

**CULTURAL RESOURCES COMMISSION  
REGULAR MEETING  
JUNE 4, 2015**

*\*\* 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, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Maui, Hawai'i. \*\**

**A. CALL TO ORDER**

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Janet Six, at approximately 10:33 a.m., Thursday, June 4, 2015, 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 Janet Six: The regular meeting of the Maui County Cultural Resources Commission is called to order. I am Janet Six, Chair of the Commission. It is now 10:33 on June 4, 2015. A quorum is presents. Members present are: Vice-Chair, Bridget Mowat; Mikala Enfield; Christy Kajiwara-Gusman; Owana Salazar is not present, sorry; Frank Skowronski; Arleen Ricalde-Garcia; and Jarrett Wong.

**B. PUBLIC TESTIMONY**

Chair Six: At this time, is there anyone from the public that wishes to testify on any agenda item, and will not be here when that agenda is up, may do so at this time. Just be aware -- just be aware, you may need -- excuse me, just be aware that you may not be able to testify later when the agenda item does come up. All public testifiers will be given approximately three minutes for their testimony. Is there anyone in the audience that wishes to testify at this time? Aloha.

Mr. Kamalani Kaleleiki: Na `ano`ai ke welina. Greetings to all, and to -- thank you for having me talk. Also to Molokai, aloha. My family is Pe`elua, also Mowat family from Kapaakea. And our own lovely Janet Six, and also behind we have Sistah Tanya and Blossom. I like to -- I love to see them. My reason being here as a community member of Lahaina, and of Maui --

Chair Six: Could you state your name?

Mr. Kaleleiki: Oh, kala mai. My name is Kamalani Kaleleiki, also known as Tamalani. I -- I am here as community member of Lahaina and Maui; also as a kanaka maoli. My being here is to talk about the vicinity of Waine`e Cemetery that is of Waiola Church, along with the fencing.

In 2012, we came to speak of this, and I'm here in 2015 to see this actually happen. I am for our projects, especially in preserving. At the same time, I would like to see the preservation of our Maui gem that is Waine`e Cemetery. We have about 39 chiefs that are interred in Waine`e Cemetery that are known in history books that made our history, to see the protection of them, along with our families who are buried in the cemetery since 1830.

It comes to the border, and it's been spoken of, Tropical Road, we know it was Waianae Road or easement that is in existence, and we need for the cemetery, even for our neighbors, a buffer to protect the cemetery, along with our stonewall that had gone through, I think around in the '90s, they did a grubbing that actually the stonewall itself started to deteriorate, and we know that stonewall's been there since Kamehameha III, and a lot of the area itself had been manipulated through the grubbing, along with the berm that actually did protect our cemetery at once. We also know of the debris that was there from 1951, from when they had the Kaua`ula Winds that destroyed Kamehameha III School and a lot of the big structures were on the border of this cemetery, Waine`e.

We're asking for the dimensions; how near is this fence going to be. We also have coconut trees, well, the last two that are still -- well, one just passed away, but two that had been survived by Chief Ho`opili's planting. There was a grove there before. So to protect those coconut trees. For the next generation, we're even trying to save the coconuts that we can to propagate. But mines is here to see how near this fence is going to be to our cemetery and to the church wall. We're not asking for a lot, just maybe 20 feet away to keep preservation of the area and the easement. Why I say "Waianae Road" is my great-great grandmother was born on Waianae Road or easement of this area, Kuloloia and Pakala. So it does exist, 1850, I don't know if we have maps of 1850, but it'll show many of the chief and families that lived in this area were also born in this area who are buried in this area. So mines is coming to share on the preservation, perpetuation of this gem. Also, I speak for many families that have their loved ones buried in this cemetery, from missionary, from plantation, from chiefs; I mean, they all are important to us 'cause they're the ones that made us. So that is my walk in asking to have this clarified and, hopefully, they do a buffer because, as we were reading the AIS, I still see a parking lot statement. It kinda worries me that we don't have this buffer to protect our area that should be protected, if not for just Waiola Church, it's for our next generation. So I say mahalo to all. Thank you.

Chair Six: Thank you.

Mr. Kaleleiki: Any questions?

Chair Six: Okay. Yeah, so he just ...(inaudible)... I'm just trying to make sure, this is my first time as Chair, so I'm always making sure I do the right thing.

Mr. Frank Skowronski: Is it proper to ask questions?

Ms. Jennifer Oana: Questions to clarify the testimony only.

Chair Six: Questions to clarify the testimony?

Mr. Skowronski: I think so.

Chair Six: Let's do it.

Mr. Skowronski: There's, on the proposal, there's a proposed four-foot ...(inaudible)... person gate, man gate, that appears to be essentially in the middle of the cemetery. Do you have an objection to that?

Mr. Kaleleiki: Yeah. What we're going to do, and we spoke about it, is we have -- where we used to actually come into the cemetery from Shaw was the road, the easement, what we call "Waiokama," and the wall is called "Waiokama," that they came in through, that entrance, that path I made to -- to protect the graves that were being actually stumped on, but we know that the coconut trees, you know, when coconuts fall, they fall, also it's out of protection for our visitors; mostly the local clientele, they do look up, and they know not to walk around coconut trees that have coconuts, but it's more out of the protection and then just closing off that area to open up the plots because it's an active graveyard.

Chair Six: I need a little clarification as well. So looking at the Exhibit 2, as we have in front of us, you are fine with the gate but you're seeming to want to ask to move the fence --

Mr. Kaleleiki: Or more the gate or the --

Chair Six: Makai, a little bit, so you have that --

Mr. Kaleleiki: Yeah, towards Olowalu side. Oh, sorry.

Chair Six: Olowalu side. Okay.

Mr. Skowronski: But my question is more why do we need a gate there?

Mr. Kaleleiki: I don't know. That's more for -- my assumption, it's just my assumption, that it'll be easy access for work, for AIS, and they do -- we have Sistah Tanya that has helped Wainee Cemetery first time to be gridded, and there's a datum there that she is welcome to use because she's the one that helped us do this job and I now have a better understanding and appreciation of people who standing with the datum and stuff, we don't say, "oh, that's the easy job." It's not. To have that access. Either than that, I don't know why they'll have the gate there other than for work purpose.

Mr. Skowronski: The gate wasn't placed there at your suggestion or your group's suggestion?

Mr. Kaleleiki: No.

Mr. Skowronski: Okay.

Mr. Kaleleiki: That's for -- what we understood was for protection of any item that they do find or burials that it's protected with this chainlink fence. That's my understanding, and I'm for that. It's just that for my mana`o, I can only talk for myself and for the families of Wainee Cemetery, that we need a protection buffer for our cemetery and, hopefully, that works out.

Chair Six: Are there any other questions of clarification? Thank you at this time.

Mr. Kaleleiki: Oh, mahalo a nui loa. Thank you.

Chair Six: Mahalo.

Mr. Kaleleiki: I can have this paper?

Chair Six: Is there anyone else wishing to testify that this time?

**C. INTRODUCTION OF NEW MEMBERS MIKALA ENFIELD (*deferred from the April 2, 2015 meeting*) and JARRETT WONG**

Chair Six: Seeing none, we're going to move on to item C, which is the introduction of new members Mikala Enfield and Jarrett Wong. This item was deferred from the April 2, 2015 meeting, and we have new members to this Commission, the first one is Mikala Enfield. Am I saying your name right? Thank you. Okay, Mikala will tell you -- tell us, and the public, a little about yourself, please.

Ms. Mikala Enfield: Aloha. I come from Lanai. I look forward to serve.

Chair Six: Do you do anything on Lanai with culture or --

Ms. Enfield: I am with the Lanai Cultural and Heritage Center.

Chair Six: That's what I thought. Our next new member is Jarrett Wong. Jarrett, will you tell the Commission and the public a little bit about yourself?

Mr. Jarrett Wong: Okay. I was born and raised on Oahu. My wife's from here, so, you know, we actually lived on Oahu when we were going to college and all that, so we were able to move back here about ten years ago, in 2004, so now I call Maui my home and, just like Mikala, I look forward to serve and learn something new. I have a nice boss that allows me the time to come here. So I'm freshly new, I don't know what I'm getting myself into, but I just signed Oath, you know, 30 minutes ago, promising I'll do my best.

Chair Six: Great. Because we do have two new members, at this time, let's go around the table and have all the Commissioners that are here introduce themselves, so we'll start with Commissioner Arleen Ricalde-Garcia.

Ms. Arleen Ricalde-Garcia: My name is Arleen Ricalde-Garcia, and I've lived here for five years now, and I enjoy working with all the members.

Chair Six: And our Vice-Chairperson, Commissioner Bridget Mowat.

Ms. Bridget Mowat: Aloha. My name is Bridget, and I'm from Molokai. October will be two years, and I just learn so much, and it's a pleasure especially working with our history of Hawaii, so very happy to serve.

Chair Six: And I'm Janet Six, and I'm an archaeologist by training, and I've been on the Commission for two years and I just was elected to be the Chair, so, people, bear with me, and I've always been interested in the history. I actually have a lot of work here at the site of Moku`ula and I'm really glad to see the work going forward, we'll talk about that later, but I'm now in Hana, at Hamoa, and I'm working with the Hana Cultural Center as their ad hoc executive director and we're having some fun out there.

Ms. Jennifer Oana: Hello. My name is Jennifer Oana. I'm your Deputy Corporation Counsel. I'm here to advise the council, advise the Commission. If you have anything you need to ask me, you can email me or --

Mr. Frank Skowronski: Good morning. My name is Frank Skowronski. I'm with Territorial Architects. I've been on the Commission for a little over a year, and also learning a lot about cultural resources.

Ms. Christy Kajiwara-Gusman: Aloha. My name is Christy Kajiwara-Gusman. I'm an environmental consultant specializing in lead, mold, and asbestos abatement. I have three children, and we're very interested, I work a little bit with the Waihee Community Association, I was actually on the board of directors, and work a lot with our local community and the Coastal Land Trust.

Chair Six: Okay, great. Now we're going to move on to item D, which is New Business.

*Chair Six read the following agenda item into the record:*

**D. NEW BUSINESS**

**County of Maui Department of Management requesting approval of the Historic District Permit for the installation of a chain link fence around the perimeter of Malu 'Ulu o Lele Park, also known as Moku'ula, County Historic District No. 1, Front Street, Lāhainā, Maui, Hawai'i, TMK (2) 4-6-007:001 & 002 (E. Wade)**

*The Commission may approve or disapprove the Historic District Permit.*

Ms. Erin Wade: Good morning, Members. My name is Erin Wade. I'm the Small Town Planner in the Current Division of the Planning Department. The project before you today is a historic district application within Historic District No. 1. We're requesting, the department, review and comment from you folks because, periodically, this particular site goes through -- has gone through many different permits and probably will continue to, so we like to bring it back to you folks for update and comment as we move forward.

This particular application today is for the construction type fencing that's being requested to surround the perimeter of the open archaeological site as it's active. Today, to present the project, is Wendy Taomoto, from the Department of Management, she has a presentation for you, and the archaeologist is also here for questions, okay.

Ms. Wendy Taomoto: Good morning, Chair and Commissioners. My name is Wendy Taomoto, and I am the project staff for the Department of Management assigned to this project, and I know we -- staff passed out two handouts, I'll go over it after the presentation, so bear with me.

So, yeah, we're -- Department of Management has been assigned to assist with the -- I guess the process of installing chainlink fencing at Malu 'Ulu o Lele Park to support the archaeological work going on there.

