. Another comment was made that, this alludes back to the real property comment, that, in essence, no commercial value is deemed to Hawaiian biota except by Hawaiians themselves or new immigrants, such as old Japanese or Filipinos, but that is part of our culture and that needs to be included as far as the assessment. The other comment, which was made, is that we need to have a clear idea of what Iao Stream means in the history of this part of Maui, culturally and environmentally, and that needs to be part of -- of any kind of study which is done here. Iao - I think if I can paraphrase this comment just slightly, truncated at this point - we have a natural stream above Iao Park where children still utilize it in ways that they always utilized it, and south of -- there's a place I call "the shower," it's a viaduct that carries water just below, below Happy Valley, at that point, we have channelization but then we have a natural section, and then we have the channelization all the way to the shore, so somehow the -- the relationship of people to the stream is broken in very much the same way that the stream is broken and having different channelization sections and then a natural section. Comments from Maui Tomorrow. The desire to restore water flow in all the streams of Na Wai Eha, including Iao. The compliment to the Corps that there is a "kinder, gentler process," which is being evidenced by US Army Corps of Engineers now in comparison with the way the projects were presented and carried out in previous decades. There was a comment probably to look at alternative no. 5, which didn't make the strike list and consider that, and I believe that's for the removal of the concrete channel. The comment that whatever is done to the banks always carries with it the possibility of disturbing burials, cultural resources, and archaeological resources. The waters of Iao Stream as well as Na Wai Eha are themselves necessary for the continuation of Hawaiian culture and have to be considered. There is expected to be a Section 106

consultation process; recommendation came that -- the recommendations or the comments from previous kupuna who no longer are with us, specifically Ed Lindsey and Glen Shepherd, be included in -- among the comments that we now have being brought forward, Glen Shepherd's recommendation that the bottom of the channel be perforated so that there would be water recharge. There was a question that that be considered. And also, again, the question of how will this project impact FEMA rates - will it lower the FEMA rates, maintain them at the same level, or increase, and Nani addressed that, to some degree verbally, at the end of the comments. There is a request that, as part of the public process, that the mitigation or the mitigations to what effect is determined be also made public and if there's some sort of venues so the public can comment on the mitigations. The comment was also that there is a treasure trove of traditional knowledge that exist in the community with regards to Iao Stream and all of Na Wai Eha, and they have to be consulted, knowledge that may not be derived through science or engineering. Also, a recommendation that recharge areas be considered for placement on the sides. And a big consideration for stream life, bringing it back or maintaining it. And then Skippy made a bunch of recommendations that I can't read right now. The most memorable probably was the relationship of Iao Stream to the near shore waters, large rocks being broken down to gravel, which form the surf break, and what is the impact of the proposed project on that.

Chair Fredericksen: Okay, thank you, Stanley. Any additions to what Stanley --

Ms. Chandler: The one thing, Stanley, you said about Doctor Shepherd's comments, I think my comment would be to bring back all old public record testimony that they have related to this project and use that to influence the EIS. But other than that, I think you did an excellent recap and if Stanley's comments go from the Commission, I would, personally, say I don't have anything else to add to that as far as individual comment to Army Corps.

Chair Fredericksen: Any -- Brandis?

Ms. Sarich: I just wanted to support Mr. Duey's point about, in my mind, I don't see how we can truly assess this without understanding what would happen if everything were removed and the stream were restored to its original state. I feel like, and maybe that was already done in the past, but it just seems really important to be able to look at it thoroughly if we understood how many houses would be affected, how many people would be affected, and if it means loss of life, are these that kind of decisions or is it actually just an economic decision that people would lose their homes?

Mr. Solamillo: Okay, I'll make an interjection in here. Seeing as I have problems sleeping at night, I get to read *The Maui News* from earlier years. Some of the floods that occurred were pretty horrific.

Ms. Sarich: Okay.

Mr. Solamillo: I mean I've got camps washed away, you know, I mean it wasn't just one or two people dead, you know. We had like 15 deaths and massive amounts of property in the form of plantation buildings and that sort of thing. So Lao is probably, you know, it's a substantial body of water. So there was always this, after the thing happens, after the tragedy happens, you know, the public and everybody wants it fixed, so it's, you know, the County government goes to the Federal government and says, we got a problem. Come and fix it. And we're a product of our history and that's how things get to the point where they are and it's, you know, we have the rare advantage of being able to, you know, look, you know, with 20/20 vision hindsight and say, well, maybe it wasn't such a good idea, but some of the old testimonies is very horrific. It's like the tsunamis, you know, wiped out part of Paia and, you know, here we have the same, from one generation to the next, going and making the same mistake, which was, you know, brought about in the comments from the Commission this morning, you were warned, but you don't remember or you don't choose to remember, and that's why you end up with what you end up with.

Chair Fredericksen: Warren.

Mr. Osako: Yeah, I got a question and maybe a comment. The water supply here, where does it come from?

Mr. Solamillo: I wouldn't be able to answer that probably.

Mr. Osako: Well, because if you're getting water from the aquifer, you know, that's like nature's reservoir.

Chair Fredericksen: Right.

Mr. Osako: And to replenish or to recharge the aquifer, you have to have more water going in than is being drawn out and if you're constantly drawing out more water, you're never going to get the stream to go back because the ground has to be moist enough to support the water flowing. Once it dries up to the point where it's not going to stay on the surface, then you're going to lose it. So once you start drawing out more water -- and, you know, the only problem with that is rationing or cutting the population down 'cause everybody needs water, right? Because you use water more than ...(inaudible)... and if you're drawing more water from the aquifer than you're actually going to recharge, you're never going to ...(inaudible)...

Mr. Hutaff: Yeah, actually, that's kind of -- that's kind of the dilemma. In order to get more water, you kinda have to have a little less first because we've already written our checks without making any deposits, but I think the idea as far as the stream goes, you know, what's really been discussed here, if I -- and we're going to make a recommendation, it's that we need to look, again, at some of the alternatives that were scratch off, and we need

to have a stronger cultural assessment, not just about the surrounding areas that are affected by what's been built now, but what would happen if we remove those, things that are built even -- even, you know, I'm not sure that removing all of it would be a real smart idea, I think there might be sections of it now we can say, hey, let it actually occur, this is what it might affect. Taking it back to lao Valley's original stream, it's not possible if we had all the money in the world because the stream is constantly evolving. Erosion is a natural occurrence that we try to stop as human beings, or say let it erode. We only have two choices. And the first choice to try to change it has proven to be stupid. The problem is, once we start, we're like constantly trying to catch up to undo what Mother Nature is going to do. I think as far as what we're recommending is that we just be provided more information than we have, we consider the past information as bringing it -- bringing us up to speed with what was discussed in the past, okay, and continuously go step by step through the public meetings and stuff and tie the cultural and environmental together because they are the same - most people don't realize that, and maybe by doing that, we'll have a little better decision-making process and outcome. We're looking for an outcome, and so far all the outcomes that we've done have already proven to be wrong, otherwise, you wouldn't even be here today, you know, so it's like can we kinda learn from that? Go back to the past and then see what we can try to come up with to minimize our own stupidity 'cause whatever we do, it's not going to be right. It's just how much of big -- it can be a big problem or small problem. So recommendation, basically, make sure that we are kept informed and that more emphasis be done on the environmental/cultural side of it, and take into account what was already been on record and keep getting comments from the public as we go along. I think that's the only recommendation we can make as far as ...(inaudible)...

