

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
MARCH 2, 2017**

*** 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.*
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A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Janet Six, at approximately 10:04 a.m., Thursday, March 2, 2017, 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).

Mr. Ivan Lay: One moment. Before we start, can we go into a quick executive session just to go over some things I had some questions, comments on, if that's alright, before we actually get started?

Ms. Richelle Thomson: Sure. Does that need to be in closed session or can it be open -
-

Mr. Lay: Closed. Closed would actually be better.

Ms. Thomson: So you need to just state the purpose just generally what the --

Mr. Lay: Just to go over some policies.

Ms. Thomson: Okay. So your rules of -- the rules related to what we've on the agenda today?

Mr. Lay: Yes.

Ms. Thomson: Okay. So then you need a motion for executive session and --

Chair Janet Six: Does anyone want to make a motion to have an executive session?

Mr. Lay: I make the motion.

Chair Six: Okay. You want to second that?

Ms. Christy Kajiwara-Gusman: Second.

It has been moved by Commission Lay, seconded by Commissioner Kajiwara-Gusman, then

VOTED: *that the Commission enter into executive session.*

(Assenting: C. Kajiwara-Gusman; I. Lay; L. Sablas; J. Six; F. Skowronski)
(Excused: W. Apo; T. Bailey; K. Ropa)

Ms. Michele McLean: The camera needs to stop. Folks, the Commission wishes to go into executive session to consult with the attorney on its duties, rights, and privileges, so before we get into the discussion, we'll have a closed session, and then as soon as we're finished, we can call you all back in ...(inaudible)...

Chair Six: Thank you. And the camera has to be --

***** The Commission entered into Executive Session from 10:07 to 10:12 a.m. *****
The regular meeting then reconvened at 10:13 a.m.

Chair Six: Okay, we're going to reconvene and I would like to say there was no decisions or deliberations that occurred during our executive session. So at this time, I'd like to ask for any public testimony. I will also give a chance for public testimony at -- later at the end, if anyone comes in late. So at this time, I'd like to call for public testimony. Is there anybody that would like to speak?

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. Maximum time limits of at least three minutes may be established on individual testimony by the Commission. More information on oral and written testimony can be found below.

Ms. Autumn Ness: Good morning. My name is Autumn Ness. I spoke at the last meeting but I realize that some members were not here and I want to make sure that this is heard so I'm just going to give my same testimony again, if that's okay. In 1997, the CRC submitted this map that I'll give you a copy of to the County Planning Department and to the Council to be include in Kihei-Makena Community Plan and to help guide their work on reviewing development proposals in the Makena area. The CRC asked that it be consulted on protection of sites in the Makena area since it's very culturally significant. I have for the Commission a copy of the minutes from that meeting in 1997. It was a Planning Committee meeting on the Kihei-Makena Community Plan. They discussed this map, the cultural resource overlay, and they bring Dorothy Pyle, the Chair of the CRC, down to talk about it. The map was put together by Theresa Donham, who was the state archaeologist on Maui, to draw attention that there are numerous archaeological and

cultural sites in this area that "need to be looked at very carefully before any other decisions are made. These sites on this map are the ones that need to be considered before anything else might be done in these areas, at least from the CRC's point of view." Another quote, she mentions that "reworking plans for development in those areas to be included in park plans or open space plans in order to be preserved." This map was given to the County's GIS mapping folks to become a part of the South Maui Community Plan, however, the County Planning Department has no knowledge of this effort. The CRC should maybe ask that this data be included in the Planning Department records for starters. The South Maui Community Plan refers to this map and states that it should be consulted during development decisions and consideration given to preserving all of the sites shown since they function as a "complex."

The map used information available in '97, but recent studies have shown hundreds of additional sites on Makena Resort's 1800 acres increase the cultural importance of that area. Recorded sites in the 46 acres of the Makena Landing area covered by the Makena Resort AIS have gone from the 10 shown on this map to the 36 recorded today. The 36 recorded sites include 9 of the 10 shown on this map; 4 of the 10 are currently proposed for preservation; 2 more are proposed for data recovery; 1 was not relocated and 3 stonewall sites have been cleared for destruction. The original permit site number that are shown on this map for all the sites have been replaced with new numbers, so it's a little bit confusing. These sites are significant in relationship with each other and I ask the CRC recommend that all 10 of these significant sites on the CRC map be avoided and preserved as a whole.

Also, during the last Planning Commission meeting on whether to accept the final EA, many community members testified that an EA on just 47 acres instead of the full 1800 paints an inaccurate picture of the development in this area and what impact it would have. It's called "segmentation," piecing out small parts of a larger project to be evaluated separately so the impact looks small while in fact, when considered as a whole, the impact is much greater.

Makena Resort continued to maintain that there are no plans for any of the other parcels of the 1800 acres, so an EA on the 47 acres alone is sufficient, however, one of the Planning Commissioners, Keaka Robinson, told the Commission that he, personally, was told by a higher-level Makena Resort employee that yes, this 47-acre development was phase one, and there were other developments coming down the pipes. The employee didn't know that Mr. Robinson was a Planning Commissioner and admitted to him, to his face, that they were segmenting the project. I see a pattern here. It seems to me these important cultural sites are being segmented as well when they really need to be considered as a whole. It is well known that Makena was inhabited and has a rich cultural history and all maps and inventories aside, I feel like it is an insult to Makena's important

history to segment its cultural sites, and then develop it to be accessible for only the wealthy and elite.

During the last time I testified, I gave the Commission copies of the maps and the minutes. Do you still have those or should I give them again? You do? Okay. So there's a copy of the map here and minutes are here that has the whole conversation. Thank you very much.

Chair Six: Thank you. Any questions? Any other public testimony? Is there anybody else that wants to give public testimony at this time now? Okay, there will be a chance to give public testimony again at the end.

C. INTRODUCTION OF NEW COMMISSION MEMBER – Lori Sablas

Chair Six: So our next is introduction of our new Commission Member, Lori Sablas. Welcome and tell us a little bit about yourself, for those that don't know you.

Ms. Lori Sablas: Well, thank you. My name is Lori Sablas, born and raised in Lahaina, bought a home in Kihei, 1982, but my entire career has been in the west side, the last 23 years, as the Director of the Pookela Program, at the Kaanapali Beach Hotel, and I retired 3 years ago, happily. But I have a prepared statement as part of my introduction, Chair, if you don't mind.

This is my third term on the CRC, and I am humbled to be back. In 1990, at one of my first CRC meetings, the Salvation Army was on the agenda seeking comments on their intent to build a facility for the homeless on what is part of the Mokuula Complex. Thanks to the input of the CRC, the Salvation Army did the right thing and withdrew their application, and the rest is history. And, by the way, this is very -- just a very, very short version of a very, very long version of really what transpired regarding this significant cultural site being saved. Again, thanks from input from this important body.

The second time I served on the CRC, the hot topic for our consideration was a request from a developer from Japan to build an 18-hole golf course on the Waihee Dunes. Again, thanks for the valuable input from the CRC, this never happened, and now the site is preserved in perpetuity under the jurisdiction of the Hawaiian Islands Land Trust, thank goodness.

I bring these examples up because I think it's important for every member of this Commission to know the important role we all play by serving on the Commission. I'll be honest, I was disturbed that we did not have a quorum at the February 2nd meeting and could not get one scheduled for a special follow-up meeting. While I don't mean to offend anyone, I would like to urge you, my fellow CRC Members, to live up to the oath we all

took to serve on this Commission, and if you are not able to because of a change of circumstances or whatever, then I urge you to do the right thing so that this Commission can function efficiently and not waste valuable time and resources of so many others because of a continual challenge of getting a quorum. While it's true that the CRC is only an advisory commission, I think the examples I have indicate that we can indeed make a difference. I'm here on the CRC again because I want to continue to be a voice for our wahi pana and our wahi kapu, and I hope you all are too. Mahalo.

Chair Six: Well, welcome, and we're so glad to have you back for the third time so you can keep us on our toes. The next thing on the agenda is the approval of the minutes from the November 3, 2016 meeting. Does anyone have any additions or changes, or make a motion to approve?

D. APPROVAL OF MINUTES OF THE NOVEMBER 3, 2016 MEETING

Mr. Lay: Motion to approve.

Ms. Kajiwarra-Gusman: Second.

It has been moved by Commission Lay, seconded by Commissioner Kajiwarra-Gusman, then unanimously

VOTED: to approve the minutes of the November 2, 2016 meeting.

Chair Six: Minutes approved. Now onto Unfinished Business.

Chair Six read the following agenda item into the record:

E. UNFINISHED BUSINESS

Scientific Consultant Services Inc., requesting review and comment on three (3) archaeological inventory surveys prepared for the proposed Makena Resort project on approximately 47.15 acres of land near the intersection of Makena Alanui Road and Honoiki Street, TMKs (2) 2-1-008: 080, 090, 099, 100, and 106, Makena, Island of Maui

Members present at the February 2, 2017, meeting, which was canceled due to lack of quorum, will report on the testimony and presentation received on the above-identified matter. Members who were absent at the February 2 meeting have been provided with copies of the testimony and presentation, pursuant to Chapter 92-2, Hawaii Revised Statutes

The Commission may review and comment on the archaeological inventory surveys pursuant to Subsection 2.88.060.K, Maui County Code. The Commission's comments will be transmitted to the Maui Planning Commission.

Ms. Richelle Thomson: So the members who were present, if you have a recap of the testimony and the presentation, my understanding is that you're going to receive that presentation again today, so -- and you have also been provided a copy in your materials, so you may or may not have questions on that at this time, but the members who were present can give an overview of the testimony and the things that were brought up by the Commissioners or the testifiers.