The project scope involves installation of approximately 1400 lineal feet of six-foot tall chainlink fencing and gates. When we speak about the gates, one is, as the gentleman mentioned, at Wainee Cemetery or Waiola Cemetery, it's a four-foot personnel gate. We call it a "single gate." It's enough for one person to walk through versus the other types of gates. We're installing our 12-foot wide double-swing gates. And I have additional slides that I can show you where these gates are going to be installed so -- but if you can look at your exhibit that we passed out, in red, I show the existing fencing at the part, and in green,

we are showing where we're proposing the new fencing to connect to the existing fencing. And the gates are that blue two circles with one line connected.

The purpose of the fencing is to minimize disturbances to culturally and archaeologically sensitive features, and also to provide temporary site control, in general, until the permanent fencing is installed, and when we say "culturally and archaeologically sensitive," these are some recent findings that Cultural Surveys Hawaii, Tanya Greig found. The one on the left, at the bottom left, is the causeway or the entrance from Front Street to the Moku`ula Island, and the one in the middle is the proposed, we have to conclude, but is potentially the pier near the Waiola Cemetery side of the pond. And the final picture on the right is the southern wall near Shaw Street of the island, the island southern wall.

So those are the types of things that this fencing will help protect the looting and vandalism and any, you know, any kind of -- those types of activities, negative activities. So I wanted -- I don't know -- I know some of you are new and some of you are aware of the project, but the county and Army Corps are co-sponsors for the Mokuhinia ecosystem restoration project. The purpose of this project versus just the chainlink fencing project, the big project is to restore the aquatic ecosystem features of Loko o Mokuhinia the extent feasible to provide habitat for native vegetation and wildlife species. And to date, the Army Corps published a draft integrated feasibility report and environmental assessment on August 23, 2013. It was published in the Bulletin of the Office of Environmental Quality Control.

Current status. The county is -- has funded and is in the process of completing an archaeological inventory survey. Our consultant is Cultural Surveys Hawaii, and Tanya Lee-Greig is here to answer any questions you have after my presentation.

The bottom picture, it's kind of small, but the green area in the middle is the island, and the two smaller squares are the holding ponds. The blue area is the proposed pond, or the ecosystem, and the brown area is -- was going to remain as is for future development by Friends of Moku`ula, and I believe it was originally thought it might be a parking lot but I think some of those things might have changed.

So let me go into the archaeological inventory briefly because the fencing installation is kinda connected to the archaeological inventory survey. So the archaeological inventory survey was initiated by the county before a determination of findings of no significant impact can be made by the county because, like I said, we published the draft integrated feasibility and the environmental assessment, so before we can issue a finding of no significant impact, we felt that archaeological inventory survey needed to be completed. We sought funding from the Maui County Council and was successful in getting 250,000 to complete this survey. The goals of this is connected to SHPD's comments that they provided to the draft EA and integrated feasibility study, and that is to identify the edge of Moku`ula Island and the associated holding ponds; another goal is to provide additional archaeological

inventory survey over areas affected by the Mokuhinia ecosystem restoration project. And to clarify, the AIS does not inventory Moku`ula Island. That is excluded from the inventory survey. That's going to be done by the Friends of Moku`ula.

As part of this, an AIS plan was required and that's because of the significance of the site, so an AIS plan was prepared by Cultural Surveys Hawaii, and approved by SHPD on January 21, 2015, and that plan includes a section called "Section 3.2.3, Installation of Security Fencing." And next, I will go into that. For your information, the AIS field work, after the plan was accepted, commenced on April 10, and we are in progress onsite. So in the plan, and you have it -- you've been provided a copy, there is a Section 3.2.3., and I'm going to read it because this is a significant site so we want to make sure you have confidence that we understand the significance, so the archaeological observation and recordation methods associated with the installation of security fencing will be carried out as follows: 1. An archaeologist will be present to observe the installation of supporting fence posts; and 2. In the event that historically significant cultural materials are encountered during the course of fencing installation, the archaeologist will halt operations in order to document the extent of the exposure encountered before continuing the activity, and 3. If human remains are identified, no further work will take place, including no screening of back dirt, no cleaning and/or excavation of the burial area, and no exploratory work of any kind unless specifically required by SHPD. All human skeletal remains that are encountered during work under this AIS plan will -- and this subsection in particular, shall be considered "previously identified" as defined in HAR 13-300-2 and handled in accordance with HRS Chapter 6E-43 and HAR Chapter 13-300 and in consultation with SHPD and DLNR. So you folks have that in your packet, and we have our archaeologist as well as SHPD if you need any clarification after the presentation.

So going to the materials that we're proposing to use for this chainlink fencing, we're proposing to use, on the left side, PVC coated galvanized fence. The lighting is really bad, but the -- this is a shot of War Memorial, where we have the fair food, and if you -- it's a little bit faded, but that's what the fencing, it's a green coated PVC on the galvanized fencing versus the right side, which is the little league fields across the road, it doesn't have any green PVC coating, and so it's just more aesthetically pleasing and will last longer. It'll kinda protect the steel from corroding, additional protection, besides the galvanizing.

In your packet, we provided you details of how the fence will be installed by the contractor. For the areas that are not island, concrete post footings will be used, and this is just the typical detail showing the installation of the intermediate fencing. At the gates, the concrete post footings are a little bit deeper and wider; if you look at your thing, it's 9 inches on the first line, which is the intermediate ones, and then on here, it's 12 inches in diameter, same depth. But again, I want to emphasize, the archaeologist will be present during the installation of any of the concrete post footings while we excavate. Here's, I think you can see this, but the location of the double-swing gates, there's one gate on Shaw Street that



we will replace, it's kind of like tilted, and it is not functioning because it's tilted, but we're going to replace that with a double-swing gate but we're going to move it into the property because it's not a good location for it. The second gate in the middle is the main service gate that the Parks uses to access the area and it doesn't really provide for control 'cause you can walk through it, under it, over it, I guess, so anyway we're going to replace that with a chainlink double-swing gate. And then the final gate is in the parking lot, and that's going to be replaced with the same type of double-swing gate. All of these gates, the fence posts, are not on portions of the island, as we know. So I'm going to go over that in more detail.

The single gate, which the gentleman -- the discussion was previous, is a single gate, it's a single gate, personnel gate, a man gate, that will have concrete post footing 'cause that's not over island, an archaeologist will be present, and that gate was requested by the Friends because they allow the church to use the portion of the site closest to Shaw for overflow for the church, so that will allow the church, whoever uses that site, not to have to walk up Shaw, take a left on Wainee, but can cut through the cemetery when they need to get to the church. If it needs to be secured, that can be locked and certain staff, either from the church or from Friends, can have access to the key, but that single gate detail is very similar to the other details, it's three feet deep and 12-inch diameter because it's a gate.

Okay, so now the concern where, let me go back, so this is the island, this little, if you look at Exhibit 2, there's a little red dash thing right here, that is the island, so if you see Note 1, and I have a clarification on Note 1, I'm going to read it, "We will install foot stands," and it says that every other post but I changed it. Sorry. My slide doesn't match your handout 'cause I did make it stricter. We're not going to use every other, it will be foot stands along all the portions where that green is crossing over the island, so from that gate post to there, it will be foot stands. So I'll go to the foot stands picture. Foot stands is what we've come up with in discussions with some fencing contractors that's standard industry where it's not feasible or appropriate to dig concrete foot posts, which is this situation over the island, so that's what it looks like, it just lays on the surface, and the post -- there's two posts sticking up so you can put in the fence posts. It's secured because at the posts, they tie it with straps, steel straps, so it's not like you pull out a section and walk off with it because it's going to be secured. And like I said, in your exhibit, I'll go, if I can click fast, over this portion of the green, between that fence post and that, will be those foot stands. All the other fence posts we will work with the archaeologist to dig it the standard method, which is by auger, and when she is concerned, for whatever reason, we will need to halt, like Note 2 says, and she can make a determination that we need to go with foot stand at any time. The foot stands will be in option based on what the archaeologist finds or doesn't find.

So since I'm at this slide with the Waiola Church, and the gentleman had concerns about that, that fence is - I hate to go back and forth but I will have to - on Note 2 on your handout, Exhibit 2, revised, if you look on the far right of my drawing, there's a "See Note

2,” for that whole section, there’s a rock wall that he’s been referring to, to allow reconstruction in the future for that rock wall and, you know, work to be done on it because it is kind of falling apart, we’ve offset it eight feet from the wall. This will allow -- ‘cause some of the boulders are significantly large, so they’re going to maybe need a wheel barrel or something, so it’s not like you can walk and carry, so we went out there and our estimate is eight feet that, from the rock wall to where the fence goes, we’re going to try to do an eight-foot buffer along Note 2, that stretch I show as Note 2. From Note 2 to Shaw Street, which is where Note 3 ends, there’s no rock wall and it’s a little berm, and, basically, that’s the cemetery edge, because we’re eight-foot from when we start at the cemetery, we’re not going to be along the boundary. It’s not a boundary fence. It’s going to be offset from the -- our county boundary, eight to five feet, and it’s going to come tie into Shaw Street corner.

He mentioned the old Tropical Road. So from, I don’t know he -- from here, you can’t really see it on your drawing, but from here to here, oops, from here to here, is where the old Tropical Road is shown on the tax map. We are not -- as the old Tropical Road is not part of the county’s parcel, we are not on the old Tropical Road, we’re outside of the old Tropical Road. And then Note 3, from that corner to where the Salvation Army is, right here is all Salvation Army, we’re going to, as you read Note 3, install fencing at the bottom of the existing berm. There’s a berm from Shaw Street and it goes down into the property, and we discussed this Friends of Moku`ula, and we will it’s best not to install it at the top of the berm, better to secure the site at the bottom of the berm. So the fencing will not on the boundary line, it will be offset, I think it’s around 10, 15 feet, and we’re going to connect into the Salvation Army fence right there.

I think that’s about all that’s significant -- different, not ...(inaudible)... so, basically, that’s the end of my presentation, and if you have any questions, I have myself and resources here to help answer any questions you have. Thank you.

Chair Six: Thank you very much.

Ms. Taomoto: Oh, sorry. I forgot to mention the handouts, to go over it. So we did go over Exhibit 2 through the presentation, and Exhibit 2 was in your original packet, I revised it like I said to clarify on the notes, and to show that where it’s offset, originally, when we submitted Exhibit 2, it was on the boundary line on Note 3, so I show it offset, and on the rock wall side, it was on the boundary, so we’re showing it a little bit offset. The other handout, which is this detail six-foot chainlink fence detailed, standard detail R-19, is -- was in my presentation and it’s just a typical detail, not where the other two are for gates, and then, it’s in my presentation, but these are just pictures of the typical foot stand picture with the foot stand on, and the detail of the foot stand itself. Thank you.

Chair Six: Thank you very much. At this time, before we go forward, would the archaeologist or Tanya Lee-Greig or Executive Director, Blossom Feiteira, like to say

anything before we open it up to public testimony? We're good? Okay, I just wanted to check. Alright, so is there anyone else from the public that wishes to testify at this time? Not seeing any, this is your last time to testify on this agenda item, seeing none, if there's no objections, I'd like to close public testimony on this item. Any objections? We're going to be able to make comments now, right? We're just closing public testimony. Okay. Alright, public testimony is now closed for this agenda item, so let's move on with the Commission's review.

Pursuant to Maui County Code, Section 2.88.060, indicating new text, the Commission shall provide design review for projects affecting any building, structure, site, or district eligible for listing on the National or Hawaii Register of Historic Places and shall request and consider the State Historic Preservation Officer's review and comment in all county undertakings, including the granting of permits. In its review, the Commission shall consider the cultural significance of the site, and its surroundings, along with the Secretary of United States Department of Interior Standards for Rehabilitation, as amended.