Chair Fredericksen: Stanley, good?

Mr. Solamillo: We're good. Do you want me to read it back to you?

Chair Fredericksen: I'm going to let the testifier, Mr. Duey, come back up for -- he had one last thing he wanted to say, which he hadn't been able to say anything about -- or I think it was to answer Ray's comment.

Mr. Duey: Yes, thank you very much. John Duey again. The sustainable yield in lao Valley aquifer is 20 million gallons a day. The people in Maui Meadows, in 2002 or 1, started a contested case hearing, and it came out that the trigger would be to be designated would be at 80% of pumping sustainable yield they would declare the designation. The 80% happened in, I would say, June of '03, and it was designated about a month later, and then everybody had one year, that was pumping or taking water from lao, to file a permit. As far as recharge, according to USGS reports done during our contested case hearing ...(inaudible)... had a two-and-a-half year study of availability of surface water, if lao was flowing at like 14 million gallons a day, the lao aquifer would

recharge at 5.4, either 4 or 6, million gallons a day of recharge, if it was allowed to flow. These were measurements; they do what they call "seepage runs;" they measure here, they measure there, and if there's water here and no water there, it's going down because there's only one intake now - well, up and one down by Happy Valley. But anyway, the other question -- I'm sorry, Brandis, is that your name? If you can get a hold of this report, this 1975, it list on page 7, the floods, the size, and when they occurred from 1900, '03, '12, '16 was the big one. I think there was 13 people that died in the '16 flood in Happy Valley. I was in the valley in '71, of course, we moved there in '69, so I do remember that, that did a lot of damage up what was Pino's at that time. The '16 flood, it rained 12.42 inches in 2 days, according to this, and the CFS, the estimated peak, it marked 3 to 17,000 CFS, and I -- .646, you gotta multiply that to get the MGD. The USGS that works in CFS ...(inaudible)... so I always have to convert those figures all the time. The next biggest flood was in 19 -- the largest discharge was 1950, December, 7,540 -- anyway, it's on page 7 and 8 of this 1975 thing so you can get your information there all you want. I'm here. Thank you very much.

Chair Fredericksen: Thank you.

Mr. Solamillo: Okay, any other comments, Commissioners?

Chair Fredericksen: If you want, Stanley, you can email me the draft letter. I'll take a quick peek to help out, if need be.

Mr. Solamillo: That's what you will get.

Chair Fredericksen: Okay, that's -- that's it for that first item. Okay, go ahead. You wanna take some time, Stanley?

Mr. Solamillo: Ten minutes?

Chair Fredericksen: Yeah. Let's go ahead and have a little bit of a break - ten-minute break.

(A recess was called at 12:36 p.m., and the meeting reconvened at 1:00 p.m.)

Mr. Solamillo requested that item B.3. be considered before item B.2.

Chair Fredericksen: So we'll do item 3 as item 2?

Mr. Solamillo: Correct.

Chair Fredericksen: Yeah, that's fine unless somebody has an objection.

Mr. Solamillo read the following item description into the record:

- 3. MS. COLLEEN MEDEIROS, on behalf of CULTURAL SURVEYS HAWAI'I, INC., requesting comments for a CULTURAL IMPACT ASSESSMENT (CIA) for the proposed Pā'ia Relief Route Project, from Wailuku to Hā'iku Ahupua'a, Wailuku and Makawao Districts, Maui, Hawai'i. The CRC may provide comments and recommendations. Public testimony will be accepted. (S. Solamillo)**

Ms. Colleen Medeiros: Good afternoon. Hi, everybody. I'm Colleen Medeiros, and this is Tanya-Lee Greig. We work for Cultural Surveys Hawaii. And we are working on two cultural impact assessments, which we are here for today, beginning with the Paia Relief Route. As Stanley just said, this is a DOT project, SSFM is the planning engineer firm that we're working with, and this roadway crosses Wailuku Ahupua`a, Hamakuapoko Ahupua`a, possibly Haliimaile, and Haiku, you know, that's on the modern maps it shows us Haiku; on some traditional ahupu`a maps it's Hamakuapoko. There's a total of five alternate routes that they're looking at and -- okay, so I'm going to go through these.

The first alternate -- alternative is the no-build route, and so that's basically doing nothing, leaving it as is. The -- and maybe I should say that this is a 6.5 mile span of Hana Highway from approximately -- from approximately Haleakala Highway to Maliko Gulch, and so the first option is to do nothing and leave it as is. The second alternative is the transportation system management, the TSM alternative, which requires minimal construction and more incentives, such as improving public transportation, car pooling, promoting alternate forms of transportation, or staggering work hours, you know, people staggering their work hours to help relieve the congestion through Paia.

Chair Fredericksen: So staggering work hours would be governmental staggering or requesting the small businesses to stagger work hours? Any ideas?

Ms. Medeiros: I'm not sure. On the government side likely.

Chair Fredericksen: That would, certainly, be the simplest thing to do.

Ms. Medeiros: So the TSM alternative would utilize these methods of helping with congestion, but it would also realign a portion of the road, from Kuau to Hookipa, basically, straighten it out, bring it in from the coast a little bit since it's, you know, it's right on the coast and that's being undercut by the ocean in some areas. Then you have these three alternatives, which are completely new roads -- would be completely new roads. The one closest to Hana Highway, closest makai, is alternative three, and then you have mauka of that would be alternative four, and then mauka of that is the alternative five, and you can

see how there's -- there's still a question of these connecting or feeder roads to Haleakala Highway, that's that kind of zig-zag area there, and then, you know, basically they would -- three and four are separate at this southern end and then they kind of meet up somewhat where alternative five goes way mauka around, up and around over Baldwin Avenue there. Those circles, those are located on Baldwin Avenue, and those would potentially be overpasses or underpasses, and would require more space to construct. You know much of this, these three alternative routes, are through the cane fields and --

Chair Fredericksen: I've got a question. Which route -- are all routes getting Federal funding?

Ms. Medeiros: Yes.

Chair Fredericksen: Which routes, specifically, are proposing to use over or underpasses?

Ms. Medeiros: Three, four, or five.

Chair Fredericksen: And when we're saying "over and underpasses," is that just having one road go over another one or is it having - what you call them - on-ramps or off-ramps?

Ms. Medeiros: We don't know. We don't know the exact design. I would imagine there would be a potential for -- for that type of situation as well as, you know, roundabouts or what have you.

Chair Fredericksen: Well, just as a very basic comment as we're just starting to go through it, any alternative that is proposing to use overpasses or underpasses with on and off ramps and stuff like that is, in terms of a view plain impact, would be a pretty major thing. I mean we don't have anything like that. That's on Oahu. We'll discuss it and stuff, but go ahead and continue, please.