Chair Six: Do you want to -- does anyone wants to talk about what was said, besides me? Oh gosh. Well, as an archaeologist and as someone that kind of went to the Land Use Commission, and there was so many people in the room and I couldn't hear all the testimony, I asked that this come to us to take a look at it, and we had four members, we didn't have a quorum, Ivan was here, Frank, Lori, and myself, so we did have some discussion and we did hear some testimony. I think the feeling, for myself, was, to use an old analogy, you know, six blind people are all given a part of an elephant, they're all going to tell you different things about what they're seeing or feeling because they can't see the whole elephant, so, to me, as Autumn says, the compartmentalization, the fact that you're not looking at the Wailea-Makena Complex as an elephant, as a whole elephant, so you have someone feeling a tusk, someone feeling a foot, someone's got the tail, and they're all seeing something different without seeing the whole, so that was my takeaway. The other thing is I felt that there was few things missing in AISs, and now I know they were approved in 2012, and I know they were approved by Theresa Donham and Morgan Davis and other people, but after the meeting, I went and did a little bit of research, and I'll talk about that later, but my concern again was not -- and in the data recovery plan, the draft data recovery plan that there's no research aspect to look at the interconnectivity between known sites, such as Palauea and some of the other areas, so those were some of my concerns that we're looking at three separate sites for -- three separate reports without one single continuous -- kind of continuous maps so I could get a sense, so I was -- I had my computer and I would look at this map and then go to this map and this map and try to see how the things related, and so I think that there's some room for some improvements. So those were my comments and I'll let, Frank, I think you had some comments as well and Lori.

Ms. Sablas: My takeaway was, again from our Member's discussion, was the major concern about segmentation, just as our Chair had explained, and again, this is a very, very complex area, it's the last really developable portion, if I may say, of a major resort sea portion of our island of Maui, and so I think it's important that we really take the time to deliberate and much discussion was brought, and we had some wonderful testimony,

as, you know, by the audience, so -- and that we were provided, I think, with this new member, I think you could see -- I'm sorry, what's your name?

Ms. Kajiwara-Gusman: Oh, Christy.

Ms. Sablas: Yeah, I mean you saw copies of some of the --

Ms. Kajiwara-Gusman: Oh yeah.

Ms. Sablas: The -- I think from Lucienne and from Autumn that were written that I think covered a lot of -- some of our concerns that we discussed here.

Mr. Frank Skowronski: My comments or my take on this, again, is going to concentrate on this concept of the project segmentation. I have no questions and I don't see any reason for the applicant to reapply or remake another presentation. I think their work is exemplary. I have no problem with the extent of what they're doing or most of their suggestions. It's just that they're presenting approximately 2.5% of what is the entire project, and while we're supposedly reviewing and commenting their work, we're being restricted in this review and comment process to a very narrow scope of what is an extensive project, so while on the one hand I want to compliment the work that's being done and acknowledge the expertise the work that's being done, it's impossible to really put it into any meaningful context unless you see the entire project. Now, I understand that the entire project probably hasn't proceeded to the level of development that the 47 acres is targeted, but there must be some overall sense, there must be some overview that we could look to judge what the 47 acres represents in context with the 1800 acres, it doesn't have to be as extensive, it doesn't have to be as particular, and it doesn't have to engender a lot of exposure or money but --

Ms. Richelle Thomson: Frank, can I interrupt you for a second?

Mr. Skowronski: Sure.

Ms. Thomson: So, what we really need to focus on just right this second is just an overview of the presentation and the testimony that you received, and then your thoughts, as a group, go ahead and save those. I think probably the -- Christy's had a chance to at the --

Ms. Kajiwara-Gusman: Oh yeah.

Ms. Thomson: At the presentation but we're also going to receive another version of it today, so I would go ahead and hold your thoughts and your discussion until after you've seen that and then heard again from the ...(inaudible)...

Mr. Skowronski: So the presentation that we're going to see today is not the same presentation we saw previous?

Ms. Thomson: I don't know.

Chair Six: It is the same? It's going to be same. Okay.

Mr. Skowronski: Okay. And so if it's the exact presentation --

Ms. Ann Cua: Probably -- probably not the same.

Chair Six: It's not? I'm sorry.

Mr. Skowronski: It's not the exact same?

Ms. Cua: Similar.

Mr. Skowronski: It's similar. Okay. Alright. Then I'll reserve comments until I see that.

Chair Six: Anyone else have comments? The only thing -- one of the things, this is going back to the testimony, and it was really great to see everybody come out and I know it could be contentious but it's nice to try to work through some of these challenges, but I made a comment about what I felt was some missing information, in particular the report by Theresa Donham that had been done across the street at the Keawalai Church, and I had a chance to review that and take a look at it, and, to me, it's remiss, it's absent because if you just read the conclusion section, she talks about likely a high status chiefess, Piilani lineage, objects ...(inaudible)... being found.

Ms. Thomson: You might want to -- that's --

Chair Six: Do that later?

Ms. Thomson: Yeah, let's do that later.

Chair Six: Okay. Alright.

Ms. Thomson: I think probably we should go ahead and move into the presentation and then testimony.

Chair Six: Okay. Alright. That was one of the things was just some absence but let's go ahead and have the presentation then.

Mr. Ian Bassford: Good morning, Commissioners. My name is Ian Bassford ...(inaudible - not speaking into the microphone)...

Chair Six: Technology's great till it's not.

Mr. Bassford: Okay, well, rather than waste any time --

Chair Six: We do have the powerpoint handout too, I think, if we have to flip through it, right? We have this? If you can't get that to work, we can --

Mr. Bassford: Yeah, what I'm going to be presenting today is generally a condensed version --

Chair Six: Okay.

Mr. Bassford: Of what was done.

Chair Six: It's working.

Mr. Bassford: So archaeology is the systematic science and descriptive study of material remains ...(inaudible)... evidence that people have left behind. Oh, oh, okay. I'm going too fast. Okay, what are "material remains?" Material remains are empirically observed resources, for example, rubbish or architecture. Things that you can see and touch and confirm. Material remains can consist of sites, a general area that is comprised of several smaller localities, which are called "features," within a site. These sites and features contain artifacts, ecofacts, and burials. Our material remains. An example of a good site is that if you say Site X is a pig slaughter site, you would expect that you would find numerous pig remains there; that would exemplify the fact that it's a pig slaughter site. If you found an area that had a lot of basalt and volcanic glass debitage, you could assume that that is a work area. If you say that Site X was a woman's menstruation hut, what type of remains would you expect to find there? If someone says that a flat rock on a slope was a king's seat in old times, how do you quantify that? We examine observable and verifiable things from the empirical record. We deal with physical evidence, not feelings and conjecture.

In the course of our research, we have a very large database that we can go to to look for historical records. They're available all over the place. This is the parcel in -- the three parcels in question. You can see -- this is Honoiki Road, Makena Landing Formal, and this is Makena Resort itself. These are the three parcels in question that we worked on. In those specific areas, Rogers and Jourdane did some work down there in 1979 under the auspices of Bishop Museum. They found a total of 9 sites. Throughout our work in

mid-2000s, we found an additional 12 sites on Parcel M-5, we found an additional 4 sites on Parcels M-6 and S-7, and an additional 12 sites on Parcel B-2. That took the total number of sites up to 37. We found 28 new sites that were not recorded by Rogers and Jourdane.

This is Parcel M-5. Makena Landing is right down in here. This is a secondary map that we created from M-5 after we went back and did some addendum work to double-check, which is part of our typical protocol of making sure that we have adequate coverage and that we control the site properly. Here's a table of the sites that are found on M-5. We have a varying degree of site types, from boundaries, boundary walls, ranching, agriculture, habitation, including transportation, which would be the Old Makena Road. Here's an example of a ranching wall. This is an example of a modified outcrop. And this is a terrace that we've interpreted as being ceremonial based on its architectural style and location. This is a natural rock outcrop that was an issue of some of the community members that when we revisited it several times, I was unable to locate any type of modification or anthropogenic remains to indicate that the site was used. Again, I'm dealing and going off of a physical empirical evidence that suggest some type of usage.

While the letters -- while the SHPD letters have been included within the presentation, Morgan Davis signed off on two of them, Theresa Donham signed off on one of them. We've also had SHPD representatives who'd come down to the site on three different occasions. Morgan Davis came down two different times, and just recently, about two-and-a-half weeks ago, the new SHPD Maui Branch Chief, Parker Ferris, attended with Kealana Philips, the burial specialist, to get an orientation of what the site looks like.

Here's a map of Parcel M-6 and S-7. Again, Honoiki Road right here. Here's a brief table of the sites that were found on M-6 and S-7. Notice that on this parcel, compared to density of the prior parcel, there really isn't that much there. This specific part of this parcel underwent a significant amount of bulldozing during Sebu's tenure in the early 1990s. The area was used as a baseyard, a lot of roads were cut there, and during that time, archaeologists weren't mandated to be onsite so a lot of information potentially was lost down there. That's what happens through history. That's why we do what we do to put things on the map so we can create a record.

Here's an example of a terrace site that's on top of M-6 and S-7. This is a platform that was excavated and while we did not find any material remains, we have the architecture, and this type of architecture suggests that there's something going on in this area with this specific feature.

Again, SHPD approval letter. And this is the results of B-2. Notice, again, the density here and the lack of anything up here, that was included in the area that the Sebu

bulldozing activity had occurred in. This is a really example of a permanent habitation site that is associated with Kalani Heiau. More ranching walls.