So at this time, let's go around and ask any questions for the applicant or for the archaeologist, or general comments by the Commissioners. I would ask that the applicant, when you do come to the podium to answer the question or to respond, if you could please restate your name for the record if anyone asks you specifically to come up. So at this time, do any of the Commissioners have any questions for the applicant, or the archaeologist, or anybody else? Arleen?

Ms. Ricalde-Garcia: I just want a clarification about the request. I thought I heard the request to be considered is 20 feet away from the rock wall. Is that true? And then, right at this moment, the plan is 8 feet. Is that correct?

Ms. Taomoto: Twenty feet is --

Ms. Ricalde-Garcia: The gentleman mentioned that the request --

Ms. Taomoto: Oh, his request? I thought our request.

Ms. Ricalde-Garcia: No. No. You were saying that the plan was eight feet away from the --

Ms. Taomoto: Rock wall.

Ms. Ricalde-Garcia: Right.

Ms. Taomoto: Yeah. He wants -- we can move it. I mean we would -- we need to consult with the Friends because the pier -- I'm concerned if the -- if we move it 20, the pier will be outside in the unprotected area so --

Ms. Ricalde-Garcia: I guess my question is whether the -- it's feasible to even consider that?

Ms. Kajiwara-Gusman: Can we have --

Ms. Taomoto: I want to clarify that it's actually --

Ms. Kajiwara-Gusman: Is the eight feet satisfactory for a buffer zone to your --

Mr. Kaleleiki: Yeah, we're talking -- sorry, I can borrow again. Sorry. When it comes to the cemetery --

Mr. Skowronski: Can you put it up on the slide ...(inaudible)...

Mr. Kaleleiki: Section -- sorry, I no more my glasses. Oh, okay. With Note 2, that's, with the cemetery, where the gate is, there's the coconut trees, right out from there we're asking to have that buffer. Where she's talking about the -- the pier, it's still further in, I mean into the property. Sorry, over there.

Ms. Ricalde-Garcia: She has the cleaner?

Mr. Kaleleiki: Cemetery. I never do -- I haven't done --

Ms. Kajiwara-Gusman: You doing a good job.

Mr. Kaleleiki: So we have the cemetery here, and the pier would be over here. About there, yeah? About there, so I still see it being very safe; at the same time, I'm for the project of preservation and seeing what's there, but when it comes to the cemetery, very delicate. Because of the last grubbing, they had taken away the berm of the cemetery. There was artifacts that we actually did find. And I did consult with an archaeologist, and our findings was to see -- a lot of the debris was pushed up into the coconut areas. We found canoe sinkers, stuff that was actually connected to the wall before. The steps are no longer there. They fell apart because of the grubbing. So there was a lot to be protected, but at the same time, there is existing graves. Our cemetery is active. There are still burials going on. So when we ask for the 20 buffer, or, you know, something that would be beyond the coconut trees that would keep this area protected from any construction in the future because we don't know. I do know a little bit of the project because we were involved in the 1984 one, that's with Kano'iau. When they brought this

up to be Moku`ula, bringing up the island, that kind of stuff, it was supposed to be more of a botanical dry garden, coconut trees, stuff that grow in the area, but to have this area, the fence being right, not too far you know, it's just right here, there where we actually do use this passage to go into the cemetery, even up to the 1950s, '40s, they use that still yet for when they had funerals. So I would say about 20, maybe I'm being a little greedy, I'm not sure.

Ms. Kajiwara-Gusman: So that fence is actually cutting right through the trail as it --

Mr. Kaleleiki: Right.

Ms. Kajiwara-Gusman: As it's drawn out right now?

Mr. Kaleleiki: Yeah, because we did our own measurement and it was ten -- the easement goes ten feet and eight is just -- it's just skimming the cemetery and it cuts the coconut trees. It separates the grove. So ours is trying to keep preservation, keeping things that are -- that has been there for centuries, just left alone, and having where we could -- I came home 2009, and I started to clean, clean and we started to plant stuff that we saw grow there before, I'm from this area, I lived in Haole Camp before, and our family's been in the church for -- since it existed, so I'm familiar, very familiar with this area that a lot of you might not be familiar with. Our family's from Lanai, Molokai, and right in Lahaina. We're patrons of the church and are interred in the cemetery. Our history that we are now rediscovering from the help of Ron Williams, of Manoa, UH Manoa, has really beefed up the information why it should be protected more so. And like I said, I'm for the fence in keeping anyone from taking things out of the area; at the same time, I would like, it's not only me, it's others of the families of the cemetery buried there.

Dr. Six: Tama, I may have a quick question. You know, I totally understand what you're saying because I'm familiar with that area, and I've been on that site with you and I know what you're talking about, but I was wondering, it is protecting it, and as Tanya and the archaeologist are uncovering things, and I'm interested in this pier and these other things, but would you be opposed to the fence, it's a temporary fix, I'm assuming, at the moment, and if we did, what if we, the world we, what if Friends of Moku`ula and the archaeologist did the non-invasive fence, what did you call it the "platform?"

Mr. Wong: Foot stands.

Ms. Ricalde-Garcia: The foot stands.

Dr. Six: Foot stands around that area where there could be potential 'cause the problem was, if you look at the historic maps, the pond shrinks, they're not sure exactly where the graveyard ends and begins from some historic places, and I believe you believe there could

be burials in that area, so if it's not as invasive, it still would protect, you know, the archaeologist to do due diligence to see what's along that area without actually going in and then maybe working with Friends of Moku`ula to create that buffer because I understand you wanted to keep the grove of coconuts, and I know Blossom is down with that, I'm sure, so I'm wondering if there could be like where you could have it not be so invasive in an area that you think is very attached to that, maybe having a fence, knowing it's temporary, and then coming up with a --

Mr. Kaleleiki: Temporary --

Dr. Six: To protect it while they try to figure out where the edge of things, you know, 'cause I understand Tanya's wanting to find the stuff and you want to protect it at the same time. Yeah, so I was thinking maybe this would be a type of fence that could be more easily moved should you find an area of high significance or low significance, depending what the archaeology would --

Mr. Kaleleiki: Yeah.

Ms. Blossom Feiteira: If I --

Dr. Six: Yeah, Blossom?

Ms. Feiteira: One of the things ...(inaudible - not speaking into the microphone)...

Dr. Six: Can you just introduce yourself real quickly? Thank you.

Ms. Feiteira: Yeah. Aloha mai kakou. My name is Blossom Feiteira, and I serve as Executive Director for Friends of Moku`ula. We've been working with the County of Maui and Tanya on this project I think back since October of last year, so when we talk about this area right here, first of all, when we decided to move the fence line eight feet this way, away from the wall, simply because we have a -- we have a master stone worker that will be coming in to repair the Waiola Church wall, number one, but the other reason why we wanted to keep it straight is it's part of the coconut remnants of the old coconut grow that used to be there, contained within there, because we've already caught people trying to climb these trees for what, I don't know, 'cause there ain't no coconuts but -- and then, you know, with the discovery of the -- of the potential pier, you know what we're looking at is not just preservation of the pier alone, but the creation of a buffer around the pier so if we decide to go in and do concentrated excavation to restore that area, we will have the room necessary to be able to create a sizable protective buffer around that -- that one little piece. So while I understand the concerns that Tama have, and we are wholly supportive of changing the -- modifying the specs for the fence to allow for the surface, I mean that was one of the primary things that we talked about in our discussion about the installation of the

fence is that we don't want invasion unless absolutely necessary, yeah, so if there was any way we could do that without having to go into the ground, it would be so much better for us.

Dr. Six: Thank you. Are there any other -- does that satisfy --

Ms. Ricalde-Garcia: Yes. Thank you.

Dr. Six: How about you, Commissioner Wong, any comments or --

Mr. Wong: ...(inaudible - not speaking into the microphone)...

Dr. Six: Okay.

Ms. Mowat: The wall belongs to who? Is that part of the cemetery?

Mr. Kaleleiki: Waiola.

Ms. Mowat: So what I'm hearing is that what you're asking for more a buffer area because when they do their work, sometime the debris from their work covers or interferes with your side, I mean before the -- is that correct? Am I on the right track?

Mr. Kaleleiki: Correct ...(inaudible)...

Ms. Feiteira: Bruddah, you can talk loud enough ...(inaudible)...

Mr. Kaleleiki: With the stonewall, it is part of Waiola Church. From what we understood that from the maps of 1960 or even 1970, they said that the -- actually the wall has encroached, I don't know how the wall can move, but it is encroached unto areas, this area wasn't even segregated before, it's one mass, it was owned by one family, so I know that they cut the properties up for tax purpose, that's my assumption. If they did a good job of it, no. But the stonewall's been there, we pretty much know from Kamehameha III. The stonewall itself, there's other stones that were used from the church that was built in 1832, so none of the rocks left the property. It now borders the church itself. So with this stonewall, the grubbing that had happened, and they took out some of the grove, it started to deteriorate the wall, and it's compact sand. It just started to fall apart. We're looking more out of safety because these rocks are huge. I even tried to pickup one, I said, "forget it." If we had homeless there digging, we even know if the rocks fell on the person because we saw shoes and then we "oh my God." So there's danger here and anyone working. We only let people who clean, only like we who go and we take the -- leave it up to ke akua to help us in cleaning the area. In this area itself, I said there was a berm, it was shaved down, it was taken away. It's all gone. So there is actually no protection now for the

cemetery itself. That used to, when we were growing up, there was still water, right up to '70s, and it went like this, not so much out, but from what we remember, this way, and there was a lot of trees here but, you know, we know that it was a dump before, from our uncles and aunts who's talked about it, but there was always this easement that was open to the church to enter into the cemetery for visitation or funerals. The rocks are still paved, some of them paved, some have been taken away. It goes straight up to the coconut trees. The easement we're talking about goes like this, into the church, goes along the rock wall, into Hoapili's property, or now hongwanji, so there was an existing walkway, it was owned by the royal families, and there is one with Queen Namahana, who it became very kapu for anyone, in her reign, to even walk on it, but it's this area, and it kinda switches in, but this was water here before. So it just went like that into the cemetery, into the church, hongwanji. There was other water passages here as well.

Ms. Mowat: So, with your finger, can you tell me what are you asking for? I like --

Mr. Kaleleiki: This -- this area that's been pointed, and this area, you see this while line? That's Waianae, or Tropical Road --

Ms. Mowat: Okay.

Mr. Kaleleiki: Or easement, and it goes here, and actually went in this way, it's the cemetery that has taken a beating, and as we start to put the pieces back together, we're finding that there is many graves that are unmarked or we found, and it's through the help of the chickens actually they exposed the borders of the graves that we know that there's much more here. When we did our 2011 cleanup, then we start to found crush headstones, but grubbing was so gruff, it just -- it flattened everything, along with the artifacts we did find. They said who was the artifacts, who owned it, and I said, well, I'm a lineal descendent myself, I own it, which will stay at the church because I don't need it to come home with me. There's a lot of -- of all this happening, it just shows before of no monitors. I wish Tanya was there at that time. I know a lot of it would have been protected, or even Janet Six, or someone that had that -- that eye because when I started to cleanup, it was evident ...(inaudible)...

Dr. Six: Just for Bridget's edification, 'cause she wasn't around when we were -- and for Blossom who came along, when they went to go ahead and do this, under Akoni Akana and then later Shirley, they went ahead and cleared a lot of -- there was a lot of brush, that's what he's about, the grubbing, they weren't really going below grade, but because it was a dump, historically, in the '70s and before, a lot had to be cleared off, and so I had seen some of the crushed headstones. Now, you could argue it's a broken stone someone threw away, you could argue that it was something that was moved, but it's unknown. I would like, just to jump in here and say one thing, is I don't like dividing the Waiola from Mokuhinia, Moku`ula 'cause it's all, you know --



Mr. Kaleleiki: Yes, it's never been divided.