Ms. Medeiros: So, you know, we're just trying -- we're just here again to request any information you folks might have about the area, traditional cultural information, referrals to kupuna, just additional knowledge about this area for our cultural impact assessment. Are there questions, anymore questions thought about the routes and --

Chair Fredericksen: Has there been any sort of archaeological work done looking at the -- I mean where these routes potentially could go through, like if they go - I don't know - if they cross gulches or anything like, has any work along those lines been done yet?

Ms. Medeiros: We've done an archeological reconnaissance.

Chair Fredericksen: For all routes?

Ms. Medeiros: Yes.

Chair Fredericksen: Was anything found on any of the routes?

Ms. Medeiros: Historic plantation era feature and sites.

Chair Fredericksen: Like -- I mean any -- see that's too low for the weir ...(inaudible)... and all that. So mostly sugar cane, sugar plantation related stuff? Yeah, Tanya can -- Tanya knows exactly what's out there.

Ms. Tanya-Lee Greig: Tanya-Lee Greig, Cultural Surveys Hawaii. I don't know exactly what's out there. I don't have x-ray vision. But the majority of the our findings, right now, we are in a reconnaissance level of survey, you know, so it's very rough, rudimentary style of survey, and what we've been able to locate, as Colleen mentioned, is the surface sites have been historic plantation sites, and some of them older and in the gulches, you know. We were able to identify a possible railroad crossing within Kailua Gulch as it crosses that alternative four, you know, in that area, beautiful retaining walls, so it's possibly associated with the load-bearing training cross. But mostly, yes, historic plantation.

Chair Fredericksen: Thank you.

Mr. U`u: Yeah, I can give you some numbers, phone numbers.

Ms. Medeiros: Okay.

Mr. U`u: And people who been there for generations. One would be Joy Bissen and 579-9253. Don't tell him I gave you the number. Kidding. Tell 'em. Tell 'em.

Ms. Medeiros: Her number's in the phone book.

Mr. U`u: That's right. Tell her. Tell her. That's my aunty. And they born and raised from the old camp where this intersects and now they in within Kuau, other family property.

Ms. Medeiros: Okay.

Mr. U`u: And you can take my number down, 283-5520. And I know get Bill Tavares over there also, and then I can kinda -- but she'll be one. She's been interviewed a few times.

Ms. Medeiros: Joy?

Mr. U`u: Joy. Yes. Who know about stuff in that area that I read when I was on the Planning Commission and that's one they'll turn to for information about that area, so she'll

be good, and I can ask Bill Tavares. I think he'll be pretty good. I think part of the people who built that town was the Tavares family.

Ms. Medeiros: Okay.

Mr. U`u: So that would be another good one. And if anything come to mind, I can -- but that would be the originals, some of the original people from the area, and they would know more. So when you talk to Joy, she'll let you know about her contacts which is --

Ms. Medeiros: Okay.

Mr. U`u: She's good.

Ms. Medeiros: Great. Thanks.

Chair Fredericksen: Anyone else?

Ms. Chandler: Thank you for volunteering your ohana. I wanted to say that there's -- there were some founding members of the Paia Youth and Culture Center that were like cultural advisors to the youth center and you might wanna ask them who those members were, and then the Kaunoa Senior Center has a lot of members that come from that side of the island that might be able to give you some information, and then I don't know what HC&S might have in the way of field records or anything that might have been discovered through plowing or building structures, you mentioned a lot of these are plantation related structures, but certainly they have a land and property manager, Jason Koga, I'm sure you guys have talked to him from A&B or others from HC&S that might be able to give you some history because I'm sure there were sites that were disturbed to create the plantation fields, you know, and sometimes they have record of that, and sometimes they don't, but it would be worth looking I believe.

Ms. Medeiros: Okay. Great. Thank you.

Chair Fredericksen: What's the -- does it start over by Haleakala Highway where it intersects Hana Highway? I'm sorry. I missed that.

Ms. Medeiros: Yes.

Chair Fredericksen: Does it go on the makai side of Hana Highway or mauka side of Hana Highway, the bypass? It would be mauka, right?

Ms. Medeiros: Yes.

Chair Fredericksen: It's the only way they could go.

Ms. Medeiros: Yes.

Mr. U'u: The start would be from that -- across the one-way road that goes to the airport, going from Kahului, is that the sunny --

Ms. Medeiros: Yeah, I think one of them runs along what was the Sunnyside Road. So this is Haleakala Highway, right? This is Haleakala Highway, so this is Hana Highway, so this span here, it's kinda by the airport, yeah, and so it's going to -- they're going to try to, you know, figure out some -- one of these routes off of that section of Hana Highway. Is that how --

Chair Fredericksen: It's the old section of Kahului Railroad, it's just before Stable Road, real close to Hana Highway. I don't know if that's -- I think that would be too far makai at that point.

Ms. Medeiros: Yeah, we did -- or Tanya and the field crew, they found some of those intersections of the railroad, the old railroad.

Chair Fredericksen: That's really in good shape though. Any other questions, Commission Members?

Ms. Chandler: There are so many routes, five different options -- well, I guess four different options, but how will the final decision be made; based on what criteria I guess?

Ms. Greig: That's mainly a planning effort, so one of the criteria, of course, are cultural and archaeological concerns, yeah, and with the archaeological concerns, they have an added issue with Section 106, they call it the "DOT 4-F," and so in that case, you know, if there's any historic properties in the area, you know, first and foremost, they have to look at avoidance procedures. So having this many alternatives, you know, and understanding what's in each alternatives, you know, will allow for a good selection, I think, but archaeology of course is not the only consideration when planning to choose which alternative, yeah; they have floral, fauna, wetland, bird, and things like that so --

Ms. Chandler: Have you, speaking of which, have you found critical habitat along the way for any species that are threatened or --

Ms. Greig: I can't really speak to that. My expertise is archaeology, but we saw some really neat birds so ...(inaudible)... I can say that but that's not really my expertise. I'm sorry.

Ms. Chandler: I'm glad you mentioned it though it's definitely one of the criteria or should be. Thank you.

Ms. Greig: Thank you.

Mr. U`u: Question. I know we had at the beginning stages of planning, but what's the long-term vision of something actually happening?

Ms. Medeiros: Do you know their time line?

Ms. Greig: I'm not sure of their time line right now, and I would have to defer that question and we could, you know, if when they come back with the EIS, you know, we can let them know that there was a question, but that would be a DOT and planning question, so I can't really speak to time line.

Mr. U`u: I know they brought up at once that road, Sunnyside, that nobody know who owns the road, at one point, or maybe, you know, if was State, was the County, was private. I know that was part of the --

Chair Fredericksen: HC&S ...(inaudible)...

Mr. U`u: HC&S, yeah, so -- well, I glad we get that alternate road, that small little road, but we going need some relief.