In total, 37 sites were found on 47 acres. Of those 37 sites, 10 sites, or 27%, are going into preservation in perpetuity, nothing is going to happen to them except vegetative cleaning and restoration if need be. Preservation, 7 sites, are going into - or, excuse me, I got that wrong - 10 sites are going into data recovery. That data recovery means that we were going to go formally in and create grids and excavate to determine what the functions of those sites are. During data recovery, our results can -- the results can vary. Sometimes a site produces very valuable information, which would mean we'd either ...(inaudible)... further work on it, or we'd want to put into preservation. In doing data recovery, however, it's a double-edge sword if we don't find anything that can suggest the site is significant. It takes it and kicks it down a notch, which makes it a little bit easier for the site to be removed. Out of the 37 sites, 7 of them are going into immediate preservation. No further work, 20 sites or 54%. These sites are sites that lack any major architecture associated with them; they're in a very bad state of degradation due to cattle and deer; they've been impacted mechanically.

The percentage for data recovery or preservation are relatively high for a project like this. The ones that are going into preservation are not poor to fair. Most of the sites on the parcel are poor to fair because of all of the activity that has gone on through historically ranching, feral deer, hunters, poachers, and the machines.

This is an example of a preservation area in Honuaua, which is just mauka and north of this parcel. Notice the density of these sites. All these little dots on this map represent a singular GPS shot. It does not represent the true population because while that single GPS shot creates a dot on the map, that is the site locator, remember I said earlier, within a site, you have several features, so each one of these dots is a site that is composed of multi features.

So with the process of archaeology, it's a multi-faceted and multi-phased approach. Our first step is the AIS, or the archaeological inventory survey, that's when we transit and grid a parcel out, we walk on an X-Y axis, usually about 3 to 5 meters apart, and we sweep and we identify those sites. During the AIS process, we map, document, and select a certain level of sites to test; from there, we do addendum work a few months later to make sure that we double-check and that we got everything. We then post a data recovery plan. Data recovery's where we really get in and get to the nitty-gritty of what a site and a feature are. What are their functions? From there, we recommend sites for preservation. Those are going to be saved forever. During the construction process, we monitor, which means that on every cutting machine, we have an archaeologist who is there to watch for any type of deposits that will come out of the ground that we did not see because, unfortunately, we do not have x-ray vision. Once the project is complete

and artifacts from the data recovery plan and anything else that's found during monitoring or curated, we're going to put them into a historic interpretive center that's going to be free and open to the public and guests so they can actually see the treasure-trove that exist down in Makena. The priority of our work is to be respectful. Oh, I'm sorry. I'm done. Sorry.

Ms. Leiahi Hall: Aloha, Commissioners. Thank you guys so much for your time, and everybody's who is gathered here today. (*Ms. Hall presented testimony in the Hawaiian language.*) It's typically when you start, not only to introduce yourself, my name is Leiahi Hall, I work for Discovery Land Company, I'm the Community Engagement Manager there, but to set your space, and when we set our space in Makena, it's these 47 acres that Ian showed you earlier on the map, and in those 47 acres and when we set that space, we think about a plan that's a cultural and archaeological plan that is for that particular space, that honors the people that come from that place because they're the ones who hold the Makena culture; they're the stewards of the Makena culture. And so when we're thinking about archaeology, you know, we look to Ian them for their expert work, and we look to culture, we look to these families who have carried these traditions, who still have ancestral connection to these places, and not only that, these people, who are on our cultural focus group, who we've been meeting with for three years, have been a part of, just like you shared the Waihee efforts, they were at Honokahua before that, and they started Hui Alanui O Makena. These people have been a part of cultural and historical work on these islands for 30-plus years. They know about Makena because they grew up there and they hold the stories for their families. They're the cultural historians for their families. They know the rituals and protocols. Those are the people who knows Makena's culture. We are lucky enough to be here and to welcome them into this process to help us guide what we do and the decisions that we make here, but this is our priority. Our priority is this: Respectful, lawful, and factual stewardship of archaeological and cultural resources in the project area. That is our priority. Like everyone said here today, the great thing about what we're today for is that we all care about Makena. That is our priority. That's how we work to accomplish that.

So, in order to do this, right, that's a tall order, in order to do this, we created a process, an archaeological process that commits to all of SHPD's requirements, which are mandated by Hawaii Administrative Rules, we are in total compliance with them, this is the historic preservation review process, and it's -- it's helpful to know that along with, you know, we talk about SHPD, there are two facets, there's archaeology and then there's cultural and history. Well a part of that archaeological process, it encompasses more than just archaeological considerations, it includes an important cultural component as part of site significance evaluation. So when Morgan came out twice as lead archaeologist on Maui, when Theresa came out, when Parker recently came out, what we're looking at with them is site significance evaluation so that they can see these places. We wanted to include them in this process because we know how important it is.

So we can talk about culture in general, which is really nice, right, a nice general talk about culture is, an example is, never going someplace, you know, that's not your own without greeting the people there and asking for entrance. In Makena, we really look to our cultural focus group, which you see on the bottom there, to provide us guidance on what we should do at Makena as a place space cultural land. We also look to real -- to factual history that we found through cultural impact analysis in 2015, and a cultural historical report that was completed in 2013, and, really, the most special thing about the cultural historical report that was done in 2013 is it was done by someone who's family is from this area. She did it. She's an archaeologist and she completed that work. So we look to these fact-based pieces, to SHPD compliance, and then to these people who are the historians for their families to guide our way forward.

Now, this being the process that we've taken, we also absolutely recognized the importance of community engagement, and so what we did is we looked to really fold them into this process with us; we have been open; we've gone on site visits; we've had meetings with those who are concerned about archaeology and culture in Makena. We have not -- we have had an open-door policy and welcomed the opportunity to meet. We've been on site visits. And what we've been trying to do with this process is to provide a fair opportunity for all to be involved while keeping mindful of the facts, SHPD requirements, and what we know from our cultural focus group.

I think, you know, one of things that we want to maintain here today is we're so respectful of everyone's time and everyone's, you know, real connection that they have to Makena, and we really encourage -- we hope that you see through this process that it's an iterative process, it's not a one time and done kind of a thing, it's something that we hope to continue to do and we want to continue to do and we will continue to do. We realize with, you know, with community engagement, it's not a one-time thing. We want them to continue to be a part of the process. When we had the lovely presentation about the CRC map, I called Theresa Donham, personally, to ask her about the map, and she shared with me that the purpose of that map was a general reference of sites that were in the area. It was -- the intention of the map was not to preserve all of those sites and, in fact, we're going to have Theresa come out to our site, like you shared about Keawalai Church and Kalola's ili'ili pavement below the church, that is really, really important to us, and it's referenced in -- you know, the trouble that we have is the way that it was referenced in the AIS is by referencing their past work, which reference that, so I hear what you're saying. I hear what you're saying, and it is important to us, and we have a process that allows for this information to come in and to continue to improve on it, so we really appreciate that. We appreciate the opportunity to see these news maps and to speak with the people who created them to make sure that we really respect factually the information that we have at Makena and the people who are the cultural stewards of that area.

So that you guys so much for this opportunity to come back. We really look forward to your comments because this is really important to us, just as it is to everyone else. Mahalo nui.

Chair Six: Before the Commissioners jump in if we have anything, we'd like to see if there's anyone else that would like to have any public testimony this time.

Mr. Ashford Delima: I think I've been up here more than twice, I know is important, so you can hear me.

Chair Six: State your name, please.

Mr. Delima: My name is Ashford Kaliolani Delima. I'm -- I was born in Kula, raised in Makena for 19 years, and I went to school in Oahu, and I'm back here to -- to keep our aina the way it was generations ago. I live on -- in Wailuku. We have our family property in Makena, 5230 Makena Road, and it's been there for four generations, and it was put together by my great-grandfather four generations ago, Slocum Wilcox. If you know Slocum Wilcox, he was here as a captain, and helped the Hawaiians, and he owned property from Makena to Ulupalakua. This past weekend, I had a chance to visit his grave for the first time, and it was great to be there. The spirits of all my uncles that have been buried there, my grand-father, brought chills to my bones. And I want to talk about the aina in Makena, the 47 acres and all the rest of them also. The 47 acres has historical sites there that I never thought it would be there until I walked the land and found a lot of things, platform, navigational sites, and there was heiau also. From what I've known, there's three heiau there; one of them is right above my house on Makena Road, the other one is on Keawalai Church, and the other one is further east of it. As I see, when you three heiau in this area and it's spread out, that tells me that the people was living there was abundance, which is what Makena is all about. Makena is abundance. And I found some sites there that, I believe, it pertains to the navigation sites to the ships and canoes that came from Tahiti to Makena, and also came over some very outstanding forms there that goes back, I believe, maybe 50 to 100 years. I'm not sure. I'm not an archaeologist. And the reason I know this is because the significant things that's there is around this historical platform or formation is with, well, for one thing, opihi, which the people used that to eat with, and also ili`ili rocks and coral, pieces of coral, and also there's this thing that it looks like a pencil and we, as kids, used that like a pencil, I mean it's all in that same area also. And going from Makena to Ulupalakua to go to school, we used the old Makena-Ulupalakua Road, until the school closed down at 1957. And also, there's the Aupuni Road that comes straight down from Ulupalakua to Makena, and goes straight to the fishpond, which is between Keawalai Church and neighbor next to it. And I know this fishpond, growing up, that there was a lot of fish there. The wall is not the way it is -- the way it was before when there was a lot of clams there and a lot of abundance of nehu.