Dr. Six: I understand what you're saying about the easement, I get that, and I do have a question for Tanya when it comes to talk about the pier because I never read anything about piers, but I read a lot about boardwalks, and mud, and muck, and wooden sidewalks all through Lahaina, from Wall, the Wall document that's at Bailey House, and I was just thinking because when I thought, oh pier, and I thought, okay, the other pier's there, and, yeah, they could have a pier over -- but I was wonder, because you're talking about this easement and finding it relatively adjacent to it, but I think what you're asking is you want to make sure that the church maintains an easement so it doesn't swallowed up because you think you need that buffer as well as just that traditional historic access to Hoapili's home.

Mr. Kaleleiki: Correct. You know, it's always been the berm, it's no more, so it's trying to make sure. You know, the ones who are not familiar with the landscape, that they had these berms, and it actually went straight out and dropped, but because we know that there were lo'i through the pictures that we have, we discovered how busy it was in this area. To have that preservation, to preserve the area from anymore change, along with, you know, families who were of this area who were part of this religion, that they were actually buried in the berms, and so we don't know what's left there, I'd like to keep it in just there, but at the same time, I'm for Sistah, I mean --

Dr. Six: Tanya.

Mr. Kaleleiki: Tanya in helping because her family is also buried in the cemetery, I am comfortable that it's her work that will keep things pono. If there's separation, never separation, but more concerns because of our 2012 plight, it wasn't easy, so I still might have that little hesitance or trying to be maka'ala because it is my kuleana, at least I can say I did stand up, I did say this, so when it comes down 20 years from now, but it's not only me, it's other families.

Dr. Six: Just another -- some more context is there's an analogist pond system called "Alamihi," which is by the Kahoma Stream restoration, and in the 1970s and then later '80s and '90s, they found over a hundred pre-contact burials in the berm by pi'ipuma around Alamihi, so what he's talking about is a known burial tradition to bury people also in the loko, depending on your rank and then also as close as you can get depending on your lineal descent.

Mr. Kaleleiki: We know, from here, in the '70s or the '80s, when they start to do parking -- I mean the baseball park, we were there when they did unearh bodies.

Dr. Six: There's been three, I think, known burials come out.

Mr. Kaleleiki: And there you could see where they dropped the body or the loved one into the pond, and they laid in state where they were, and it just -- it was really unreal to see it was actually real, you know, because we grew up, it was just Malu o Lele, or it was called "Luaehu," and there was a jungle gym, bathroom, that was it. Everything else was pretty wet. So to see all this as we grow, as we're adults now, we see how important this is.

Mr. Wong: When you speak of the berm, is that the olden day border?

Mr. Kaleleiki: Yeah, that's when the waters used to end, and sometimes, like even in the '70s, it would be flooded where the cemetery would be protected from the water going into the cemetery, the berm, and it was pretty high but, you know, we had the trees and everything. I know no one could control, through the plantation or time of overthrow plantations taking of all this that stuff just collected, but it was a historical collection of stuff. They was interesting because we seen it, it just laid there with all the trees growing in between of it, even a train or caboose that was till in the parking, I mean in the Malu o Lele Park, which Tanya helped me by unearthing some of the track and I said, "Well, there you go." Because that caboose is in Santa Cruz right now. So all this, I'm for this finding, you know, it's interesting from a running track that people still remember it, how we used this are for May Day, and the whole thing, so there is history here with a lot of us that's here; now there's a new history of uncovering our old history, but the protection as well now, just to be maka`ala, be aware that this exist and it's our kuleana, it's not only mine because it doesn't belong to Waiola, it belongs to a lot of families, communities, schools, it just it's very important for the next generation. When we leave, at least we make sure that we were pono staying in harmony instead of pono `ole, being out of harmony, in protecting areas. So I would like to -- you know, if it's not 20 or something, at least they know that this exist. It's very important, especially a lot of the families who are buried here, their families, who we know, because we're all related, talk what's happening, what is this going on. I'll say, "I'll go. I'll go and check it out. Give you the scoops." So that was their mana`o as well is to make sure that the easement, or Waiohama - Waianae, kala mai, is protected as well, you know, along with our tradition of traditional areas that pretty much has disappeared through cement and concrete and for kala instead of just preservation. So that is our walk in trying to make sure that we be maka`ala in taking care of kuleana.

Chair Six: Do any of the other Commissioners have any questions for Tamalani?

Ms. Enfield: I don't, but I do have a question for Tanya.

Chair Six: I do too.

Mr. Kaleleiki: Mahalo.

Ms. Enfield: Hi, Tanya.

Ms. Tanya Lee-Greig: Hi. Aloha. Tanya Lee-Greig, from Cultural Surveys.

Ms. Enfield: So Tama shares that you guys have the same kuleana. What are your thoughts and mana`o on this 20-foot buffer? Do you think 8-foot is appropriate, or do you believe 20 feet is necessary?

Ms. Lee-Greig: I, you know, I would like to be able to protect as much as possible with the fencing on the interior side because we have yet to explore that lower area subsurface, yeah. We've done in the ballpark, toward the church side, but we have yet -- so we've explored this area because we -- we believe that this was definitely pond with some of -- which many of our test trenches confirmed. Because this area is so sensitive and we have the cemetery here, we went in here a couple of weeks ago, completed GPR surveying, and so we're still trying to process that data and put it underneath our survey grid; some interesting things have come up that we're still trying to evaluate, so with respect to that and not really being able to confirm what these things might be, I really would like to advocate for fencing off as much as possible simply because -- with allowing for, you know, what is needed for access, ten feet, if that is acceptable, eight to ten, but as much as possible so that we can be able to understand what -- what these things are that we're seeing in the radar, sorry, GPR, ground penetrating radar. And the other concern I have is that as we start being able to investigate these things, we do know from just being out there recently and from talk story that -- and knowing that this was a dump, yeah, people, you know, like to dig for bottles 'cause bottles are worth something, you know, and we've had, you know, people innocently tell us, oh yeah, when we were, you know, such and such age and we used to play baseball, we would come at night and, you know, try check out for bottles and stuff like that, so, you know, that is -- that is also a concern as we start looking below the surface, are other people going to start wanting to look below the surface kind of in the similar areas that they know that the archaeologists are looking so --

Chair Six: Can I -- can I just ask a quick question on that because, about the fencing, I'm glad you're fencing the area, I very much support the project, but I was wondering, because a six-foot fence, I think, a kid can climb over that, are you guys going to have any cameras or anything else you can, security-wise, because, you know, as an archaeologist, the minute you put a shovel in the ground, you're digging for treasure, people assume there's even if, you know, you were looking for a SPAM can or something, you know, they're assuming there's some value there, so I'm wondering about the size of the fence, and maybe a quick question for Blossom? I'm sorry.

Mr. Feiteira: You know, as I think that ...(inaudible)...

Chair Six: Please state your name one more time. Thanks. Sorry.

Ms. Feiteira: Hi. Aloha. Blossom Feiteira again. So I think just to reiterate the purpose of the fence is because of security. Since I've come to Friends of Moku`ula, we have experienced -- well, put it this way, my first 12 months, I started in April of 2013, we called the Police Department 53 times because of this area, people coming in, criminal littering, digging, drunk and disorderly, camping, you know. We have removed three dump trucks full of debris from the homeless. They move their furniture in here, okay, and they dig. They dig deep, okay. Right now, thank you to the Maui Police Department for doing walking patrols in the park at night, but I cannot rely on that, you know, every single day, and so the fencing is necessary simply because of that. Six feet is a reasonable -- if you've ever seen some of these guys that go into the park to go exploring, if they want to get in, they're going to get in, but a majority of the people that actually access the park and start fooling around and doing crazy things won't bother with trying to climb over a six-foot fence so --

Chair Six: So no security cameras at this time?

Ms. Feiteira: No, 'cause that's really expensive, but it is a consideration for the Friends of Moku`ula. We are, again, working with MPD to help us make that determination.

Chair Six: Just --

Mr. Wong: How far are we like with community awareness on this project --

Ms. Feiteira: Well, we've --

Mr. Wong: As far as community support, like, what do you call that, like community watching out for the area too?

Ms. Feiteira: Actually, since we got the place cleaned up, you know, if any of you have seen Moku`ula's condition like about eight months ago, it was overgrown, overburdened, we had invasive fan palm trees growing with leaves that were already on the ground; when we went in to clean up, the homeless actually was using those trees as their storage area. It was unbelievable. And so with the help of the County of Maui, we were able to clean the entire park. Now we've got eyes on the park every single day, you know, till 10, 11:00 at night. We have people that are from Hui O Wa`a Kaulua that assist us, Naekane Cultural Center and Aha Moku o Maui play a role every single day with us in keeping the area -- watching over --

Mr. Wong: And you got hotels and businesses on Front Street too that can look ...(inaudible)...

Ms. Feiteira: Correct. Well, Lahaina Shores Hotel just closed down for eight months for major renovations, but the maintenance crew and the overnight security at 505 have also lend their assistance. If they see anything unusual happening in the park, they're immediately calling MPD to come down and check it out. So, you know, I think that with the Friends of Moku`ula creating more and more activity and being more active in the community, we are now seeing that return back from the community in terms of keeping an eye out, participating more actively in our planning process, and, you know, stuff like that so --

Chair Six: I have another question while you have the mike, Blossom. I noticed in the AIS plan that it mentions the work that my students and myself did, and it says that my work is currently under review by the Department of Land and Natural Resources, State Historic Preservation Division, and when Morgan first got here, State Archaeologist Morgan Davis, I asked her if she's ever had it been submitted. I was the archaeologist hired by the Friends of Moku`ula, Blossom was not attached at that time, I created a report and turned it in to the then executive director, that report has never -- I've never gotten back for review or comment for a final draft, and as far as I know, has never been submitted at all by anyone to SHPD.

Ms. Feiteira: My understanding is that Theresa Dunham did receive a copy of that.

Chair Six: Yeah, because she told me send it when everything went down, but it was never submitted and so there's no review process.

Ms. Feiteira: Yeah. I have not -- I did not submit the report yet. We actually went through a peer review of the report so, it's been two years, but I'm still waiting.

Chair Six: Okay, because it says here that it's been -- it's being reviewed, so I just wanted to make sure --

Ms. Feiteira: That is correct.

Chair Six: It's duly noted that has currently not been reviewed by the SHPD, and I've been waiting three years for her comments on my findings. I spent two-and-a-half years on the site working with a number of scholars from New York University and a number of our local students as well as visiting students, so we generated a reported, so I just wanted to just clarify on that. I wanted to take this back to Tanya if I could speak to Tanya really quickly. I just -- I noticed when I was on the site a lot of the people at the Salvation Army were planting gardens behind there, are they still actively digging trenches in the Salvation Army property?