Ms. Greig: And that was one of the -- a part of the TSM route is the fact that there is that alternate road already, the mini bypass, yeah, that takes you up and around so that's --

Mr. U`u: It actually works, believe it, that little thing really helps, to let you guys know, it saves me about, I'd say, half-an-hour a day. The traffic used to stop before Kaunoa Senior Center and now it stops at Baldwin Park and it's a bad day ...(inaudible)... the worse day is Sunday, so while we're on the subject, see if -- can we talk to A&B, since you going talk to A&B, if we can open it for Sunday. Sunday is the worse day and that's the only day they close the road. It's one through seven, the road, and while we're on that subject, if they could -- I know it's private, that road, that side road, and the time limit, there's a time frame for I guess the heavy traffic congestion time, but, you know, it's not really after work when it's bad, it's when there's surf. So when the surf is up, you going expect to - James would know - and Jaws is going off you --

Ms. Greig: Would you say that that's the worse time when the surf is up or --

Mr. U`u: You know what? Prior, I would say pau hana traffic, but after we got that alternate road, you know, it's not as bad. But now when the surf is up, you got no cars turning right,

you know, on the surf, they all going straight, so there's no alternative route to get to the surf, whether it be Baby Beach or whether it be Hookipa or whether it be Jaws - they all go through Paia now. But, yes, it did help that little -- that road.

Ms. Greig: Mini bypass.

Mr. U'u: It helped my life. My quality of life - put it that way.

Ms. Greig: Thank you.

Chair Fredericksen: Warren.

Mr. Osako: And since Erik brought up there might be some objection to the overpass and on and off ramps, in March I spent almost the whole month driving around in New Zealand and it takes getting used to but roundabouts do work, once people get used to them, and, you know, they don't take up a lot of space and it would be more economical for construction than overpass.

Chair Fredericksen: Well, and visually, much more -- yeah, than an overpass or and underpass.

Mr. Osako: It's just that I was probably the one slowing down the traffic because I wasn't used to it.

Ms. Sarich: I had a question for Stanley. Stanley, I'm just aware of the kind of plantation areas that were around Baldwin Avenue, but is this running through other camps that you know of?

Ms. Greig: Yeah, there's a few no longer extant camps that the alternatives do run through - Hawaiian Village or Hawaiian Camp, previously it was Spreckelsville, back in the way back, and, you know, mill foundations are still there, very -- in a destroyed state, and so, yeah, there are - Codfish Row Camp or Codfish Row, upper Paia area, and all the -- the individual camps based on ethnicity, you know, up in that upper Paia region. So, yeah. And it also runs through -- oh, no. No. Some other options ran through Hamakuapoko, but they moved those down, so no longer.

Chair Fredericksen: I guess I would like to just make a comment for the record that if the -- this is State, State DOT that's proposing this or is this County DOT?

Ms. Medeiros: This is a State.

Chair Fredericksen: If the State DOT proposes alternate routes, if they think they're going to settle on ones that have overpasses and underpasses, before they settle on that, they need to come back here to discuss -- discuss that.

Mr. Hutaff: The visual.

Chair Fredericksen: Yeah.

Ms. Medeiros: Okay.

Mr. U`u: I agree. I no think -- I no think that Paia area is ready for one overpass or underpass.

Mr. Hutaff: I'm not sure Maui is.

Mr. U`u: Yeah. I agree.

Chair Fredericksen: Yeah, 'cause that's goes into view plain.

Mr. Hutaff: Actually, I think the community or some of the other associations ...(inaudible)... stuff like that, but automatically get their ...(inaudible)... I don't think we have to worry too much about that but definitely having it come back to the Cultural Resources Commission on those areas 'cause you're right about the roundabouts, they're -- the only visual ...(inaudible)... roundabouts is four signs or three signs involved. They're real small signs over there, not big signs like how we got.

Chair Fredericksen: Any other comments or questions?

Ms. Chandler: So once the route is selected, then would there be more of sort of an invasive cultural survey or archeological survey done on that specific route?

Ms. Medeiros: Yes. Once the route's chosen, there's going to be a full archaeological inventory survey done on that route.

Ms. Chandler: Okay.

Ms. Medeiros: Yeah.

Ms. Chandler: Thank you.

Chair Fredericksen: Again, I would just would stress that before the engineers make a decision, if it's going to involve an overpass or underpass, it needs to come back.

Ms. Medeiros: Okay. Thank you.

Chair Fredericksen: Thank you much. Alright, Bruce, see you next month. Be safe.

(Commissioner U`u was excused at 1:25 p.m.)

Mr. Solamillo read the following item description into the record:

- 2. MS. COLLEEN MEDEIROS, on behalf of CULTURAL SURVEYS HAWAI'I, INC., requesting comments for a CULTURAL IMPACT ASSESSMENT (CIA) for the proposed Kuhua Street Extension and Improvement Project, from Moali'i to Mākila Ahupua'a, Lāhaina District, Maui, Hawai'i. The CRC may provide comments and recommendations. Public testimony will be accepted. (S. Solamillo)**

Ms. Colleen Medeiros: Alright, so this cultural impact assessment is for the Kahua Street extension in Lahaina. It is a County -- this is a County job in cooperation with Kaanapali Land Management Corporation. So this project has been proposed to help relieve traffic congestion and improve the traffic circulation in and around Lahaina Town, and also to provide an alternate route in the even of emergencies or road closure, Honoapiilani Road closure. It starts -- well, on the southeastern end, it's going to -- it's proposed to start right across from the Front Street -- the Front Street -- where the Front Street meets Honoapiilani Highway.

Mr. Hutaff: ...(inaudible)...

Ms. Medeiros: Pardon?

Mr. Hutaff: First entrance to Front Street from Kahului?

Chair Fredericksen: By Puaman.

Ms. Medeiros: Yes. Yes. So -- yeah, right there. And, as you can see, it heads in a northwesterly direction and it's going to be -- it's proposed to run parallel to -- parallel and mauka to Honoapiilani Highway and the Mill Street Cane Haul Road, if anybody's familiar with that. Yes, thank you, Stanley. So that's an existing cane haul road and so it's just mauka of that. And these little legs that are coming off of it, these are going to be connecting streets, starting at the bottom, it's going to have a connector street to Honoapiilani Highway at Aholo Road, then you have Shaw Street, then you have Dickenson, Lahainaluna, and Papalaua. So there's going to be improvements slated for these connecting streets as well. The roadway is -- the improved proposed roadway is

approximately 2.6 miles long, and we're looking in an area of, including a buffer, of 200 feet wide.

Chair Fredericksen: What's SHPD said about this overall project? You did a survey that's still in draft form because the landowner asked us not to proceed because of the financial situation, but has an AIS been carried out elsewhere along the project from beyond Lahainaluna Road? Do you know? Of the proposed corridor?

Ms. Medeiros: Yes. Yes, we did an inventory survey of this whole corridor and the ...(inaudible)...

Chair Fredericksen: So the landowner did disclose that -- who did you folks do it for?

Ms. Medeiros: Kaanapali Land.

Chair Fredericksen: Corp. So, did they disclose that there's a burial that was located during the AIS that we did for the, whatever it is, the Wainee project area?

Ms. Medeiros: We were aware of that.

Chair Fredericksen: Okay. So that was disclosed. Is it -- from the map, it looks like it's probably makai of that proposed road corridor but I -- you know, these small-scale maps, I couldn't really be sure.

Ms. Medeiros: I believe the one you folks discovered is approximately over here.

Chair Fredericksen: So it's mauka of the corridor, or makai, or within it?

Ms. Tanya-Lee Greig: It's mauka. So, I'm sorry, if I jump in here.