And I think Ulupalakua Road, Makena Road should be preserved as a historical road, and also the Aupuni Road that runs from Ulupalakua to Makena, it goes straight to the fishpond, that should be preserved also. And also the walls that people talk about, and some people say, oh, it's just a cattle wall, but the way it's built, and if you follow it, it continues from one section, which is in Makena Landing, past Keawalai Church, and further south of that. And I think that all of these things should be preserved for my family, my grandchildren, your family, your grandchildren, so the history of Makena will not die. And also now, I'm going to talk about the ocean. The ocean in Makena, which was fished on for many, many centuries, my grandfather, John Kokahiko, fished there, my dad, Abner Wilcox Delima, fished there, and I was taught by them how to fish there. The papa, "papa" means the reef, is not what it used to be. Excuse me, I getting all chicken skin right now. It's not what it used to be 'cause it's dead, Hawaiians call that "make." The coral is dying, and there's no wana there, wana is the sea urchin, and the saltwater there is all mixed up with the sand and dirt so only sand and dirt is going over the papa, and I believe, if you look at the coastline from Makena back towards North Kihei, all development there, meaning homes, hotel, golf courses, they use all pesticides maybe, all different type of fertilizers, and the runoff from that goes into the ocean, and the current runs from North Kihei towards Makena and beyond, towards Pu`u 'Ola`i, but the way Makena Landing is built, and the wind and waves and current goes through, it pushes past Makena, and it stirs into Makena Bay. So this runoff there in Makena Bay that killing the reef is not only from mauka, it's from North Kihei toward Pu`u 'Ola`i, and say that the freshwater that used to come to Makena Landing is not there anymore, and I believe it's because the well that Seibu put up to pump out freshwater to do whatever irrigation they need to do had cutoff the stream and all that freshwater that's supposed to be coming to the ocean to feed the reef and limu and the sea urchins so it could thrive, and it's no longer there. That's all I got to say for now so thank you for listening. If there's any questions, I'll be glad to -- ask.

Ms. Sablas: Thank you, Mr. Delima, for speaking on behalf if you're na kupuna in the area. I appreciate your time. You mentioned several sites that you felt were preserved. Are they the sites that's preserved as presented by the AIS that has been presented earlier? Are they included, the areas that you were concerned about being preserved?

Mr. Delima: The sites that I'm concerned about is not what has planned there, and we'd like to gather up with those people and take them and show them the sites. And also, if I may at this time, I'd like to have another archaeologist, other than the developer's paying this person to do research there, to help us conquer this piece of property and to see if this is significant sites that has not been looked at.

Ms. Sablas: Another question, if I may. As a lineal descendent of the area, so what's -- what's your take on this project, Mr. Delima?

Mr. Delima: I'm strongly against it. It's because, not only because I live there all my life, it's because what's on the land that should be preserved, and that I'm strongly for, and I can't see this place being bulldozed and destroyed, and the history of Hawaii will not be there for my children, my grandchildren, your kids, your grandchildren, to get knowledge about what happened way back when, in the 1830s or so.

Ms. Sablas: Thank you very much.

Chair Six: I just have one question. I was doing some research after the last meeting and I looked at several reports, and I noticed that there's a fishpond that's out into the ocean, but there seem to be several inland fishponds on some of the earlier maps. Are you aware of any of those? I know they no longer have any water in them either due to the change in the weather or other disturbances, but are you aware of the other fishponds down there?

Mr. Delima: No, I'm not aware of any other fishponds, but I was told about it, and I tried to look for it and I cannot identify it, but this one that I spoke about, it's still there. You still can see it today.

Chair Six: Thank you.

Mr. Delima: You're welcome. Anybody else?

Chair Six: Any other questions? Thank you very much.

Ms. Kajiwara-Gusman: Oh, sorry. So, Mr. Delima, thank you again for your time and for coming down. You mentioned that you're against the project and that you want the area to be preserved. What is your idea of preservation?

Mr. Delima: My idea of preservation is whatever is there, say this is a platform or a heiau, that should be preserved, and if any other sites are close by that has formation of rocks or ili`ili or coral, and things like that, that should be preserved also.

Ms. Kajiwara-Gusman: So preserve meaning leave it alone?

Mr. Delima: Yes.

Ms. Kajiwara-Gusman: Okay. The pictures that we saw of some of the sites, to me, nobody's taking care of them. Whose responsibility is that?

Mr. Delima: You mean nobody's taking care of --

Ms. Kajiwara-Gusman: Whose kuleana is that to take care of those sites, to clean 'em, to weed 'em, to water the plants around them?

Mr. Delima: If that's preserved, I'll be there to take care.

Ms. Kajiwara-Gusman: Thank you.

Chair Six: Any other testimony? Come on up.

Ms. Kai Nishiki: Aloha. Good morning, CRC Chair and Commissioners. My name is Kai Nishiki. I really appreciate being able to speak on this matter. I was born and raised here in Maui, and now I am a mother of three Kamehameha Schools students myself. My family and I consider the lands around Makena as a very spiritual place, and a place where we can go and recharge. My father, Wayne Nishiki, served for many years on the Maui County Council, and he was very concerned that the former owners of Makena Resort lands did not do enough to protect cultural sites. When he was still on the council in 2006, the Makena Resort owners were proposing to preserve less than 20 cultural sites on over a thousand acres of land. State Historic officials gave this plan preliminary approval until citizens, like Ed Lindsey and Maile Luuwai, stepped in. They contacted State Historic and pointed out that the landowners had not really surveyed all of their lands or considered how all of the hundreds of cultural sites found there were interconnected, and that's really a key point, the interconnectedness of them.

This appears to be the same thing that's happening now with the current Makena Resort Archaeological Inventory Survey. It is in three separate parts with three separate maps. It doesn't include any big picture map of all the surrounding cultural sites on the 1,800 acres that Makena Resort actually owns. It proposes to protect a few sites as decorations in the landscaping plans for the proposed luxury condos and view lots, and this happens a lot of times with development, and I really think that -- that places that have cultural and historical value, when you take them out of -- out of their element and you fail to see them in a big picture and being related to all of the other places, that it really loses its significance.

Please recommend to the Planning Commission that these AIS reports have more work done to include all the additional work that the community is really asking for. And I thank you for your time. Mahalo.

Chair Six: Any questions? Thank you very much.

Ms. Nishiki: Thank you.

Chair Six: Any other public testimony at this time?

Lucienne de Naie: Aloha, Commission Members. My name is Lucienne de Naie, I've been here before, and I'm passing around, you know, a one-page written testimony that covers some of things that I will be talking about and also a map because there is discussion about, you know, other cultural sites that are known on the property, and this map is from an older AIS from the area, I think it was from 2008 or 2009, there have been more studies done since this time, but this map is just like an indication of the extent of the studies that have been done here, it's not like there wouldn't be other studies to refer to, it's not like the applicants would need to go and produce a whole lot of new studies, it's like they need to connect the dots, basically, 'cause lots has been done and this was just up to 2008

It was interesting to see the new presentation here. It really emphasized that archaeology is about material remains and, yet, Chapter 6E does include very strong language about consultation with knowledgeable and interested individuals to interpret, not only are there additional sites that folks might be aware of that are based on what's called "generational knowledge" or "traditional knowledge," but also if there's significance to places that might not be visible to an archaeologist because of a lack of material remains. And any of you who have read archaeological inventory surveys over the years have probably seen a number of reports that point to special places that are significant because folks in the community feel their significance or have had knowledge passed on from their kupuna about the significance or use whereas this area might be nothing to look at, it might be a single rock, it might be, you know, just a level area that has a certain view, and I was taught by kupuna, who were kind enough to share their mana`o with me, that what you want to look at as a site is what it looks out at, and what it looks out over, and what it looks out from all direction because that is as important as its architecture. So I think that these are things that we need to keep in mind and when we have folks from the community who come forward and say when I stand here, what I see leads me to the understanding that this is a site that was used for these kinds of activities, it should be given some consideration because the process does provide for that.

I want to say that we have had a characterization of these lands, like the parcel M-6, M-7, the middle parcel, as just being so disturbed that there's nothing left there; actually, there's large parts of that parcel that has some steep sloped areas, they're very natural, and that do have modifications, some recorded, some unrecorded. What folks noticed, I think, is that the pictures that were taken during the archaeological reviews were when the weeds were pretty high, and so could we have missed a few things? Could their hardworking archaeologist have missed a few things? Yes. I know they've gone back several times. But I just wanna refer you, there was that beautiful site map shown of those hundreds and hundreds of little dots at Honuaula, well, what wasn't revealed in that map was the rest of the story. Originally, that whole area was cleared by State Historic Preservation, twice they accepted AISs that said there was not one site there. Not one.

And those were signed off by State Historic in the 1980s and 1990s, and it was only because the Land Use Commission just couldn't believe that on 700 acres you wouldn't have one cultural site that they ordered a new review, and then, lo and behold, 28 sites were found. And by the time citizens harangued the archaeologist, 40 sites were found with 60 features. That's when a lawsuit came in, and new survey was commissioned with Mr. Dega and his associates, who actually found hundreds of sites and thousands of features in the very same place that SHPD had said, okay, we'll accept this. No sites; 700 acres; that's just, you know, the way it is.

So good research is evolving. I don't know how else to say it. Some of the sites that you were shown that are going to be protected, they very much should be protected, but the ones that you were led to believe have no further work because they are just in poor condition, lack this or that, that isn't necessarily true. Several of those are major walls, including a portion of the Aupuni Wall, which is in an actual physical description of a land commission award, its back boundary is the Aupuni Wall, and that wall still exist, and it's very well built, and part of it is on the property that Makena Resort controls and part of it is on the Garcia property, but that wall, you can't just say it's, you know, in bad shape, it isn't, and you can't say it has no historical significance, it does. It's just, you know, the dots have not been connected, the parts have not been put together.