Ms. Lee-Greig: That I do not know. It's private property so --

Chair Six: Okay. I really want to just commend you for doing a GPR, ground penetrating radar, it was something that we brought forward to the Burial Council when I was working on the project and, at that time, Charlie Maxwell was very against, he felt it was like photographing potentially iwi kupuna so he was against it, but I really advocated for the GPR because we have several layers of fill, and for those who don't know, the wetland was filled in 1917 for its baseball games in 1918, and then based on research done by my students and some of our things that we found in our excavations, which are not as extensive as what Tanya's doing, is that park was refilled in 1954, so there's a double layer, and so a lot of these, just so people know, that all these fence pilings that area going in are not going to be going into pre-contact cultural sites, for the most part. The area that they are going to be fencing is on top of a purposely ...(inaudible)... Tama said they had train tracks bringing the soil in from Kahana, and the initial fill by the Howell Dredging Company, which started in November 1917, and then they talk about the first baseball game in summer of '18, and then everybody starts complaining 'cause the park's sinking, and we see improvements done in 1954, and War Memorial Stadium was almost built on top of Moku`ula. It's all in *The Maui News*. So I would just like, at some point, for my work to be known, and it's not just for me for my ego, but for the students that worked on this report and for the information that we got together, so I just would like to say that, and thank you so much. And the other comment is pier. Tanya, is there any records of piers, any historic record? I could never find any.

Ms. Lee-Greig: I haven't seen anything in the historic literature --

Chair Six: Okay.

Ms. Lee-Greig: Regarding the pier. What potential pier, yeah? Until it's like fully excavated, yeah. So, potentially, the location of where the Bishop Museum excavations, you know, it's compelling, off of the shoreline and into the pond area. We -- the wooden planks that we identified in our trench, it was the last trench that we excavated, which was right in here.

Chair Six: So it's pretty much lining up with that one on the other side?

Ms. Lee-Greig: Yeah. Yeah. So it's compelling.

Chair Six: Yeah. No, it is. That's why I just was wondering because when I was doing research, we never could find mention of a pier, and then we expanded Bishop Museum's initial trench, which was 4 meters long by 75 centimeters wide, we found that it went over 6 meters it probably went on, so it's very wide, and so I have maps of the excavation we did, so we were wondering if it was a dock, or then when I started reading the Wall documents, it kept talking about the wooden kind of boardwalks, that's what made me kinda

think that's very interesting. So thank you very much. And I really, again, I support the project so I'm glad to see it moving forward. Yes?

Ms. Mowat: I was -- I was -- my mother is half Hawaiian, and I know that when anything is done, it has to be done right, and what Tamalani was saying is it has to be pono, so my -- I feel really kinda like jittery inside because we have to make sure it's done pono, and if there's anything that is not right, we going have hard time. I support the fence. I support the -- everything that's being done. But at the same time, I think we have to be very respectful of also what exist with the wall, with the graveyard, with the church, and that's part of the pono. There cannot be any kind of bad feelings because this is really stuff I believe what we're doing is bringing back a lot of stuff that maybe a lot of us don't understand, so my mana`o is make sure everything is pono, all around, inside our hearts, our thoughts, what we say, and then we going be successful. So if -- I hope the Friends of Moku`ula and Waiola Church, that there is a good --

Ms. Feiteira: Oh no, yeah, there is. I mean we --

Ms. Mowat: Yeah? If there would be a way to compromise so --

Ms. Feiteira: Well, we have -- okay, so just to give you a brief background, I not only serve as Executive Director for Friends of Moku`ula, but I'm a lineal descendent myself. My family has, in Waiola Church alone, has five generations buried there. My grandfather served as a Kahu, as a Lay Minister for Waiola Church. So have a lot of history. Malu O Lele Park, when I was growing up, I was told by my kupuna, and I was never allowed to play in that park because of what it was, and so when I had the opportunity to take this job on, it became my kuleana, and going back into the community, one of the first things that the Friends of Moku`ula did to make things pono is we actually went to the families of the lineal descendants that we know and we told them, "We want you to come and sit at our table too and help us do this thing the right way." We currently have 37 families that are lineal descendants that sit on our committee, and they provide us with guidance in every step of the way. Second thing we did is we did away with the plans for the parking lot and the buildings on the back area because I know, they know, we have kupuna iwi there, we don't know where they are exactly, but we do know that practice says that they exist, and so we are keeping the area open. The third thing we're doing is we're restoring the stuff that was there before. So when Tama talked about Hoapili's plantings, there used to be an `ulu grove there. There's one remnant tree left in the entire parcel, and it's dying, so we're going to be replanting the `ulu tree. Our idea behind keeping those coconut trees inside our fence line is because those are remnant trees. Those trees are over a hundred years old. They were -- that's all that's left of the original grove that was there. So when our kupuna that are today with us tell me about the stories of their kupuna about this place, we have an obligation, yeah, a kuleana to make sure that their wisdom is applied in the work that we do here, so when we talked to County of Maui about installing this fence, it

was specifically to make sure that the hewa that was happening on the property now stops, okay. I have guys who go drink at Sparky's, the bar at 505, let their dogs loose in Malu o Lele every day. Every single day. And I call humane society. They don't have anybody after 4:30 in the afternoon, right? So guess who go gets to chase owners and chase dogs, yeah? So when we talk about the community coming together, they are coming together. We have guys that come and check every single day. MPD has willingly put Moku`ula on their patrol route. They come in. They park. They walk every single night, okay. So this fence just adds that extra measure of security for our community to ensure that what is there stays intact so --

Chair Six: Just a quick comment. We recently got a grant for the Hana Cultural Center 'cause we're having Francis Sinenci redo our kauhale, and we were able to get a motion sensor solar cameras for about \$400, I know that's still money, but it's something to think about if this doesn't stop the pilikia. But I'm so glad -- like I said, I'm so support this fencing. In my tenure there when I was there, defecating on the ahu, cleaning up, smoking ice in the bathroom. It was really -- I had students and we had to walk them to the bathroom.

Ms. Feiteira: You know, when the County Parks decided to close and dismantle the bathrooms there, every morning, okay, for about three months, my staff and I would go to the ahu that's there now and were cleaning human waste off of our ahu with toilet paper and, you know.

Chair Six: It's unfortunate that it's close to the Hope Chapel, which many people go and get help from, and many people go and get coffee, and then would go to the park and do things that were no fitting. And I'm not Hawaiian or a lineal descendant, but I'm a long time resident of Maui, I always tell my friends that I learned a lot, that Moku`ula really schooled me on the importance of this site. I went in with a real gee whiz, this is cool, and I got really -- this place has got a lot of mana, a lot of importance, and I'm really glad to see that it's going the right direction and they're doing a lot of archaeology. I'm glad for County Council, the support that Elle Cochran led that charge to get people to say that we need to slow down, do this thing right, like Bridget said, be pono, because there has been a lot of problems in there, so I'm really glad to see -- I'm really supportive of it. Is there any other questions for Blossom?

Ms. Kajiwara-Gusman: Yeah, I have one. I too support the project. What bothers me a little is that -- where we're placing this fence or where you folks are placing the fence. I heard earlier in testimony that they're not real sure about the boundaries, and I know, from my own experiences with our property in Waihee, you know, the old style is you either follow the ditch or you follow the berm or, you know, so is this fence really on the right property or are we encroaching somehow on the church's --



Ms. Feiteira: Okay, so, first of all, the fence line is not following the boundary.

Ms. Kajiwara-Gusman: Okay.

Ms. Feiteira: We are actually pulling the fence line back this way to create that buffer between the cemetery and the fence simply because, you know, Tama them spend an inordinate amount of time planting plants to beautify the area and if we took that fence line to where the boundary is, we'd have to yank all those plants out.

Ms. Kajiwara-Gusman: Okay.

Ms. Feiteira: So that's number one. Number two is that we want to be able to have the ability of the public to be able to access certain areas. And number three, for purposes of repairing the wall, I need the space. Our guys are going to need the space. When you talk about the wall, if you look at the maybe the first two feet of the wall on the bottom, that is the ancient wall. It's actually dry stacked. And because of the big humongous monkeypod tree growing, that root system went underneath and it started lifting, yeah, so that's why there is all of this damage. So we have a master stone builder that is willing to come and kokua repairing the wall, but I need to be able to secure the area first, and I need to be able to make sure he's got sufficient access for him and his students to be able to do a good job. So, yeah, the fence line is not on the boundary.

Ms. Kajiwara-Gusman: It's actually inside.

Ms. Feiteira: It's actually about maybe -- what is that, what eight, six feet? Yeah, it's about six feet in from where the boundary actually is so --

Ms. Kajiwara-Gusman: So the pathway that he's talking about is actually inside the other property?

Ms. Feiteira: Yeah.

Ms. Kajiwara-Gusman: Your --

Ms. Taomoto: What they're saying is an easement is not an easement on the county property. The Tropical Road is --

Ms. Kajiwara-Gusman: No, no, no. It's not an easement, it's a pathway. It's a pathway that --

Ms. Taomoto: Well, they call it an easement but it's not -- the Tropical Road, if you look at your packet --

Ms. Kajiwara-Gusman: Yeah.

Ms. Taomoto: There's a tax map key, and on that Shaw Street top, edge of our property, if you look in your packet, I mean in the archaeological inventory survey plan, that is outside of the county property, and that's why we're definitely not going to affect it because it's not -- that old Tropical Road is not part of the state county property, and we're also proposing, from that boundary between the road and our property, we're going to even come in another eight feet. So it's almost 20. It's 18.

Chair Six: Just maybe a question either for you or for Blossom. You know, once this archaeological inventory survey is completed, and restoration of the loko begins, do you see a wall between you and Waiola? You don't see like a fence? Yeah, so the idea is this is really to protect the cultural treasures, it's a temporary fence. If they work with Tama to give him more allowance, a little bit more space, but the way I see this and from my knowledge of the site is that it's not there forever. It's not going to be separate 'cause you see them obviously as ...(inaudible)...

Ms. Feiteira: You know, right now, between now and when the loko -- the work on the restoration of the loko begins, we need to have something in place in order to maintain the security of the area ...(inaudible)... the chainlink fence and not the regular original fence that we all want and, you know, dream about every night. But, yeah, so the fence is going to stay in and it also will serve as a way to buffer the community when the construction starts. Once that is complete though, the -- we are going to be installing a more permanent fence that is more appropriate in design for the area simply because the community said we need to keep it safe, okay. We intend to work with Waiola Church to define what the access issues may be as a result of that, but around -- if I could just ...(inaudible)... what we're currently talking about right now is, if you look at the handout that they gave you, I think it's this one right here, yeah, where the blue area is right here, this area right here, is right about here, okay, so this area is going to continue to remain open, okay. So we're going to take the fence off of this area, I think, yeah, so there will be some protection here because we still intend to have this area be available for community use, okay, but the permanent fence is going to go actually around the actual loko itself so --

Chair Six: And I believe that's because it's potentially ...(inaudible)...and someone could drown in it, fall in it. I remember in some of the meetings we had, you need the fence because someone will do something boneheaded and jump --

Ms. Feiteira: Oh, of course, or go swimming.

Chair Six: Yeah. Exactly.

Ms. Feiteira: ...(inaudible)... to swimming pool. End of story.

Ms. Kajiwar-Gusman: And then, Aunty, what -- sorry, habit. How long more do they anticipate the archaeological survey to go on before the fence can be removed?

Ms. Feiteira: Okay, that's a Tanya question.

Ms. Kajiwar-Gusman: Approximately?

Ms. Lee-Greig: I'm sorry, can you restate the question?

Ms. Kajiwar-Gusman: I know 'cause our Chair has been working on the site for a while, how long do you folks anticipate the project to continue for -- before the fence is actually removed and the restoration starts?

Ms. Lee-Greig: Oh, that's not a question for me.

Ms. Taomoto: We thought you were asking about how much longer the AIS is going to take to complete, but the fencing will stay there as long as the Friends, basically, request it or the community request it.