Chair Fredericksen: No, that's fine. I just wanna make sure because the report's still in draft format and hasn't been finalized, it's been reviewed one, but I just wanna make sure that that information was, you know, that you folks had access to it via the landowner.

Ms. Greig: Tanya-Lee Greig, Cultural Surveys Hawaii. We did -- actually, while we were out there, we were able to locate that particular burial and, originally, the alignment kinda was a little bit more straight in here, there's really no -- so when we brought that to the attention of the landowner and the project proponent, that resulted in this curvature that you see here. So the burial is still within the 200-foot buffer but mauka of the area of direct impact or direct effect as we understand it currently.

Chair Fredericksen: Okay, because it's still an -- it's their responsibility to finish the mitigation measures for it, i.e. preservation measures. Okay, I just wanted to bring that up and make sure that had been at least partially addressed and you folks were aware of it. Rhiannon.

Ms. Chandler: Thank you. On the next slide, could you skip to the one that shows the housing and -- okay. I'm trying to figure out the area that I'm familiar with, I believe it's owned by Kaanapali Land Management Corp. and it's currently leased by Goodfellow Brothers to store all of their heavy equipment, it is above the Lahaina Aquatic Center, and there's a lot of homeless people living there now. Okay. I'm trying to orient you guys 'cause I need you to tell me if that area is part of what we're discussing because there's actually an entire cemetery in there that has some cars on it, and the only reason why I know that is because I was called in to do a cleanup over there.

Chair Fredericksen: It has its own TMK, yeah, Rhiannon?

Ms. Chandler: The area that I'm talking about is -- it's just property I know is owned by Kaanapali Land Management Corporation. I don't know exactly anything about a TMK.

Chair Fredericksen: Okay, I think it's a separate TMK.

Ms. Chandler: Okay.

Ms. Medeiros: So it's near the Goodfellow -- like a Goodfellow baseyard?

Ms. Chandler: Goodfellow's baseyard, yeah. Their leasing the baseyard and people -- it's only like local people that even know that it exist 'cause there's no markers or anything at all so --

Ms. Medeiros: Completely unmarked?

Ms. Chandler: Yeah. It's completely unmarked. Unless there is something and it's under a bunch of grass but --

Ms. Medeiros: But it has -- it has its own TMK?

Chair Fredericksen: There's a cemetery that we were told about by informants that has its own TMK that is not owned by Kaanapali Land Management Corp., and that cemetery area had a lot of people living in it.

Ms. Chandler: Homeless people? Yeah. Okay.

Chair Fredericksen: And there's opala and ...(inaudible)...

Ms. Chandler: Yeah. Okay. That's how I know 'cause we cleaned up a lot of that trash so what it -- the area that Goodfellow uses as their baseyard, if you were standing on -- with your back towards Honoapiilani, the lower left portion of the property is where the cemetery is and the baseyard area that they occupy is pretty much all around it, from what I'm told, so I'm just saying.

Mr. Hutaff: Isn't that what it says right above ...(inaudible)... previous slide?

Ms. Medeiros: Previous slide?

Mr. Hutaff: Yeah.

Mr. Solamillo: Is it on the previous slide?

Mr. Hutaff: I think there's -- I see something here.

Chair Fredericksen: There's a cemetery indicated somewhere, but I think it's that separate TMK maybe.

Mr. Hutaff: It's right above Lahaina something court. Right above the word "Lahaina" --

Mr. Solamillo: This here? Yeah, but that's inside.

Mr. Hutaff: What's that ...(inaudible)...

Mr. Solamillo: See that's way -- that's in Lahaina Town.

Mr. Hutaff: Okay.

Mr. Solamillo: So we're up here.

Mr. Hutaff: But does that say "cemetery," "CM?"

Mr. Solamillo: Yep. "CM." But that refers to that little dashed ...(inaudible)... so if we go to the next map, alright, Commissioner Chandler, this is the aquatic center. Tell me which way I need to put my pencil.

Ms. Chandler: North.

Mr. Solamillo: North.

Ms. Chandler: And --

Mr. Solamillo: Or this way?

Ms. Chandler: Yeah, to the left. Yeah.

Mr. Solamillo: Is this it?

Ms. Chandler: Yeah. Is there something there now noted?

Mr. Solamillo: No.

Ms. Chandler: Okay. Yeah, but that -- the general area would be there; it would be north of the aquatic center and then towards the west.

Chair Fredericksen: It's not that far off of the cane haul road. How far off would you say it is?

Ms. Chandler: Actually I'm not sure how -- what the relation is to the cane haul road. I just know that it is on the same piece of land that Goodfellow occupies as their baseyard, which I'm sure, through your surveying, you have -- you're aware of where Goodfellow's baseyard is, correct?

Ms. Medeiros: Yeah.

Ms. Chandler: Yeah. Okay, so does Goodfellow's baseyard fall into the footprint of this project at all?

Ms. Greig: A portion of the Goodfellow baseyard does fall within the corridor and that was a portion that we were actually able to test. I believe I know the cemetery area, it's all in kiawe and there's people living in it, yeah? That is makai of the limits of the corridor, but good to know for the cultural impact assessment and to remember that for that. Thank you.

Ms. Chandler: Thank you.

Ms. Medeiros: Do you know the ethnicity of the cemetery or anything --

Ms. Chandler: I was told that it's a Hawaiian cemetery, but I can't verify that. A lot of times people say that and they end up being Chinese cemeteries so -- but I was told by a Hawaiian person that it was a Hawaiian cemetery. I don't know if that qualifies it. But I would just say just know that it's there either way.

Ms. Medeiros: Okay. Thank you. So this section of Lahaina, traditionally, was very populated, and here we have an old LCA map that shows, you know, parcels, just lots of people's parcels, so, you know, in this area, it's not your typical ahupua`a arrangement. They're smaller and they seem to be kind of scattered in parcels from where you'll find an ahupua`a in the coastal section of the -- of this area, in the kinda midland Kula section and then another one in the mauka section. So this Kuhua Street extension project crosses, what I could tell anyway, 31 ahupua`a, and I counted up 64 LCAs, you know, nearest to -- that are crossed by this roadway and, you know, just near to it. I did not include all of those; just the ones closest to this route. So definitely highly populated area, traditionally, and still today.

Chair Fredericksen: I've got another comment/information thing. When we did the AIS for the Lahaina flood control project, there was a -- we identified -- that one was native Hawaiian burial, the one that I was just talking about earlier was -- we also interpreted it as a native Hawaiian burial but that one was a coffin burial but it was within a small -- it was probably a land commission award, but not quite sure. The other one, during the flood control project, was in a land commission award. That one was -- how close does this road, proposed road, get to flood control project itself, the proposed channel that I think's in process?

Ms. Medeiros: I'm sorry. The proposed --

Chair Fredericksen: The flood control channel that the Feds are installing.

Ms. Medeiros: It gets somewhat near. Exactly how -- oh --

Chair Fredericksen: But it's -- the road is makai of the flood control project?

Ms. Medeiros: It crosses it.

Ms. Greig: Are you thinking of --

Chair Fredericksen: No. This is in Wainee, over by Wainee side.

Ms. Greig: The alignment is makai of the flood control.