Also, I have to say that the reason that there are now hundreds of sites known in the Honuaula parcel that neighbors Makena Golf Course and Makena Golf Course and the upper parts of Papaanui and so forth are probably connected to some of the sites that were found in these other ahupua`a further to the north, the reason that those sites were known is because folks went up on cultural access and located sites, and talked to anyone who would listen. Now, I have to say, unfortunately, some of the same people who are community members here, who are -- you are being told are the ones that should be the only ones consulted, said that the old surveys were just fine that showed 28 sites or 40 sites. They said oh yeah, Mr. Sinoto did a great job. He did a wonderful job. These other people did not go and knock on their doors and ask permission and say, oh uncle, oh aunty, we really, you know, need your permission to go because we are called to this land. We know something else is there. No, instead they -- they followed their own instincts, some of them were lineal and cultural descendants of Honuaula, some of them were folks that just felt very strongly they should go there, and they found hundreds of sites, and that's what caused a new survey, which formally documented these hundreds of sites.

So the way of reaching a good conclusion, of course there should be respect, but if there are walls being put up, people need to go past those walls because the land deserves it. I have to say that the cultural impact assessment that was referred to in the presentation concluded that there was no impact to cultural sites because there was no cultural use of the sites. Cultural practitioners, some of them young folks that you heard from, feel

differently. They feel that they have a cultural practice associated with this site; even if it's newer, they are building on what they felt their ancestors drew from this land. They just think, there should be a place where it's acknowledged.

So I gave you a laundry list of reasons why this AIS should actually have a supplement, and is this something that is done in this area? Yes. It is. There are several other parcels here in the past, so the -- the subject parcel - I should have outlined it - it's right over here, the orange parcel right next to it, the Garcia land had to have some supplemental work thanks to, as I mentioned, the good work done by Dana Hall. The H-2 parcel, which is right adjoining the Makena Resort Golf Course and the old Maui Prince Hotel, had to have supplemental work done it after the AIS was accepted because of the good work of Daniel Kanahale, Maile Luuwai, and others who wrote to State Historic and said the Aupuni Wall was there too and gave the proof from the deed, once again, and it was reopened and that wall, a section, was preserved. The area right across Old Makena Road from there, the Maluaka H-1 parcel had a survey by one archaeologist that located a number of sites but missed 4 sites and about 60 features, including some burials, and so that process was reopened. So is this done in the Makena area? Yes, it is. Accepted AISs are reopened, additional data is provided, and then they better serve the need of understanding our history. So the reasons that this AIS should be reopened are, there's a laundry list here, but, number one, the relationship of and the significance of the sites and their relationship to the two major heiau really should be better explained in the AIS, a comprehensive GPS mapping of the walls, I couldn't find anything evidence that the walls were GPS mapped, maybe they were, but if they weren't, there really should be a really good GPS maps of the walls. To me, the walls do not seem to correspond to where they are on the land on the maps. I appears there's sections that are missing on the maps that may be that these sections are on a neighboring property owner's, but that should just be made clear 'cause it's the same historic property. And then additional survey results should be done during drier times when we can see more, and the -- the areas that have midden scatters, like on that middle parcel, there's huge midden scatters, ili`ili, pieces of coral, shell. There's been no trenching done to determine if these are just, you know, some haphazard thing. I actually walked this land with Mr. Basford, Mr. Dega, and some people from State Historic in 2012, 'cause I was concerned about the lack of complete recording on that particular parcel, and when I pointed out these areas to the personnel from SCS, they go, well, this is a secondary deposit. We just don't record these things. But when you have a deposit like that, at least you should eliminate the possibility that there may be subsurface components, as Ms. Donham said in here report about Keawalai Church, a huge percentage of what we now have in Makena, as remains, is going to be below the surface because it's an area that's had lot of weather events, it's right by the coast so it's subject to lots of disturbances, especially when you're going back to the 1400, you have a 600, 700 year history in that area, so, of course, things have been destroyed and the only evidence remains underground, so not one trench has been done on this property that really should be done, that's not an expensive thing to do, and it

would really add to our record rather than dismissing these as just areas that had been bulldozed. What was bulldozed there? Aren't we curious?

And then the recommendations section of the AIS really needs updating as well. There is -- the landowners announced that one site, a bubble cave that has two entrances and has evidence of habitation use, you know, midden and so forth, site 7095, is now recommended for avoidance and, you know, preservation by avoidance whereas in the existing AIS, it's listed only for data recovery. It's already been decided that, you know, even if they do data recovery there that it's going to be avoided; that fact should be memorialized in the -- in the AIS. Also, the public has been told that several segments of walls would be preserved in the large lot areas, yet, they've been given no protection in the AIS. Well, we all know how this works. You get good promises and years later, you go back, and it wasn't in the AIS so someone says, well, we weren't instructed to preserve it, we're the new owners, and we didn't know, you know, that that was supposed to happen. It wasn't in the report. So the report really needs to reflect the realities. And also a burial site has been recorded now on the property; that's being treated as an addendum to the environmental assessment; I mean really, it's part of the archaeological finds there; it should be mentioned. It's not inadvertent. It's a known burial. It should be mentioned in the AIS. So there should be an addendum, not to the EA, but to the AIS to include these things as well as include information from the rich variety of reports, Theresa Donham's report from Keawalai Church, of course, is very rich in information. Her report from Maluaka, the second review of that site, I feel has much to tell us about what we might find on the 47 acres because several of the sites there that were just dismissed as just nothing, their modifications of a little outcrop ended up being, you know, burial sites. And so there's something to learn from each of these reports including the documentation of the dates of use and so forth and so on. Also, Kepa Maly has all the old land records and things. Why you wouldn't just pour over his report and then integrate into what you're seeing, it was done for the whole land of Kaeo, and the surrounding lands, so it deals with pretty much everything, it was commissioned by the Garcias, who have the property next door.

So to conclude, thank you for this time, this area is historically very important, we all agree on that, but the AIS does tend to downplay the actual importance of the cultural sites that still remain, although they're going to be preserved, there is no -- there's no cultural landscape proposed; basically, it's a site here with a buffer zone around it, a site here with a buffer zone around it, and as we've learned from the Garcia property, when the preservation plan was done for that, it's a substantial preserve, I believe it's a 33-foot setback from the edge of the sites, and the Hale Papa, the women's heiau area, and the Kalani Heiau are preserved in relationship to one another, they might even be some other features that -- I think some of the walls also are included in that preserve. In other words, it's a cultural landscape. Those guys only had 10 acres and they did what was right. It's like I think with 1800 acres, we could do a little better than this. We need more than just, you

know, a dot here and a dot there with some orange fence around it and, eventually, a nice rock wall and some native plants. We need something that connects the sites that shows the cultural integrity. So I really recommend that this body, if they do take a vote on this, just say that this report, while it's a great start, should have new and additional information included in it in order to be considered complete, and it should have one map of the 47 acres, and a second map at least showing the relationship of these to other recorded sites in the area so the site significance is really about site significance, and not just about a very narrow view of what is going on. And thank you for your time.

Chair Six: Thank you. Any questions? Next testifier?

Mr. Isaac Hall: Good morning, Members of the Cultural Resources Commission. My name is Isaac Hall. I am the attorney for Hui Alanui O Makena. The Hui, since 1984, for 38 years, has worked to preserve old government roads in Makena that were still in use for vehicular purposes, and preserve historic sites in the area. The Hui protected the coastal road in the Makena area, known variously as the "Piilani Trail," the "Old King's Highway," the "Alanui Kahiko," and most recently, "Makena-Keoneoio Road." I want to correct some of the claims that are being made to you about the scope of the AIS, and about the Ulupalakua-Makena Road.

Let me talk about the scope of the AIS first. I was one of the co-counsel on a case that went all the way to the Hawaii Supreme Court, Naone Hall v. DLNR, that interprets Chapter 6E, the Historic Preservation Statute, and rules regarding the historic preservation review process, and the requirements for AISs. First, there has been a historic preservation review process within SHPD. That's the organization that has jurisdiction over AISs. It's their responsibility to make sure that AISs are adequate. There was an ample opportunity in the historic preservation review process for public participating, and the CRC, itself, had it elected to do so, could have participated at that time in the historic preservation review process. Mr. de Naie participated fully in the historic preservation review process as had many of these other people that are now participating before you as if their claims have not already been heard. Their claims had been heard by SHPD. SHPD took those into consideration when they accepted these AISs. These AISs weren't accepted by archaeologists that aren't respected by all of us. They were accepted, after consideration of testimony that you've already heard from Ms. de Naie, by Morgan Davis and by Theresa Donham. Even Ms. de Naie respects Theresa Donham. It was her determination that these AISs were adequate. She says you ought to decide whether these AISs ought to be reopened. Any determination that an AIS should be reopened is for SHPD to make. It is not for you to make.

Chair Six: Can you just keep your comments directed towards us and not to people that are in the gallery.

Mr. Hall: Oh, certainly.

Chair Six: Okay, thank you.

Mr. Hall: I don't think I did look at anybody in particular.

Chair Six: You were mentioning and pointing behind you so we're just trying to just have it --

Mr. Hall: I didn't point at anybody in particular.

Chair Six: Okay. Alright. Just talking to my corporate counsel. That's all.