Ms. Kajiwar-Gusman: So it's a community driven --

Ms. Taomoto: Yeah, I mean we will have to evaluate, but it's going to -- it's better, like everyone knows, it's better to have the fence as long as possible until the funding for the permanent fencing, which majority of that, as Blossom was explaining, is connected to the Mokuhinia project. In that project, the Army Corps, County of Maui, and the Friends of Moku`ula, and the lineal descendants have to agree on the appropriate style and type of fencing that serves the ecosystem and the, you know, respects the culture.

Chair Six: Yeah, I just want to go on record, I just have to say this, and -- so people who might not be familiar with the project, there's a couple compliances, compliance 106 and compliance 206, and compliance 106 is for cultural -- and so what the -- has been being said is that the wetlands is a natural wetlands and they're using compliance 206 and doing natural wetlands for the birds and the ecosystem to come back; I would argue that it hasn't been a natural wetlands since the chiefess was interred and became Kihawahine that it's been a cultural wetlands, but this is not my determination, this is what the county is working under and with the Army Corps, so oftentimes it'll be discussed as a natural ecosystem but I just want to get it on the record that I personally believe that all of that is interconnected, all the waterways in Lahaina it's full of burials if you're related to the Mo`o Kihawahine or aumakua, there's ten different types of burial practices that I'm aware of from reading different papers by different archaeologists and one of the ways is to be interred in the punawai or the heart of the spring, so for me, this whole area is a cultural treasure and, again, to me, it's a harsh line to see that fence dividing Waiola, which is where a lot of these

ali'i and kupuna are now residing, so I think that working with these guys understand that very well as lineal descendants better than I do, but I just want to get on the record that I think that the Mokuhinia should be compliance 106 as well. Commissioners, do you have any other questions?

Mr. Skowronski: Yes. I've got some questions for the Department of Management.

Ms. Taomoto: Okay.

Mr. Skowronski: Can you go back to the site map? You have a 4-foot man gate designed and setup for the back of the cemetery, and then you have a 12-foot gate along Shaw Street.

Ms. Taomoto: Correct.

Mr. Skowronski: Okay, and you made a reference that you were going to keep those as a pedestrian access to cross this property to get to Waiola. Why are those two gates there?

Ms. Taomoto: The personal man gate is so that when the church uses this property, they can access --

Mr. Skowronski: How is the church going to use that property when the gates are ...(inaudible)...

Ms. Taomoto: Apparently they -- sometimes they park cars over there.

Ms. Feiteira: Yes, we've experienced a need, rather our church, sometimes for -- I'm sorry, Blossom Feiteira. Over the past couple years, since I've been at Moku`ula, we have had requests from the members of the church to utilize our back area for parking, for overflow for funeral services and for -- for gatherings, and so what we've done in the past is when - we currently have a gate there - the member of the church can call us up, tell us the date that they need it, we'll meet the Friday before the function, I'll give them the keys to the back gate.

Mr. Skowronski: So there's an opportunity for that area to be open for 24, 48, 72 hours at a time?

Ms. Feiteira: It becomes the kuleana of the people that are using it to maintain that, so we have not had any problems with anybody using the area for parking with that kind of nature. They open the gates, people come in and park; after the gathering, they leave, they lock the gate up, and then they, you know, bring the keys back to me on the following Monday.

Mr. Skowronski: Well, I recognize your interest and I think that the board has an interest in preserving the area as closely as possible so that it doesn't get disruptive, but if people are going to be parking their automobiles there, isn't that going to be disruptive to your intention of rehabilitating that whole area?

Ms. Feiteira: Well, actually, that is the recommendation of the community and our lineal descendants. You know in the original plans, Friends of Moku`ula was going to lay out a whole huge extensive paved over parking lot with the administrative buildings back here, which the community did not want because then it would be parking 24/7. But if the area is available for the church to use, for other community uses, like one of the things we do is we host -- we help to hold Kamehameha Day, pa`u and ho`olaulea parade, okay. The pa`u units use the back area to mount and dismount.

Mr. Skowronski: So, eventually, that area is going to be paved?

Ms. Feiteira: No. We have decided, formally decided, the Friends of Moku`ula, that those plans for the parking lot and the administrative buildings are formally no longer, so it'll be an open area, we will be actually doing a mea kanu project, and it's a raise garden day project for the schools to start working with the kids again, but, essentially, this area is going to remain open, and it's going to be assigned for community use so if the community needs it for gatherings, for small events, they have a place, close to their kupuna, that they'll be able to use.

Mr. Skowronski: But, again, what I'm -- what I'm curious about is that if the future use is not going to be for parking automobiles, why is the interim use being programmed to use automobiles?

Ms. Feiteira: Okay, because the community -- one of the things that we want to do, Friends of Moku`ula, with the community is allow for the community to use this area as they see fit, so for Waiola Church, their members, they are the ones that asking. I'm not going to tell them no, I'm sorry, okay, because the area's big enough, it has been used as a parking area before, a dirt parking lot, so -- and it's not everyday. It's on as-needed basis. If the community needs it for that purpose so that they can gather to, you know, aha wai maka or to celebrate a birthday, then why not?

Chair Six: And, Blossom --

Mr. Skowronski: One second. So right now, the intention is that there's going to be four access points onto this property?

Ms. Feiteira: On the entire property, correct.

Mr. Skowronski: On the entire property. Well, my concern is that this is -- this is not only a temporary fence, but it's also a security fence, and the weak link, excuse the pun, of all fences are the access points, so every time you have a gate of some kind, and you're going to have actually one, two, three, four, five, six, seven jams of operable spaces to get in, those are going to be weak points in the concept of security, and so I'm wondering why so many accesses to this ecologically culturally sensitive area and is there any way to mitigate that?

Ms. Feiteira: Well, maybe if we -- okay, so this access right here is in line with the current county booster station, so that gives them access to the facility here, it also gives us access to the larger area when we want to do community events. The back end gate is also an access for County of Maui for Parks and Rec for the maintenance of the existing tennis court and basketball court so --

Mr. Skowronski: But they don't have to get into the te existing basketball court or tennis courts through Malu Ulu o Lele Park do they?

Ms. Feiteira: Well, they come through the back in where this is right here, basketball court and tennis court is here, so they come this way for this, and then this is for the booster station that's right here.

Ms. Taomoto: Yeah, I want to clarify that the three gates are existing gates and we're putting them back because we cannot make a determination right now how -- because they're in the middle of all this archaeological inventory survey, it's better to put it in now than to not put it in and then find out we need a 12-foot gate and not one little 4-foot gate because of the equipment or the events that the Friends of Moku`ula and the community wants to hold, they're all existing, those yellow ones that I showed you in the previous picture --

Mr. Skowronski: Right.

Ms. Taomoto: They're all existing gates and because they're existing and no one's really complaining about the gates being there that are existing, we're putting it back, you know, and it's improving the security because if you looked at the -- recall the pictures, it was those yellow gates where you can just walk through, these are going to be chainlink, and the -- it's pretty secure. I mean we're going to have a chain on it. It's going to be locked. The posts, like I said, are -- the footing for the fence post is 12 inches versus the 9, I believe, I had shown on the details, so we're not concerned that it's less secured just because there's a gate there. We feel that that provides the level of security that is the intent of the project.

Mr. Skowronski: On the fence line that's along Waiola Church property, which would be what - at the eastern side of the property, right now, you have a note, Note No. 2, that that portion of the fence would be approximately, plus or minus, eight feet away from the existing walls and the existing berms. Is it your intention that the rest of the dimension from that Note 2 to Shaw Street would be right next to the wall or is there going to be an eight --

Ms. Taomoto: There is no wall.

Ms. Feiteira: There is no wall.

Mr. Skowronski: But --

Ms. Feiteira: Okay, so if I can clarify. Blossom Feiteira. The Waiola Church wall is here, and it comes out to about here I think.

Mr. Skowronski: Right.

Ms. Feiteira: Right here. Okay.

Mr. Skowronski: Right. So you're just eight feet away from there?

Ms. Feiteira: Yeah, eight to ten feet from the wall to the fence line, and it continues all the way down to Shaw Street.

Mr. Skowronski: Okay, but that fence that continues down to Shaw Street, is that going to have an eight-foot buffer too?

Ms. Feiteira: You mean this one right here?

Mr. Skowronski: From the existing eight-foot -- from the proposed eight-foot buffer at the end of Note 2, from there to Shaw Street, is that going to have an eight-foot buffer?

Ms. Feiteira: Yeah, it stays intact.

Ms. Taomoto: Let me -- it's not exactly eight. It ends at eight, so it has to pickup from eight, and then when it hits Shaw, it may be less than eight.

Mr. Skowronski: Why not continue with the eight-foot buffer all the way to Shaw?

Ms. Taomoto: Because -- well, we could, but again, we're working with the archaeologist because, as she stated, there's ongoing below ground investigations, and so when we do the installation, we're going to have to re-consult to make sure that, where appropriate, we

have to go with the foot stands, and if we are allowed, we will go with the concrete footing, but like the testifiers and everyone knows that there's potential for burials, so we may end up with -- well, we are -- it's eight-foot, plus or minus. I should have write "approximately," but we're working really closely with the archaeologists, and with the Friends. The main thing is that it is not going to go outside of the county property, it will be inset from the county property, and it won't be on the boundary.

Mr. Skowronski: Well, that's what I'm getting at, if we were to -- if you were to make the -- extend the Note no. 2 along the entire east side of that property, wouldn't that go a long way to accommodating the access, the "20-foot" access that the testifiers have been requesting? Wouldn't that give you enough room to work --

Ms. Taomoto: The access that they're referring already is outside of the county property. We can't put the chainlink fence in that access they're referring to 'cause it's not part of the county property.

Mr. Skowronski: No, I'm asking you to put the fence eight feet inside the county property to align with the eight-foot inside that you're providing in Note 2.

Ms. Taomoto: We could do that but we want to make sure that within the fence, all those sensitive things, as much as can be, is secured by the fencing, so we haven't -- we're working with the archaeologist 'cause she hasn't -- she did the side near the old tennis court, but that area she hasn't really gone through, they did some ground penetrating radar, and they're going to advise us if the fence should go -- where it should go so we can capture as much of the archaeological sensitive areas within the fence than to leave the sensitive stuff that we're trying to protect outside of the fence. The main thing is we won't be crossing the county -- we won't be outside of the county property, and we'll try to capture as much of the sensitive things.

Mr. Skowronski: But you don't have any problem with not capturing eight to ten feet of sensitive areas along Note no. 2?

Ms. Taomoto: Well, the rock wall is archaeological and cultural so -- but in order to restore it, like they're having a plan to, we need to provide that buffer to do the restoration; that has a higher priority than things that are not necessarily going to be discovered during this AIS because that's above-ground sensitive features, archaeological, not archaeological, but cultural features that they're going to restore, so the stuff that we're talking about, potential, is we can't see it, we know that one is significant and to allow the restoration is how we came up with the eight-foot buffer to allow them to physically work on the restoration of that rock wall.



Chair Six: And didn't Executive Director, Blossom Feiteira, mention that it's kind of a danger because wall is crumbling, so there's an attractive nuisance and a need to shore that part up a little bit, I mean not an eminent danger, but the need to get in there and fix that cultural resource that's above ground, and then I understand the ground penetrating radar, once you get that data and you see some subsurface anomalies, or not, you still have to look at that data, and then maybe do some testing before you can come up and make statements about where to put the fence, so I understand that.

Ms. Taomoto: Exactly.

Chair Six: Thank you.