Chair Fredericksen: Okay. So it's makai. The one burial that we identified in the flood control project is within the limits -- well, unless they've changed it, but within the limits of the flood control project, so it's definitely makai. How many backhoe trenches about did you folks put in, just qualitatively? It doesn't have to be exact. I'm just curious.

Ms. Greig: Well, we did about 86. We had some issues with the urban development, yeah, and then various other things. So where we could dig we dug.

Chair Fredericksen: Did you find any site, any ag site remnants or anything?

Ms. Greig: We found one very thin ash layer near the mill and so we retrieved some carbon from that to, hopefully, we'll understand it better. That one was about two meters below surface, so it was pretty deep. And then we did encounter another burial.

Chair Fredericksen: Was it coffin or traditional or was it possible to tell what was going on?

Ms. Greig: No. It's difficult. It's a unique situation where we can't really tell. There's a flood deposit over top, yeah, and so, no, it wasn't a coffin burial, but it looks like it might have been previously disturbed.

Chair Fredericksen: Which wouldn't be a surprise, necessarily ...(inaudible)...

Ms. Greig: With the flood issues in the area. Yeah.

Chair Fredericksen: Yeah we, I'm trying to remember, we found I think two or three -- or one, for sure, habitation remnant yet associated with the -- well, within land commission award, but certainly that possibility exist for down the road and stuff for this. Sorry, I got sidetracked.

Ms. Medeiros: No. No. No problem. Well, I think I've covered the details. Did you folks have anymore questions?

Chair Fredericksen: All of this land, at this point, that's being considered for the road, is it all Kaanapali Land Management Corp. property now or is some owned by other entities?

Ms. Medeiros: It's all Kaanapali Land.

Ms. Sarich: I would like to know, are there any structures that you plan on taking down to make this road happen? No? Okay.

Chair Fredericksen: Any other questions or --

Ms. Chandler: For Stanley.

Chair Fredericksen: Suggestions for contacts?

Ms. Chandler: Yeah, my question would be: What is the process for this to move forward? Can you tell me where we're at in the time line of this road coming to fruition potentially?

Ms. Medeiros: Well, I believe we have six months to do this as of -- maybe five now, and then this will be included in their draft -- their draft EIS, so in approximately -- I don't really know their time line but accept that in approximately six or so months they expect to have a draft EIS.

Ms. Chandler: Is there a public comment component of it coming down the line later on where community members might be able to express any relative information that maybe we don't know yet?

Ms. Greig: Likely when it goes out for draft comment, that's when they can -- when the public can comment on the EIS as a whole and then also to let us know if we may have missed anything in our subsequent studies.

Ms. Chandler: Thank you.

Mr. Hutaff: This isn't in anyway associated with the word "bypass" is it?

Ms. Greig: The word "bypass?"

Mr. Hutaff: Yeah. I mean there's so many different variations of bypass that I have no idea what they plan to do anymore.

Ms. Greig: This is -- this particular project is not associated with the overall Lahaina bypass.

Mr. Hutaff: So, in other words, it wouldn't be a ...(inaudible)...

Chair Fredericksen: It's a band-aid, basically.

Mr. Hutaff: Huh?

Chair Fredericksen: It's basically a band-aid to try to alleviate --

Mr. Hutaff: Yeah, I kinda gathered that but I just had to ask the question under the word "bypass."

Ms. Greig: Right. This is a County project and so it's not associated with State DOT at this time.

Mr. Hutaff: Oh I know. Somebody else said it's a bypass so I wanted to ...(inaudible)...

Ms. Medeiros: And, you know, what I did forget to just say, we do have the map up there, but it will extend all the way to above that new Lahaina Gateway Shopping Center and connect to Keawe Street.

Chair Fredericksen: So it kinda traces the -- the, not traces, but I don't know if "parallel" is the right word, but sort of parallels the old ...(inaudible)...

Ms. Medeiros: Yes. Yes. And then hooks up with the existing Kahua Street at the edge of the subdivision there.

Ms. Chandler: What's the total mileage of the project?

Ms. Medeiros: 2.6 miles. 2.6 miles.

Ms. Chandler: I would just say that like my gut feeling would be that this is a very sensitive area or side of the island to be doing a project of that magnitude, so that's why I asked about the time line because I'm -- I am a hundred percent positive that there are cultural and archaeological things that will be found along the way, and so I just really hope that it's a slow and careful process and that it really truly is determined to be a hundred percent needed. And I live in Napili. And so when the highway is shutdown, it does impact my life. But I would say, personally, you know, it's important to be thoughtful about progress, you know, and what the potential repercussions of it are, and so I appreciate you guys working on this and presenting this information but as much as you can do to try and draw out additional information from the community to see what potential impacts there could be is appreciated.

Ms. Medeiros: Okay. Thank you.

Chair Fredericksen: Do you have a -- like a preliminary idea of who you folks going to reach out to at this stage?

Ms. Medeiros: Yes. We -- we have mailed out letters to quite a bit of the same lineal descendants, the families from this area that we worked with during the -- yeah, the --

Chair Fredericksen: The Lahaina bypass?

Ms. Medeiros: Phase 1A of the Lahaina bypass. Phase 1A of the Lahaina bypass, so all the same families that we worked with on that are all from this area and that's who, you know, besides the Hawaiian organizations and commissions, that's who we are reaching

out to. So that's the Keahi family, the Kapu's, the Haia's, the Kailiho's, a lot of them on the Big Island now but they are very familiar with this area.

Ms. Sarich: I just have a question. I don't understand, if the highway gets shutdown, how this helps anything? Because it's not going to get shutdown in Lahaina. You can still drive around, right? Or maybe I don't understand that side of the island.

Mr. Hutaff: If there's an accident right after Front Street, by the Shell Station or all in there, this will help those areas; it doesn't help everything.

Ms. Sarich: Oh, I was just thinking like when we had fires last year, it doesn't help much there.

Ms. Medeiros: No.

Ms. Chandler: Yeah, I agree. Actually, I was going to say the same thing earlier that this is an interesting project 'cause it really covers basically the heart of the Lahaina Town, you would be able to get around in-between, but in terms of being able to impact really the transportation from one side to the other, or anything like that, you wouldn't be able to get any farther than this access area so unless you live in this access area, I'm sure a lot of people would appreciate this project, I can see where it came from because the highway -- it's more than fires that shut this highway down on a regular basis, it's like a clogged artery sometimes, and at the same time, you know, this -- we still have to be careful about where we place things like this. Could we go back to the slide that shows the project area and then, given your experience on the bypass, you said "bypass 1A," portion, is the bypass slated to go in the same direction or in the same vicinity, like could you just maybe show kind of in general where the bypass would look in relation to this project?

Ms. Medeiros: They bypass is going to come -- is about approximately this far mauka, and it's going to ...(inaudible)... it's going to cross through this neighborhood right here. So it's kinda right at this level.

Ms. Chandler: Where would the bypass enter - off of Honoapiilani, where, like in relation to the start of this -- yeah, so if it were going to come to meet the highway?