Mr. Hall: Okay. There's some confusion here on the required scope of an AIS. I believe the word "segmentation" was used quite a few times. "Segmentation" is a word that's used in the EIS process, it doesn't have anything to do with the AIS process, so segmentation, to the extent people are asking you to say that these AISs segment these 47 acres from 1800 acres is not a term that is used in 6E-42 or anywhere else. I'll read you what 6E-42 says, "Before any agency or officer of the state or its political subdivision approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may affect historic property, the historic preservation review process must be initiated, and where warranted, the preparation of an AIS." That means, if somebody applies for a permit somewhere, that initiates the historic preservation review process. Now, if you're not applying for a permit somewhere else, you don't have to prepare an AIS for that area somewhere else. So I hear some of the Commissioners here saying oh we want your AIS to include areas within which you're not applying for a permit, and that's not required under 6E-42, so this segmentation argument has no merit in this seating and if they're not applying for a permit somewhere within that 1800 acres, an AIS is not required for that. In addition, the rules implementing HRS 6E-42 require historic properties to be identified within a project area. The project area has to be an area within which you are planning to do excavation work or do some earth moving. If you're not planning to do some earth moving or excavation, which could threaten historic property, you don't have to do an AIS for that property yet. Now, nobody, Ms. de Naie or anybody else has identified some other area where earth work has been applied for so an AIS should be required. The project area is the 47 acres. They have done an AIS for the 47 acres. It's been accepted by archaeologists in SHPD that we have respect for. That should end that process. If you feel it should be reopened, then where you should go is to SHPD and recommend that they reopen it and see if they think it ought to be reopened. There's no requirement that AIS cover other property outside the project area where no permits have been applied and where no earth moving or excavation has been proposed. The AIS for this 47 acres, in my view, is adequate.

Now, the Ulupalakua to Makena Road has been talked about, and I'm just going to cover that very, very generally. The Aupuni Road was mentioned. To my knowledge, that exist on an 1850 map and nowhere else. It does not exist on the ground. The Makena-Ulupalakua Road was closed in 1983, and that's 30 or so years ago, and it does exist for transportation purposes anymore. The Maui County Council -- or, I'm sorry, Maui County approved the North Golf Course above this project, a road does not exist there, and the Maui County Council, the Maui Planning Commission the Papanui project below this project area where that road was determined to be private and is now name "Hueloa Road." So what we have here is a roadway segment that serves no transportation purpose. You can't go anywhere above it, and you can't go anywhere below it. So if it has any value as a historic property, and SHPD has reviewed it and determined that it does not need to be preserved, and that, I believe, is a fair assessment of it. Thank you very much.

Chair Six: Can I ask a question?

Mr. Hall: Yes.

Chair Six: SHPD.

Mr. Hall: Yes.

Chair Six: Do you feel like it's a fully functioning organization or has it had some issues lately?

Mr. Hall: I believe that Theresa Donham, to the extent that she accepted one of these AISs, is a very reputable archaeologist, and if she made that determination, I have great respect for that determination.

Chair Six: Well, she's not there anymore.

Mr. Hall: She's there now and --

Chair Six: SHPD?

Mr. Hall: I'm sorry. I agree, she's not there now.

Chair Six: She left.

Mr. Hall: She -- but she was the one --

Chair Six: And they were missing five archaeologist. I'm just saying, it's not the same because SHPD -- 'cause I've worked with Morgan a lot, I worked with Theresa, I worked a lot at Palauea when I was working for the college, I have the utmost respect for Theresa, I have the utmost respect for you and your family's work, but I just want to, again, because with the Honuaula, the Wailea 670 is easier for me to say, I was working at the college at the time and I was asked, as someone who was not being paid by developers, to walk that property with Aki Sinoto, and I saw the 28 sites go to 40-something sites, and then the work done by Mike Dega and Ian showing hundreds of sites, so I think that there's some -- someone can sign off on something, and I still think that new information can come forward, so I'm just wanting to -- and for people that don't know, I have a PhD in archaeology from the University of Pennsylvania, so archaeology is my passion, so I just want to say that, as someone who works in the field, the SHPD has gone through some serious challenges for the last few years, they have some new people in place, they hired a state archaeologist for Maui with zero expertise at all in Hawaii, he's never worked in Hawaii one day of his life, so that should be an interesting catching up for him and learning about things here in Hawaii, so I just wanted to just say that I've seen AISs that Dana has asked have them redone, and other things that people have had and added to, so I'm just saying that, for me and I guess I can -- my questions are done with you so I'll wait for my ...(inaudible)...

Mr. Hall: No but I do want to respond to that.

Chair Six: Yeah okay.

Mr. Hall: It's my understanding that all of these sites that, excuse me, Ms. de Naie has talked about and Ashford has talked about that SHPD has gone onto the sites with and the archaeologist has gone on the site with them to look at those sites and that there's -- that they have been taken into consideration.

Chair Six: I just think, going back to what Ian said, this area is heavily bulldozed, heavily bulldozed, I mean we know that. It's disturbed context, and you have pieces of coral, I'm not familiar with this, I worked a lot at Palauea, just down the road, I worked up at Wailea 670, and so I'm wondering, you have heiau on either side, and you have this area where we talked about Kalola and potential Piilani Chiefess, people of important personages, and to quote Theresa's report, from 1998, and it talks about high-ranking ali'i at the time may have lived at Keawakapu, historic information indicates that she may have stayed at Honuaula during the time of the critical period. The presence of the landing, fishponds, a heiau, numerous contact area or residential sites in the immediate area make it very interesting historically. So this is Theresa's work about the site directly across the street from this property, and I had a chance to review and read that report, and it talks about over a thousand years of occupation, layers and layers, and so, for me, to think that directly across the street has nothing of cultural importance, and because it's bulldozed,

I think the survey did it walking -- walking and not -- if you don't it above ground, you know it doesn't mean there isn't something underneath, so I'm just -- yeah.

Mr. Hall: I think if you brought Ian back up and had him talk about the sites --

Chair Six: Yeah, that was -- that was the idea but I just was --

Mr. Hall: I think -- I think you'll find that they've already been taken into consideration that there's no need to go through another lengthy process because these sites have been reviewed, the ones that Ashford's talking about and the ones Lucienne's been talking about. I think maybe that would be a more fruitful thing for you to do if you want to know what the facts are.

Chair Six: Yeah, I'm all about what is it, factual history?

Mr. Hall: Well, I'm -- I'm -- I think that's an important --

Chair Six: Well --

Mr. Hall: I would suggest you have Ian come back up and talk about that.

Chair Six: Yeah, 'cause I have some problems with some of the terms that have been thrown around. Alright, thank you very much.

Mr. Hall: Thank you very much.

Chair Six: Does anybody else have any questions?

Mr. Les Kuloloio: ...(*Spoke in the Hawaiian language*)... There's a lot of gossiping happening and untruths in this body where I supposed to be giving testimony, so I'm going to be 'olelo Hawaii now since we're fighting over English prefixes and roots of words scientifically, archaeology, anthropology, biology, morphology, spirolology in Greek, Latino, e capisce Italiano. I was raised in Vicenza, Italy, three years, and military ...(*Spoke in the Italian language*)... And so I want to be sure that when we talk kauna and use of scientific words, in situ, landscape, I wanna know the real definition what is "archaeology," and this board, I come before you humbly before you as a qualified kupuna. I come with shoulders high because I carry the name. I'm a family genealogist that has carried many of my genealogical mookuauhau from my Kuloloia, ewe olelo, ewe, e kala mai ...(*Hawaiian language*)... All things are made, yeah, by Akua, so let me come -- and I'm a licensed preacher, 1980 I got my license, so I'm a qualified kahu too, okay. Nobody knows that.

So let me start with what I want to say. I wear different hats in the community. I'm involved. I've been so honored, so honored to have met my mom and my dad who have taught me their genealogies. I'm the youngest of three. All my brothers and sisters have died and passed. All my first cousins have passed from Makena. I'm the last to be holding the reigns for the Kuomoo line, the Hua line, the Piilani line, the Keopuolani line, the Nahienaena line, the Namahana line, the Kekaulike line, the Kauauaamahi line, the Kuloloia line, the Mahi line, the Kuahu line, and all the lineages that you done -- you're not hearing on this kukakuka. I come forward with Moku`ula line. I come forward to where ... (inaudible) ... your Chair have worked at Moku`ula. I was one who found the first burials to the Island Burial Council at Moku`ula. I've worked on all the sites in Lahaina District 1 on the CRC and District 2. I've been honored to work at the Maui/Lanai Island Burial Council with Dana Hall, Charlie Maxwell, myself, Gana Ivy, Everett Dowling that sat on all -- all the old Burial Councils. I've worked under every chairman of the DLNR, including Peter Young. And I've worked with many of the county council people here. So let's -- I want to be sure that this -- this body, CRC, understand your role. I was very disturbed last meeting to proceed in meeting by the Chair and all of you without a quorum. I was very disturbed because I was caught in between, like a storm that we've been experiencing last night, and the wind, the makani huli huli, makani hio, makani hio, cracking wind, breaking winds, and I've been disturbed, disturbed the last time to proceed with a body that was making decisions, non-decisions perhaps, or whatever, and come back again today. This is my second time I'm appearing on this body and I hope the Corporation Counsel, Planning Commission, and the County of Maui, including the Mayor of Maui County take heed because all these issues have been recurred and addressed with the Department of Land and Natural Resources. They're the body that I come forward, I am the Chairman for the Aha Moku, for the State of Hawaii, the Aha Moku Advisory Committee, State of Hawaii, not the Aha Moku Council of Maui. That's a nonprofit organization. I work hand-in-hand with Susan Case, Ms. Libo, and all your leaders in SHOPO. I've worked with Hinano Rodrigues and all the heads of staff in that office, Morgan Morgensten, even you, Chair. I've worked with everyone to see that while we work and give our best in getting facts, I'm the only one here I think can speak that have covered all the archaeology throughout West Maui Mountains, East Maui, and the Honuaula Moku. I have seen archaeology. I know what archaeology eat. They eat peanut butter and jelly in the field. They gossip a lot. They interpret a lot. They make up stories. And their conclusions, sometimes, become very questionable, including yourself and me, and all archaeologists here. I'm a provocative person. Whenever I say I want to know something, I come back and I always end the question: Are you sure you got the facts? I've worked with the Keawalai Church archaeology digs that found the site of Kalola. I am related to the Kalola line and I speak with authority. Yes, Chair. And I'm here to speak that we've worked hard with the Hui Alanui O Makena. I filed suit against my family, I filed suit again Ulupalakua Ranch, Alexander and Baldwin many, many times, and still yet. So I'm not new in this process. I wanna know where or what do I do after my testimony is through with this body. Does this body have the voice to direct me so