Ms. Lee-Greig: Tanya, Cultural Surveys. I just wanted to clarify that we will not be doing any testing outside of the fence, so if it falls outside of the fence, we will not test that because we want to make sure that what we are testing is secured. So within that eight-foot access, that's important for access yeah, so we will not test in that open area, so anything on the other side of the fence, we'll take a look at the GPR and if have the data, and if we need to, in consultation with everyone, adjust the fence in or out so that we can look at what that is, subsurface, then we'll have that conversation, hopefully, but just knowing that if it's decided that it's 20 feet today, we will not be testing within that 20 feet outside of the fence.

Chair Six: Do anyone have any other questions?

Ms. Taomoto: I just wanted to comment on the archaeological inventory survey, it was, in a sense, required by SHPD or recommended by SHPD, and it's important for us to, within the tax map keys, proposed to be affected by the Mokuhinia project that we do as much of the inventory survey as possible, and we don't want the fence, you know, and the fact that Tanya's correct, if we do plan to test, we want to make sure we can secure it. And I am not concerned about the access because, like I have stated, if you look on our drawing, the black line here -- oh, sorry. The wrong one. Down here -- The access that the church needs is from here, up to this line, and here. As you can see, it's outside of the county property. We don't have any control over that. So we are going to be, from this rock wall corner, was back here, eight feet, and that's why I say we're going to -- this access is their access, that old Tropical Road access. We're probably not going to be on the boundary. We're not going to be on the boundary. We're going to be inside the boundary a little bit, whether it's eight or not, I don't want to say because she has to make a determination what it is and make sure we protect it, and make sure we can do the AIS with as much of the area -- covers much of the area as possible to understand the impact that the findings have on the US Army Corps project, so we want to make sure we don't restrict the AIS too much.

Mr. Skowronski: But if we were to accommodate the once in future 20-foot access, that means that that 20 feet would be inside the county line and that would be 20 feet of un-surveyable or unaccessible to the research. Is that not true?

Ms. Taomoto: Yeah, if we created too much on that road, then, like Tanya said, she won't do any AIS because it won't be protected, so we don't want to say we're going to hold the 20 on that side 'cause that's where likely we might find, I don't know, we don't know, we don't want to say right now until she has time to process and make a evaluation of her GPR stuff.

Ms. Kajiwara-Gusman: I have a question for Tanya. How long is the processing of the information is going to take from what you already have?

Ms. Lee-Greig: From what we have, I'm looking at about maybe two weeks to be able to kind of really make it pa`a, yeah.

Ms. Mowat: I'm having problems. You know with the dark line that you mentioned, that you pointed out, and the area of the church, now doesn't the line, doesn't the green line and that black line merge and become one line? So where is that?

Ms. Taomoto: Yeah, it's a fat looking line, and that's why -- that is not the area where Note 1 is - I mean Note 2 is referring to. Note 2 refers to the rock wall. The eight-foot is to allow the restoration of the rock wall. After the rock wall, we are going to be, from the paper boundary, record boundary, eight feet to five feet, say, we're not going to be on the boundary line, we're going to be somewhere between eight and, you know, less, eight feet or less. So this side wasn't -- the eight-foot offset is not related to this side where there's not rock wall. We want to capture as much of the archaeological inventory test pits or information as possible within the fence without putting the fence at the -- not on the boundary. It will not --

Ms. Mowat: The rock wall that you're talking about repairing, is that the same rock wall that Tamalani --

Mr. Skowronski: Yes.

Ms. Taomoto: Yes.

Ms. Mowat: Was talking about? Okay.

Ms. Taomoto: And that's not -- the county is not repairing it. It would be the Friends of Moku`ula and the community. It's a community project.

Ms. Mowat: Thank you.

Mr. Skowronski: My concern is, and since this is only for “advice,” is if you were advised not to play on this property, how are you allowing people to park their vehicles on this property? I understand that it’s at the request of the community, but there must be some mitigation or some sort of compromise to take the property out of public use.

Ms. Feiteira: Okay, so from the Friends of Moku`ula’s perspective, this back area right here, we have opted to work with the community to keep this public use, and we don’t call it “public use,” we call it “community use,” because there has to be a form and function in order for them to use it, and this comes from my kupuna that are currently with us today. When I talked about I was not allowed to play in the park, I was not allowed to play in the baseball area. This back area used to be a rubbish dump, okay. Before that, it used to be a mea kanu, it used to be a garden actually, `ulu grove, `uala, bananas, coconut used to grow here to feed the community. One of my kupuna told us the story about how her kupuna used to come to pond to wash her clothes. So this area was always a community area, for the use of the community, okay. Back in the 1800s, it was a garden. People would come and feed themselves. Today, we need space to accommodate family gatherings and whatnot, and so the kupuna have to no problem with this area being used to park cars once in a while for special events. This is not something that is going to be commercial in nature, if that’s what you’re concerned about. The whole commercial idea has been removed from this area.

Chair Six: I just going to say, if you look at the historic maps that do exist, the pond was larger. Obviously the plantations had their effect on the size of the pond, and if you look historically, the pond shrinks, and this part becomes dry late in the 19<sup>th</sup> century. So earlier oral history say that this was, you know, obviously there was water, she talks about people washing clothes, and there’s potential for burials here because if you know what a karst is, a karst is a soft calcium carbonate stone that develops as the islands, over millions of years, develop and it’s like it’s limestone, so when you have all that acidic water from mountains hitting that, it boars through and causes holes or solutional caves, they call them “sinkholes” or “cenotes” in the Maya, and this provided . . . flowing waters provided this unbelievable wealth of water for this area, and so the salt patches you see, if you go to Lahaina after high tide or high rain, you’ll see salt patches ‘cause the saltwater’s still coming in through these natural caverns and pushing up, and pushing salt up, so this is an area, but over time, this area would have been probably less culturally sensitive as there’s less use of the island, as the nine mile auwae, the wealth of this area is broken by the plantations as they drill into what they call “Christmas Tree,” which is really the head of mo`o up in the mountains and divert the water, this starts to shrink. So I think that maybe what Frank is saying that if you weren’t allowed to play on here, but I -- the people I interviewed during my research, they also said they weren’t allowed to play in the ballpark, they were told, but I think this area, because it was one as the plantations diverted the

water, became dry and exposed and it gardened, and I think I would have to defer with Blossom her work with the community, working with Tamalani and other people that are very active in this area, and having the kupuna guide that. I'm really pleased it's not going to be paved and bunch of buildings on top because I always felt that kind of suffocates this kind of -- there's this kind of natural flow that's happening and when I excavated down to water level near the old Bishop Museum trench from 1993, you could see the water rise and fall with the tide. It was almost like the breath, you know, that kind of breathing. So there's a real active system underneath there so there's this part of that, so the part of the wetlands has been lost due to diversion of the water, changing of climate, and that this land has gone through several different reiteration historically, and it was a dump in the '70s, so I understand Frank's position and I think it's a really good question like why is it okay to park here, but I think with the right use, limited use, for the right reason ...(inaudible)... oh, I better stop talking.

Ms. Ricalde-Garcia: ...(inaudible)... to Frank's question, how do you ensure, even though it's infrequent, people parking there, how to ensure that they won't disrupt the sensitive areas?

Ms. Feiteira: Well, you know, at some point in time you have to trust the community, which is why we work with Waiola Church and their members. Yeah, so, you know, these past couple years has been not an eye-opening experience for me, but more of a confirmation of the desire of our Hawaiian community on the west side to really take care of this place and malama, so when we have allowed them to use the area, I can tell you that they come in before, they clean, they park, they leave, they clean before they leave, and they lock the gate. So we have not experienced any untoward action or any kind of callousness when we've allowed the community to use this. Even when the pa`u units come and dismount, right, they bring their own water in, they park their trailers; when they're done, the place is clean. You can't tell that they were there, which is what we like so --

Chair Six: And just a quick clarification. Say this ground penetrating radar and Tanya sees some things there and comes up with a recommendation, I'm sure that you would work with her recommendation as well if this was an area that you found to have numbers of burials or contain cultural -- that you may change this use?

Ms. Feiteira: Oh yeah. Absolutely. I mean 'cause one of the things that our kupuna and our lineal descendants community is majorly concerned about is we know, from our stories, that there are kupuna iwi there, we don't know exactly where they are, and so until we know, that's why we're trying to keep the community use such that it remains on the surface and it's temporary in nature so --

Ms. Mowat: So that area, you're going to -- you folks are going to look for, you're going to do surveys?

Ms. Feiteira: Yeah, under the current AIS, Tanya was doing that whole thing with the --

Ms. Lee-Greig: So yes. In the inventory survey plan, this area -- this area here, we ran the machine over that entire area, in between 5 to 10 meter intervals, so 15 to 30-foot tracks across the whole thing, so we have fairly good data, and based on that, we will test to see, to ground truth what we think we see in the data. What it looks like, when it comes up it looks like a series of different colorations, yeah, so when the radar goes into the ground, where it encounters resistivity, or something solid, or like pohaku, or coffins, if you will, the signature bounces back differently than in other places, so if you had say a rock wall here and dirt on either side, the machine will pick that up, yeah, because the signal will go deeper in the soil or the dirt, and then it'll bounce back as it encounters the rock wall, and then it'll go deeper, so then you have a difference in the coloration is what we're looking at, yeah, and so if it's, you know, not something that looks like it happens in nature naturally, like linear features or rectangles down in the ground, yeah, that's where we will go in on the side of those rectangles and try to see something in profile rather than coming directly down and, you know, maybe disturbing something, so we'll go down off to the side of that and see what we see. So yes, that whole area. Depending on what we see in the data, we will focus our testing there.

Ms. Mowat: And this is the same area that the cars can park? Is that same area where --

Ms. Lee-Greig: Yeah. Yeah.

Ms. Mowat: I can understand where you're coming from because you're putting up a big big fence to protect it but then we're allowing cars to go park, and I'm sure that it's pretty active, yeah, there's a lot of community events?

Ms. Feiteira: No. No it's not. Last year, we, in - this is '15, yeah? Okay, in 2014, Waiola Church asked us to use the parking lot three times, members, and then we allowed the pa`u unit to use it, so that's a total of four times where we actually had cars parked on the property. And just to let you know, we limit the area that they can park; it's just from here, here. They're not allowed to go this side of the current gate. They park everything on this side so --

Chair Six: Are there any further questions at this time? Ms. Wade, will you read back the comments that have been stated by the Commissioners?

Ms. Wade: I don't have any comments that were stated and agreed to by all of the Commission. The only thing that was stated by the applicants during the discussion was that foot stands could be used along the property adjoining the Wainee Cemetery, if you wanted to include that as a recommendation.

Chair Six: I also, I believe, because we were taking some notes here, that we were talking about considering a ten-foot or larger buffer to protect the Waiola Cemetery and its artifacts, so I know we were talking about that, but I think that might have been before we had a clear understanding that without Tanya's review, it's hard to decide where to move that fence, and so I think that one thing that we wanted to do is really have Friends of Moku`ula, who they're already doing it, and the archaeologists, work with Waiola Church and Tamalani's ground to consider the church's needs and eventual restoration goals, so I think that was something that was talked about. Is there anything anyone else can think of? No? So do we need to put that in a motion or -- can I get a motion to send these comments forward, or is there more discussion?

Ms. Kajiwara-Gusman: Move to send the comments forward as stated.

Chair Six: Can I get a second?

Ms. Ricale-Garcia: Second.

Chair Six: Pardon me? Any further discussion ...(inaudible)... any further discussion? Okay, it has been moved by Commissioner Gusman, and seconded by Commissioner Ricalde-Garcia, that we would ask that they would work with the archaeologist to discuss a buffer going forward once there's more information on that data and maybe they could come back and report to us on that, and then also to protect potentially if it's an area of cultural sensitivity to look at using that foot stand type of fence. So those would be our recommendations that we would send forward. Okay, we have to vote now.