Ms. Greig: That would be -- I believe it's Honoiki Road. It is currently -- so right now you have Phase 1A coming across Kahoma Valley over here, Lahainaluna Road connects Phase 1A, and there's a little bit of a clover leaf over here, and this is an overpass/underpass, then it comes across here, Phase 1B1, and it drops a little in here until you reach Honoiki Road over there, that's 1B1, and it's going to connect up into the bypass off of Honoiki Road, and it's supposed to continue all the way to Launiupoko and

through, ultimately, you know, ultimately, the vision, right, for the bypass is to realign Honoapiilani Highway in its entirety mauka.

Ms. Chandler: Thank you. We need a bypass for pali. Can I just say that? That's where I get stuck.

Chair Fredericksen: Okay, any other questions or comments? Okay, well, thank you, folks, and --

Ms. Medeiros: Thank you guys so much for your time and input. We appreciate it.

Mr. Hutaff: Thanks for not having lunch.

Ms. Medeiros: That's next.

Mr. Hutaff: I know you guys are hungry.

Chair Fredericksen: Okay, Stanley?

C. WORKSHOP - CULTURAL RESOURCES COMMISSION ORIENTATION

- 1. Maui County Code, Chapter 2.88, "Cultural Resources Commission"; Maui County Code, Chapter 19.48-52, "Maui County Historic Districts"; Maui County, Department of Planning, Administrative Rules, Chapter 530, "Rules of Practice and Procedure for the Maui County Cultural Resources Commission"; and Maui County, Department of Planning, Administrative Rules, Chapter 531, "Standards and Criteria Relating to the Duties and Authority of the Maui County Cultural Resources Commission." The CRC may provide comments. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: I'm going to ask that given the time, that we defer the next item.

Chair Fredericksen: Which is?

Mr. Solamillo: This is your Cultural Resources Commission orientation workshop.

Chair Fredericksen: Oh, why? Hinano was waiting. Okay. These things happen.

Mr. Hutaff: It's only going take five minutes, right?

Mr. Solamillo: No. This is a long one and it is our review of the Maui County Code plus Administrative Rules, and if we do defer, we have to do it, not next meeting, but the meeting after next 'cause next we'll be in Lahaina for our return of Halloween in Lahaina, I believe. If it doesn't occur, then we can do this next month. But if it does occur like I'm expecting it to happen, then we'll have to do it in July. So is it okay with the Commission?

Chair Fredericksen: That's fine to defer. I'm good. Rhiannon?

Ms. Chandler: The part that Hinano was waiting for, can we do that part or we don't even want to start it?

Mr. Solamillo: I don't know.

Chair Fredericksen: It's going to be a long --

Ms. Chandler: Okay.

Mr. Hutaff: It might not be something we finish in one ...(inaudible)...

Chair Fredericksen: Yeah. Okay, so we're good on that.

Mr. Solamillo: He said he didn't need to have the training. He's seen all before anyway. Also, the code that you're seeing is the old code, which is still in effect. The new code changes, which were recommended by this body as well other bodies is not at County Council yet, and I don't have a date when that will occur yet.

Chair Fredericksen: So us not seeing it, it's not going to slow up anything? Brandis.

Ms. Sarich: I have a question. I was very interested in the demolition or movement of structures sections, and I was excited to go through that. I feel like it supports what I'm always trying to do.

Chair Fredericksen: Well, we will be going through it soon.

Ms. Sarich: Okay.

Chair Fredericksen: And that part is in there ...(inaudible)...

Ms. Chandler: Just for clarification. Stanley, you mentioned that the recommendations that we made on the code as it relates to this body have not been seen yet by the Council and you're not sure when that would happen.

Mr. Solamillo: I don't know. I think they've been transmitted but I don't know when it could come up for full Council action.

Ms. Chandler: Okay. And so the --

Mr. Solamillo: And everything was transmitted on time. So it was transmitted under the previous administration in 2010.

Ms. Chandler: Oh okay. And so the workshop that we are going to have is based on the old code?

Mr. Solamillo: That is correct.

Ms. Chandler: Do you feel that it's productive or should we wait until the new code is accepted?

Chair Fredericksen: Oh, that's a good point.

Mr. Solamillo: That's a really good point. Except I don't know, as I said, when the new code would be --

Mr. Hutaff: Yeah, it could be years.

Mr. Solamillo: Well, it could be a year. I don't know.

Ms. Chandler: Yeah. Or not. If -- I mean if we said that it was a priority, like I believe there are some Council Members that are interested in the progress of this Commission so it would be maybe if we indicated that we also would like to move forward and we need that document in order to do so, we might not have to wait as long, potentially.

Mr. Solamillo: Okay.

Mr. Hutaff: That's a good point but I think since we were part of that going over some of the changes, we didn't discuss what each item meant to us individually, we discussed the changes to the item itself. I think even if we learned what the old one had to say, and then it got changed, we'd only be educating ourselves on the changes. Some of them were just word changes - have to shall; to shall to have - and we went over it over a few times and stuff like that, but we wouldn't really get the essence of -- if we got the essence now, we could do our job and have everybody understand our job, later on it's minor changes. So I think it would be important, but I don't think that it's something that we actually wanna start at the end of the day to try to understand.

Mr. Solamillo: You sure?

Mr. Hutaff: I think this is one of the things like grab your coffee and sit down, take hour breaks; just really make sure our minds are at -- to where it understand what's going on, not just, okay, next, next, next.

Chair Fredericksen: Yeah. I do, in the near future though, Stanley, so we're looking at June or July for this workshop?

Mr. Solamillo: No. It's most probably July.

Chair Fredericksen: Okay.

Mr. Solamillo: It'll interchange. If the item comes before us and we have to be in Lahaina next month, then it'll obviously be in July so --

Chair Fredericksen: Okay. But within two months, we'll be discussing it, having the workshop? Okay.

Mr. Solamillo: Unless, like I said, you really really wanna get to this, we can, you know. Okay.

Mr. Hutaff: I really wanna get this another day.

Mr. Solamillo: Okay. That's one of -- we need a second and then a vote. Show of hands.

D. DIRECTOR'S REPORT

1. June 2, 2011 CRC Meeting Agenda

Mr. Solamillo: Let's see. Director's Report. Given that the items are up in the air for the next month, and we're expecting to be dealing with Halloween in Lahaina, that would take the entire meeting next month with maybe a couple of items that would also relate to Lahaina, like a change -- potential -- or request for a change in intensification of use in Banyan Tree Park by one of the currently approved vendors, so that might be the only other item that would be put on a Lahaina agenda.

Chair Fredericksen: Can I ask a question about the Halloween agenda item for next month if it is next month?

Mr. Solamillo: I know very little about it, but you can ask.

Chair Fredericksen: Qualitatively, what is this about? Is it a request for a permit or what? I'm assuming it doesn't have to do with the keiki parade side, it has to do with --

Mr. Solamillo: No. I think the keiki parade is a recurring event and that's, you know, this Commission has historically always supported that and that's not the issue that's coming back to you. The issue that will be coming back to you will be an adult event.

Chair Fredericksen: On County property?

Mr. Solamillo: I do not know where it is located.

Chair Fredericksen: Okay. It would need to be on County property within the historic district, otherwise, we wouldn't be looking at it.

Mr. Solamillo: This will be handled by Small Town Planner, Erin Wade.

Chair Fredericksen: Good answer.