that all testimony that is given here will assure that what I've heard all of you will have a golden thought decision, to make a good decision so that we can find out where do we go next? Is this body -- does this body have the rule to carry on the load, meaning the political bureaucracy of the role you play in the discussions of total gossiping, including myself? Where do you take all this gossip and what do you do with it and say this what cultural represents? It's an insult to me, as a kanaka ewe. If you're going to be talking culture, then I need facts. Show me the compliance, your rules, your role. Show me is you have all the records that show that you're working with the State of Hawaii. Show me the record that this board here has the legal advice of the Corporation Counsel, as I do. I asked Chair for the Aha Moku, I have to work with the AG's, office for facts, and not hearsay. I have ethics to follow. Chair, I no mind -- I no mind -- I no mind triggering -- triggering gossip information, but I do know that Makena, we have never found any navigational sites in my time of 76 years or 300 years. I don't know, neither does archaeology. I work with Marion Kelly. I work with Inez Ashdown, Tutu Inez Ashdown who hanai my dad. I've worked with Jimbo Johnson. And so all I'm saying is I need to find out what is this body's going to do, and Corporation Counsel, I like you to really say because I'm here to support the applicant. I'm here to support the applicant, I not saying I trust them, no way, but I support the applicant. You know why? Because I've been engaged in this area called "Makena" for a long, long time. I support the applicant because they have chosen, like other applicants too before them, archaeologists. Sebu had about seven archaeologists that worked for them. Chair, if you want to do research, they're all there. Dowling had 14 archaeologists that worked for him. SHOPO got all of the records. And now this discovery and this new ownership has more I'm sure, but you know what? I wanna be sure that while I am totally saying I support the applicant, you know why? It's visible. They're visible. They're not hiding it. They're visible. If they was invisible, then they would be my boogeyman, but they're visible. They're open and I'm very particular. I don't take sides. I don't take sides. I'm a provocative person, and I want to be sure that I'm pono. Finally, I wanna say that I support Ian's presentation. I have seen Ian grow. I love his growth. I love his belief system. I walked -- I worked with him and all the archaeologists, I've worked with Theresa Donham. Together, she and I developed partnership in developing the Honokahua burial -- burial - what you call - conclusion of the volumns. I trust Theresa Donham. I have questions of the Kaeo report that others have taken, taken the Kaeo report that Theresa Donham did and turned it around, and turn 'em into total gossip. Total gossip, and I say it publicly. It cause a lot of confusion. And in closing, my grandmother, Keikia, is buried in Makena at the Kukahiko Graveyard, grandmother. Right next to her is my grand-aunty, her sister, buried at Kukahiko Graveyard, at Papaakai District, the land that we talking about, okay. And in Kaeo, my great-grandmother is buried at Keawalai Church, Moloa, who was married to Auwelo, who was called the "Kahoolawe Man." At the Kukahiko Graveyard is buried my great-great-grandmother, Kaumaka Kuhaulua. And this is the kind of genealogies I wanna ask if anybody going to talk culture, then come up here and give your genealogy. I demand that. I demand that so that I know who you area, where you live, where do you

come from, and what kind of cultural talk you're going to talk with me face-to-face, But if you're going to come up here and say you're just say something, well, I got my records. I am also related to Marilee Sylva, from Molokai, and many of my kupuna, Lanai, Oahu. Chair, it will be nice that you find out my name, Kuloloia, somebody jammed it up, one of the missionaries and called it "Kuloloio" was the "a," so I didn't jam it up. It was somebody called, yeah, a "Caucasian" jammed it up. So I know my Roman history. I know the history of Roman, Greek, and Latin. I'm good. And if you got any questions, I think we should involve the State of Hawaii, I think Susan Case would say let's move on. Legal from SHOPO would say let's move on. And Mr. Dona, who is the head of archaeology, would say let's move on. If not, then they're in question. Then we have a broken system. Maybe I should call Donald Trump over here and make a wall, since you folks are talking about wall, perhaps he knows how to build a wall, perhaps his interpretation of wall building is better than my Alanui building. So in closing, I support the process of the county, I support government, I support our Planning Department and Commissioners and this body. I just wanna go forward and just say I'm going to put my, it's pretty good, 80% trust in the applicant.

Chair Six: 80%?

Mr. Kuloloio: Yes.

Chair Six: So do you support the AISs? Do you --

Mr. Kuloloio: I support -- I support -- I support all the reports that have done for many years 'cause now to say, oh, nothing happened. You know what he tell us? We all failed. We all failed. Yeah. So I'm not here to poke spears, but we all failed, and I like -- we need archaeology, we need this, but main thing is open process, and not a boogeyman process, and no olelelo -- olelelo, and you know what I don't want is mahaoi. When somebody come into my house and say oh I know what is this, yeah, so I'm -- I feel real mahaoi. Mahaoi is when somebody come look under my tablecloth, yeah, from another district and say that they know more than us, yeah. That's all I'm saying because I no go mahaoi in Hana, you know. So in closing, I hope I can bring the message here. I totally support my Kuloloia lineage and my kupuna ewe of Makena, Honuaula in God. I ask Akua to help me that we support this applicant. Yeah. I don't know the applicant, so far I see part of the body, like I did all applicants, yeah, but pretty soon they're going to be changing clothes, yeah, in about 20 years, I don't know, they probably be wearing Bermuda shorts, yeah. You folks know what I'm talking, kauna, yeah? And so I'm getting to familiarize and get maa with the applicant but guess what? They're up and up and visible with me, they're not a boogeyman, okay, and they're not a ghost, but I'm putting my archaeological background in support of what -- I did many burials. I think I'm the only qualified individual here to talk about burials because I put more than 5,000 burials away, and I brought them all the kupuna iwi from all the universities of Hawaii under Federal

NAGPRA law with the help of Dana Hall and the Island Burial Council, University of Pennsylvania, Peabody Museums, I brought all the burials back to Moku Manamana and our national parks so, please, I don't wanna answer questions. I do support the applicant. In closing, thank you for my speaking into this body and all I say I come -- I humbly come before all of you and let's pray that this applicant does pono.

Ms. Kajiwara-Gusman: Amen.

Mr. Kuloloio: Because if they don't do pono, then, eh, nature going take care that.

Ms. Kajiwara-Gusman: That's right.

Mr. Kuloloio: Yeah. And that's all I ask, support the applicant, support all those who favor and don't favor, at least we come up here open, and I not here to cut down nobody, including my family, yeah. Mahalo.

Chair Six: Thank you very much. Mahalo.

Ms. Sablas: Chair? I have a question.

Chair Six: Oh, I'm sorry.

Ms. Sablas: Uncle Les?

Chair Six: He wouldn't take questions that's why I wasn't sure.

Ms. Sablas: Thank you, Uncle Les. You know I have high respect for you and -- but I guess my question for you, Uncle Les, having the high respect that I have for you, your mom, and those in the audience who talk about this project, and I appreciate the applicants, I appreciate the openness of the applicant, but you know when I see the proposed project --

Mr. Kuloloio: Yeah.

Ms. Sablas: That I just saw it when it came in the last packet, I didn't realize, you know, it's a lot of the condominiums and for us, we're born here, do we still need more of these condominiums for high-end outsiders to come, I mean I'm probably speaking out of line, but I want to speak my heart that's why I serve on this Commission, otherwise, I don't wanna waste my time, but it bothers me, as someone who lives and born and raised on this beautiful island, that we continually bring in projects that cater to the outsiders and our really prime cultural areas, I think, and our beach areas, is that what we want seven

years from now, Uncle, to have our island be covered with this type of projects? I just want your honest mana`o on that.

Mr. Kuloloio: Thank you. Thank you for saying that because that's what I fought with, I've seen Paia change. You're talking at the Paia boy. Now I feel as a foreigner in Lower Paia Town. I've seen Makena, in 1946, at a family reunion, I've seen my mama and dad buy six different iceboxes refrigeration in my time, Sear Roebuck, all kind, General Electric, about 14 types of stoves conveniences, I've seen so many homes come up in Paia, I've seen Dream City turn into Dream City, now everybody know what is -- don't know what is Dream City. I was told that man I gotta believe in the American dream. Now is the American dream a nightmare? I don't know what is progress, but I tell you what, when I see Makena, I didn't see Makena, Makena had only what they call the "Wyoming kiawe diggings." The mesquite. When I seen Makena, the fish and the coral was green, pink, yellow, purple, red and white. Today, it's brown because of the sugar molasses.

Ms. Sablas: But are you going to answer my question?

Mr. Kuloloio: Yes. It hurts. It hurts. No, I don't like it. I don't like it. But I didn't like Lahaina neither. I didn't like Wailuku neither. How it's changing. In Makena, I didn't want them, but what is this body for? You're part of the decision process. I don't like it, but I'm not -- the issue is not here. The issue is not for me to say, oh boy, do I like all the condominiums there? My family worked over there, all the hotels, at Seibu, at Grand Wailea, Kaanapali Beach, I don't like it, but a job is a job, and I'm not here for jobs for I see change. For me, well, Maui's going to change, yeah, but I not going be around ...(inaudible)... told me I only get -- I going live only 300 years, yeah. What happen after 500 is I ain't going to be around. But to answer your question, it's a hard question, no, I don't what 'em, deep in my heart I don't want 'em, but who am I to say that I'm -- I'm God. So leave it into Akua's hand, I leave 'em into Mother Nature's hand, and that this body do our best to see what's next for our future generations.