There being no further discussion, the motion was put to a vote.

***It has been moved by Commissioner Kajiwara-Gusman, seconded by Commissioner Ricalde-Garcia, then unanimously***

***VOTED: to recommend that the applicant work with the archaeologist to discuss a buffer going forward, once there's more information on that data, and maybe come back and report to the Commission on that, and recommend that foot stands be used to protect potentially cultural sensitive areas.***

Chair Six: Okay. So it's been moved. We're done, right? ...(inaudible)... good. Any further discussion on the main motion? No? We're done. Let's take a ten-minute break before we go on to the Director's Report. Real quick. Good? Alright. Thank you very much everyone that came and recess for ten minutes.

*(A recess was called at 12:36 p.m., and the meeting reconvened at 12:48 p.m.)*

Chair Six: We have a Director's Report, we have agenda item E, we're going forward here.

*Chair Six read the following agenda item into the record:*

## **E. DIRECTOR'S REPORT**

- 1. Cultural Resources Commissioner orientation workshop (part 1): Chapters 2.88, 19.48, 19.50, and 19.52, Maui County Code; and Chapters 530 and 531, Rules and Standards relating to the Cultural Resources Commission (Commissioners: please bring your Cultural Resources Commission new member binders)**

Ms. Annalise Kehler: Okay, I'm going to try to keep this as brief as possible, it's just to let you folks know about the parts of the County Code that pertain to the business of this board. So Chapter 2.88 is the Cultural Resources Commission part -- chapter of the code and, essentially, it just relates to the establishment, composition, purpose, powers and duties, and other administrative items for the CRC. So like Section 010, it just states the purpose and intent of this chapter, which basically is to protect cultural resources and to encourage reuse and continued use of historic resources and things of that nature. And then 020 is just definitions, the standard part of a code or of a chapter of a code; 030 establishes this Commission; and then 040 deals with the officers and expenses, it just talks about the fact that we elect chair and vice-chair on an annual basis; 050 is meetings and voting, and, basically, it just states that meetings are held at least bi-monthly, and that the chairperson, director, or anyone on the Commission may call a special meeting, if needed, and a special meeting is just a meeting that doesn't occur on a regularly scheduled meeting, so like a site visit or whatever; 060 is powers and duties, I have another slide that I'll talk about that a little bit more in detail on; 070 just explains the process that the CRC reviews nominations to the National or State Registers of Historic Places; 080, it establishes the documents that CRC is to use in its review functions; and then 090, it just administration and it just says that the Planning Director is responsible for providing clerical and administrative functions for the CRC.

So 060, powers and duties, this is just an abbreviated list, but the CRC advises other governmental agencies in carrying out their historic preservation responsibilities, they review and -- or recommends or reviews nominations to the National Register or the Hawaii Register of Historic Places; it provides design review for significant historic properties, and we define a "significant historic property" is in the code, and it basically just means any property that is eligible for listing in the National Register of Historic Places. And then the CRC also reviews and comments on archaeological reports or cultural impact assessments. And the CRC may also adopt rules of procedure and conduct, and that's

basically what Chapters 530 and 531 are is the rules of the Commission and the procedures of the Commission.

Chapters 19.48, 19.50, 19.52, that's part of the zoning code, and it relates to the Maui County Historic Districts. So 19.48 gives the CRC authority to establish new county historic districts and modify existing county historic districts, and it also explains the process for doing so. And 19.50, it establishes the three county historic districts. So Historic District No. 1 is in Lahaina, and it's shown in green, and these are some of the buildings and sites that are part of Historic District No. 1, you have the courthouse, the Baldwin house, and then that is the former -- that's what Moku`ula and Mokuhunia used to look like down on the bottom left. And then Historic No. 2 is shown in the gold, and that is more of Front Street, a little bit of Luakini Street, it's more the commercial area, and these are some of the buildings, they're still there, they've been changed up a little bit, but these buildings are still there on Front Street, like the Wo Hing, the bank, the building on the right bottom corner, that was a bank, it's now just a retail. And then Historic No. 3, that's in Wailuku, and that's part of -- so you can see the boundary of it there, and it contains sites like Kaahumanu Church, the Alexander house, and the Bailey house. So 19.52, it basically elaborates on CRC authority within the three county historic districts, and it establishes regulations and processes for projects affecting properties within the county historic districts. So 19.52.010, it just discusses architectural styles that are appropriate for reconstruction or rehabilitation within the three county historic districts; 19.52.020 is review of plans, and it just describes the process the CRC uses for the review of plans within the county historic districts; 030 relates to signs specifically in Historic Districts 1 and 2 in Lahaina; and then 040, it just states that nothing in this chapter shall be construed to prevent ordinary repair or maintenance of any building or structure; 050 describes the process the CRC uses to evaluate demolitions in historic districts, in the county historic districts; 060, it just -- it talks about nonconforming uses and states that if a nonconforming use that was existing at the time of the adoption of this code that nonconforming use may continue to remain in that use as long as it's not enlarged or changed to a different nonconforming use; 070 is variances and, basically, the Board of Variances hears variances from this code and its heard -- variances are heard pursuant to 19.520, appeals, so appeals from final decisions, that's 080, appeals from final decisions by the CRC, under 19.52, under this chapter, they are made to circuit court and they're done following a procedure that's outlined in the Hawaii Revised Statutes, Chapter 91-14; 090, it just talks about the regulations for land use, building heights, yard setting, public drinking is covered in there too, I don't know why, but it is, and off-street parking restrictions, and that's specifically just for Historic Districts 1 and 2, and then .100, it's the same thing pretty much for Historic District No. 3 in Wailuku, except there's a couple of different things, there's a tree protection section, and then signs are covered for Wailuku in this section of the chapter.



And so this is just a little breakdown of review of plans. The CRC has the authority to approve all plans in the county historic districts. It also has the authority to approve plans for historically significant buildings in the Lahaina NHL. And then for each approval or disapproval, the CRC issues a letter, so if the CRC disapprove plans, then I would write that down and we would transmit a letter stating why we disapproved these plans.

So switching gears, Chapter 530 and 531, it's not part of the County Code, these are parts of these rules for the Cultural Resources Commission. In 530, it just explains CRC meeting procedures and how -- what an intervention -- or a petition to intervene, how you handle that, and how you handle contested case hearings, and I'm not going to go into it because we can get, if we have to do that, then we can get into it at that time. Just know that this is where we get this from and that's what we would reading from if we had to have a situation where that happens.

So 530, Subchapter 2, it talks about organization and parliamentary rules, so all meetings of the CRC are open to the public, and we conduct our meetings using the *Robert's Rules of Order*, it's a nationally recognized rules of conducting meetings, and it's also known as parliamentary procedure. So again, it restates the fact that we hold meetings -- well, this one says at least once a month, and the 2.88 says at least bi-monthly, so we do it once a month. Subchapter 2 also states that all interested persons shall have opportunities to provide oral testimony, and then the chair may limit oral testimony to no less than three minutes.

So there's a Chapter 92, of Hawaii Revised Statutes, that's know as the Sunshine Law, that's covered in this, in 530, briefly. Basically, the Sunshine Law, the intent of it is just to make sure that all boards and commissions conduct their business in the most open way possible, that nothing is happening behind closed doors, so -- you know, it just asks that commissioners don't discuss business board privately -- or board business privately, and just little things, like, you know, if staff sends out an email, don't reply all, just reply to staff asking the question so that way there's no open line of communication through email amongst commissioners, and then it also talks about quorum, so there's nine members of this Commission, and it takes five members to be a quorum and convene a meeting and vote, and then it talks about executive session again, which I'm not going to get into.

And then 531, it just elaborates on duties, authorities, and guidelines established in Chapter 2.88. And that's it.

Chair Six: So interesting. No it was.

Ms. Mowat: It makes me want to go and ...(inaudible - not speaking into the microphone)...

Ms. Kehler: Well, yeah, and that's I said to bring the binder too because it's good to read it. It's really like the more I read it, the more I understand it so --

**2. Discussion of adjusting Cultural Resources Commission meeting time to accommodate outer-island commissioners**

Chair Six: Okay, it's been brought to the attention of the Planning Department that some outer-island commissioners are having difficulty making it to a 10:30 a.m. meeting. Mikala, I think this might be your concern. Do you have any comments? What time you like start?

Ms. Enfield: I like to start at 10:30. I'm just embarrassed that I came in 12, like the last time. If that didn't happen to Warren often, and 10:30 is fine, and it didn't typically happen to him, works for, and if you guys no mind if I no stay, and 10:30 come, and you understand, then I'm okay. I was just embarrassed though.

Chair Six: Yeah, we changed it. For new members, we used to start at 10, and then we changed to 10:30.

Mr. Skowronski: ...(inaudible)... start at 8:30 or 9:00 and have the county pay for you to staying over the night before.

Ms. Enfield: I absolutely love Lanai, I prefer to stay there.

Chair Six: Oh, yeah. Guarantee. That's how I feel about Hana. I just want to go home.

Ms. Enfield: So if you guys no mind, I no mind starting at 10:30 if you guys no mind that sometimes, you know ...(inaudible)...

Chair Six: No, that was actually -- we changed it to 10:30 for Warren and I don't think he ever really had a problem, so it must have been like a -- was there a wreck or something ...(inaudible)...

Ms. Enfield: No, had the big boat ...(inaudible)... on the buses, and it was just a mess down there.

Chair Six: Okay. So you're okay with 10:30?

Ms. Enfield: I'm fine with 10:30. I love 10:30, and I no like come the day before.

Chair Six: Alright, so we don't have to have that part. Alright, now, we're not going to do the minutes of the last meeting, right, so we didn't get them. Is that correct? Alright. Okay

so -- yeah, we didn't get them, so we'll do the minutes of the meeting next time. Right. I'm sorry.

### **3. Discussion of July 2, 2015 meeting agenda**

Chair Six: Okay, so we're in discussion of a July 2<sup>nd</sup> meeting agenda. We're having a discussion? How many people can come to the July 2<sup>nd</sup>? Makawao Rodeo.

Ms. Kajiwara-Gusman: Yeah, I was just going to say isn't that rodeo weekend?

Chair Six: We're always on Thursday. We're always on a Thursday.

Ms. Kajiwara-Gusman: Okay.

Chair Six: The bull bash --

Mr. Skowronski: Do you have any idea what's going to be on that agenda?

Ms. Kehler: Nothing for sure. We might have the return of the county parking lot at the Wailuku church, the AIS for the Wailuku Union Church Mission grounds.

Chair Six: So right now, we're going to go ahead and --

Ms. Kehler: Tentatively.

Chair Six: We'll tentatively set the meeting for July 2<sup>nd</sup>, at 10:30 a.m. Okay.

### **F. NEXT MEETING DATE: July 2, 2015**

### **G. ADJOURNMENT**

Chair Six: Now, my favorite thing, being that there are no further business today, if there are no objections, I'd like to adjourn this meeting. Any objections? Meeting is adjourned.

There being no further business brought before the Commission, the meeting was adjourned at 1:04 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA  
Secretary to Boards & Commissions

**RECORD OF ATTENDANCE**

**Present**

Dr. Janet Six, Chairperson  
Bridget Mowat, Vice-Chairperson  
Mikala Enfield  
Christy Kajiwarra-Gusman  
FRank Skowronski  
Arleen Ricalde-Garcia  
Jarrett Wong

**Excused**

Owana Salazar

**Others**

Annalise Kehler, Cultural Resources Planner  
Erin Wade, Small Town Planner  
Jennifer Oana, Deputy Corporation Counsel