E. COMMISSIONER'S ANNOUNCEMENTS

F. NEXT MEETING DATE: June 2, 2011

Mr. Hutaff; I'm not sure if this is the time to bring it up, you can always tell me again, there was a letter in our file here that we just got directed to the Commission, i.e. Erik, about the building of the new ferry, the Lahaina Small Boat Harbor.

Chair Fredericksen: Oh, thank you for bringing that up. I'd forgotten about it.

Mr. Solamillo: Oh yes.

Mr. Hutaff: And I was wondering if we were going to --

Chair Fredericksen: Where is that on the agenda?

Mr. Solamillo: It's not, so we can't really discuss it. But as soon as I possibly can, I'll make sure that it comes back to this Commission. This is like our second time or third time we will have heard this item.

Chair Fredericksen: Yes.

Mr. Hutaff: It gives a time limit.

Chair Fredericksen: Yes. And that's -- which one is that, Ray?

Mr. Solamillo: It's right on top of your list or your packet. First page. Dated April 4. What was the return date on it?

Mr. Hutaff: It said 45 days, if I remember right.

Chair Fredericksen: "45 days upon receipt."

Mr. Hutaff: So we stamped it, somebody stamped it April 22nd.

Chair Fredericksen: So it was received on April 22nd or April 25th? May 25th plus 15 days, that's pretty --

Mr. Solamillo: So does it get us to June? The June meeting?

Chair Fredericksen: Just barely. Now, is that going to be --

Mr. Solamillo: The June meeting is --

Mr. Hutaff: According -- oh, that's right. We can't discuss it can we?

Mr. Solamillo: No, we cannot discuss this item.

Chair Fredericksen: Other than we're just asking --

Mr. Solamillo: But we could ask that it is put on the next agenda because that's where we're at. So the next hearing date is June 2, are we falling within the -- we are. Okay, that's -- that'll be our item.

Mr. Hutaff: Maybe we could just discuss the letter 'cause all it says is that we have to respond to the letter in 45 days.

Mr. Solamillo: You can respond.

Mr. Hutaff: Maybe we can discuss responding to the letter ...(inaudible)..

Chair Fredericksen: Discuss our -- have preliminary discussions on our possible response?

Mr. Solamillo: Yes. Today, no. Okay.

Chair Fredericksen: I'd just like to express my --

Mr. Solamillo: Mr. Giroux, would you like to weigh in on this?

Chair Fredericksen: Displeasure with -- with this topic and the manner in which we're being constrained, not by Stan.

Mr. Solamillo: Okay, so that is one, then the possible vendor item if an application is received is item two, item three will be Halloween. So that's full. Okay. Alright. Okay, a couple of things have happened. As you probably have heard or maybe you haven't heard, cutbacks at 5% now coming at the County employees as a result of union vote that happened a week or so ago, and for the past several years, I've been essentially doing a lot of work ...(inaudible)... for this Commission. Because there's no overtime available and hasn't been available, actually, for two years for my position, a lot of the work is conducted ...(inaudible)... and that can't be continued, so you may see some things like what happened this morning, you know, because the applicants are literally being told you have to provide your own powerpoints 'cause Stanley isn't going to be able to, you know, to do what he did, so we may have these kinds of glitches. On cases which I'm carrying, I'll attempt to do, you know, as much as I can, but I'm just kind of forewarning you, that, you know, the quality may suffer to some degree because I mean were the first Commission, I believe, in the County that went into the 21st century and, you know, attempted to provide this Commission with sufficient information instead of having people hold up exhibits and manually walk them around the room. So I mean that's a big plus. And we've done very well. But like I said, don't be surprised if the quality slides a little bit but it's just the decision that's had to be made. So apologize.

Mr. Hutaff: What's the County's understanding of part-time after work?

Mr. Solamillo: It's not an option usually.

Ms. Chandler: Well, I just want to say thank you, Stanley. The presentations that you have put together have been incredibly informative and I know that it takes a lot of research to be able to bring it to that point where you can have them on a detail mapping and historical facts that went into all of your presentations and that really helps to inform us and make better decisions. I don't know what we would have done without the kind of knowledge that you've brought, so if there were anything that we could do to help, then please ask, but I do appreciate all the work that you've done thus far.

Chair Fredericksen: Yes. Thank you.

Mr. Hutaff: Maybe it's not a bad idea that somebody put together their own presentation to show their case ...(inaudible)... maybe because you had that problem this morning, you can always tell them what your formats are. How to present --

Mr. Solamillo: Don't bring PPTX files.

Mr. Hutaff: I mean, you know, everything I've had to do with the government, they always -- you know, if they wanna email or send something out there, they always tell you exactly what kind of, you know, format they want it in and if you don't do it and they can't open it or read it, they just say, ah, you missed the deadline. Pay me \$5,000 and try again later.

Mr. Solamillo: Okay, I guess at this point it's Commissioner's Announcements.

Ms. Sarich: I have an announcement. I'm going to be traveling for the next few months, so I will be missing a lot of meetings this summer. I'm going to do my best to come back in August or September, but I feel like I should be upfront about it instead of just not showing up for a lot of meeting. So I just wanted to input on that because I know there is a limit to how many meetings I can miss.

Chair Fredericksen: Well, thank you for letting us know. I don't know if there's a --

Mr. Solamillo: I thought there were three but if you send your comments in via email and then they can be read into the record.

Ms. Sarich: And I send them to you?

Mr. Solamillo: Yeah.

Ms. Sarich: Okay.

Mr. Hutaff: Skype.

Mr. Solamillo: I wish we could. Then we could have outer island meetings much more often.

Chair Fredericksen: Yeah.

Mr. Solamillo: But, yeah, I'll talk to the administration and see what we can do.

Ms. Sarich: Thank you. I mean this is very important to me and I'm really honored to be part of this, and I stayed later than my husband to make this meeting so --

Chair Fredericksen: Thank you, Brandis.

Ms. Sarich: Thank you.

Mr. Hutaff: Thank him too.

Ms. Sarich: I will.

Chair Fredericksen: Any other announcements or comments or --

Ms. Chandler: Do we have a ninth commissioner? Is that -- did we have a commissioner named Jacey Laborte?

Mr. Solamillo: Yes, we did and I haven't -- I apologize. I was remiss in not getting that ironed out before this meeting and I'll try and have it resolved by next meeting.

Ms. Chandler: Thank you.

Chair Fredericksen: Anything else? Well absent that, does anyone want to make a motion or we just go by consensus?

G. ADJOURNMENT

Mr. Solamillo: Make a motion.

Chair Fredericksen: Meeting pau? That works for everybody.

Mr. Hutaff: I move we go home.

Ms. Sarich: I'll second.

There being no further business brought before the Commission, the motion was put to a vote.

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

VOTED: that the meeting be adjourned at 2:09 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Erik Fredericksen, Chairperson
Raymond Hutaff, Vice-Chairperson
Rhiannon Chandler
Irene Ka`ahanui
Warren Osako
Brandis Sarich
Bruce U`u (Excused at 1:25 pm)

Absent

Jacey Laborte

Excused

Makalapua Kanuha

Others

Stanley Solamillo, Cultural Resources Planner
James Giroux, Deputy Corporation Counsel