Ms. Sablas: Mahalo.

Mr. Kuloloio: That's why we're here on top this board, culturally. What is culturally approved? I have no idea.

Ms. Sablas: Thank you, Uncle.

Mr. Kuloloio: ...(inaudible)...

Chair Six: Mahalo.

Mr. Kuloloio: I'm dragging just like a worm on the ground. Thank you.

Ms. Kajiwarra-Gusman: Thank you.

Ms. McLean: And, Chair, if I can comment, the focus of your discussion is on the AIS, so just to establish that. Thank you.

Chair Six: Can we take a five-minute break real quick, it's been two hours and -- is that alright?

(A recess was called at 12:04 p.m., and the meeting reconvened at 12:09 p.m.)

Chair Six: We'll try to keep testimony short as much as we can because of the length of this, but we're going to go ahead and reconvene. Hello.

Mr. Edmund Chang: I promise you mine won't be as long.

Chair Six: Short and sweet.

Mr. Chang: Thank you for allowing me to talk to you. My name is Edmund Chang. As of -- and I'm from Makena. As of yesterday, I made 83 years old, and I think I qualify, by today's standards, as a kupuna. My daughter told me, when I get in this stand, don't talk too long, so I'm going to just list a few things that we talked about before.

As I recall, we talked about my passion for timelines and I'd like to confine my timelines to the Ulupalakua-Makena area 'cause I believe the activity that they had there has to do with a culture that came from there and, of course, you know, the stuff that I'm going to talk about doesn't go back more than 200 years; in fact, it only goes back to around 1790, and I'd like to go through the kinds of activity that I believe occurred in the Makena area. As you know, the last thing you heard was Ulupalakua Ranch still exist, and I'm going to go before Ulupalakua Ranch came along, before the Mahele, and my comments has to do -- starting with the first kind of activity I believe the Hawaiians had in the Makena area before the Mahele, and this started somewhere about 1790, where sandalwood was being distributed from Hawaii to China, and if you recall some of the history, it's my kind of passion to do the timeline, the Hawaiians almost ran out of sandalwood by 1929, and -- by 1829, by 1840, they put a taboo on it, a kapu on it so that nobody could pick sandalwood, and this was King Kamehameha I put the kapu on it. Little while after Kamehameha died, his first son lifted the kapu because the Hawaiians needed money to pay some of their debt. They -- and this debt carried on through some of the history later on. But Ulupalakua did sandalwood for a while. Hawaiians -- my father used to tell me that some of the things that he heard as a kid were the Hawaiians had scars on their back carrying the sandalwood that they harvested in Ulupalakua, Kanaio area. You realize that sandalwood is a high elevation crop. Most of the good stuff is 1500 elevation to 2,000

elevation or higher. The younger stuff is a different species and it doesn't have as much aroma.

Somewhere around 1848 to 1850, again before the Mahele, the first large land was sold, not only to the Hawaiians, remember 1850, the Hawaiians had the Mahele, during the same period, there were certain people, foreigners, that were doing favors for the king, that were allowed to buy property, and this person's name was Linton Torbert. He bought over 4,000 acres, and if you put the 4,000 acres into some kind of relative space, it's roughly 6.5 square miles, so it's not a small area. That's the distance, when I was kid going to Ulupalakua Elementary School, it's roughly 6 miles from Makena to the elementary school, so if you draw line from mauka to makai, and then draw another line, go 6.5 miles each way, that's the size of the land that he bought, and that's quite a lot. If you recall, we raised sweet potatoes there. Again, I'm talking about the activities that we had in Makena area. Linton Torbert was a farmer. He raised and he leased property from Kauikeaouli, which is Kamehameha III, and later on was able to buy the 4,000 acres that eventually purchased. Sometime later, James Makee, who owned Rose Ranch and later we call it "Ulupalakua Ranch," he owned the Ulupalakua Ranch, the Ulupalakua Rose Ranch from 1854 to 1920. Again, agriculture raising. In 1846, the County of Maui had a record saying that -- newspaper, *The Maui News*, had a record of Ulupalakua harvesting sugarcane from 178 acres ... (inaudible) ... by today's standards, but they also made annually \$5,000, this was back in 1846, on potatoes, and these potatoes, I believe, was shipped to California during the gold rush days. In 1874, this is just to highlight, Kalakaua visited Makee, and it sort of said that, you know, the Hawaiian culture, the people that know one another, the high ali`i, still kinda liked the area, that's what it said to me anyway. In 1860, remember 1860 was when the Silver War was, Makena, and again I got this from *The Maui News*, raised cotton. Kihei also raised cotton. Ulupalakua Ranch transferred from sugarcane and the other kind of farming, which is potatoes, to cattle in 1883. And if you recall, Makena Landing was already built. There's a place near Makena Landing -- by the way, anybody knows where Makena is? Is there a map that say -- old map that says "Makena" on it? Because when I look at the map, all I see is the ahupua`a names. Very little coverage for the real names that us locals called when we were small. Well, there was a cow pen that the cowboys put the cows into the pen right on the shoreline and it's right at Makena Landing area where the classroom is right now. Well, the locals called that "papipi" and it stands for where you put the cows, okay. Papipi. And we tend to do that. I live at the place called "Paipu," where we raise gourds, and it's not a name that you hear about all the time. I have a kukahiko house that's at Aawa. Again, and Aawa is located between Nahuna and Nahunaei Point, which is near Makena Landing. Ulupalakua, anyway, Ulupalakua Ranch switched to cattle in 1883 -- anyway, what I'm still trying to relate is what kind of activity, what kind of culture that took place in what they own, 1800 acres, and we're looking at 47 acres, and what Torbert had was 4,000 square feet, 6.5 square miles, so if we just focus on that area, the area that this project is in this 6.5 square acres. That's right next to the beach. Makena also had a

school. And in 1914, there were 24 students. In 1924, there were 22 students. That school closed, I'm not sure when it closed, I think it closed in -- before I was born, and I was born in '32. In 1925, Edward Baldwin now owns Ulupalakua Ranch. Ulupalakua Ranch now owns 28,000 acres. It's a hell of a lot bigger than the 4,000 acres I tried to talk about earlier. Bought in 1848 and 1850. How big is that? It's 44 square miles. It's twice the distance from here to Makena. Makena is 20 miles from here. So 44 miles is 28,000 acres, equivalent to it. In 1933 or 34, my grandfather had to close the store that we owned. Makena had a store. It has a church. The only thing that's remaining there, there's no school, there's no store, is the church. Thank God it's there yet.

Inez Ashdown wrote about my grandfather's store. She said when she got back Kahoolawe, and she passed by the store 'cause the store was right off the old Ulupalakua Road, at the junction, close to the junction of Ulupalakua and Makena Road, and she said something like I talked to this couple that owned the store in Makena, her name was Hattie and his name was Aana, not Chang, because the locals always called him "Aana," and never referred to him as, like my last name, Ying Chang, because that's what he was.

There's a note that I found that who reported this, Kepa Maly, and it's a document and fact that the cows ran wild in the Ulupalakua area from 1845. The natives didn't like it very well. If you noticed, there was an incident where a guy got shot by a fellow named Linton Torbert, who never got sentenced to anything and was reprieved. The time period 1850 and following, if you recall, the last time I talked about Lahaina in 1846 having 429 ships in one year. In 1861, we have four plantations on Maui already. Ulupalakua, the activity on land in Ulupalakua was quite small, and I think the population was quite small, and I think it probably influences what we're finding today, and it's kind of mindboggling because if you look for where the heiaus are, I know four of them, my take on that is that people built the areas for a certain kind of ahupua`a prominence, and, yes, they might have had some connection, I don't know what it is, but the one in Palauea is bigger than the one on the Chang property, which is called "Pohaku Nauhaa," and then there's the Garcia's one called "Kalani," and that's been completely demolished just about, and the talk is that during Kaahumanu's time, she wanted the sacrificial heiaus going down. I don't know if this was one of them. In fact, it's hard to find any good record about it. There's another one in the golf course, on the South Course, quite small, and it's set back behind Pulai Hill, and when you sat on this small platform, it's quite low, you could see Kahoolawe, and somebody had a name for it, I'm not sure what it is, but if you look at back into the roads that came to Makena from Ulupalakua or from Kihei, way back there were roads from Kihei, the Alanui or Piilani Trail, there was a road to Ulupalakua that I believe was really a change of road that the Aupuni put in, and his road came through what more -- more closely the Torbert Road that was built to go to the water. And, you know, that's basically all I want to say is to give you at least give you some background of what I think the population was like and the kind of activity that they had was basically farming, ranching. My father, before World War II, had a thousand pigs. When World

War II came, we had to cut back. We couldn't buy commercial feed and we had to pick garbage. But almost every one of my aunts and uncles had a few pigs. Chickens ran in the backyard. We hardly bought eggs because we got them free. We shared. You know, if we slaughtered the pig, there wasn't refrigeration so we had to share with other people. We did a lot of fishing. We didn't share our secret holes of course. That's not what fishermen do. I know a few but I won't tell you either. Anyway, I have -- that's about all I have to say and thank you for hearing me.

Chair Six: Are you in support of the AIS, the archaeological inventory surveys because that's what we're here to talk about today? Because I know that you were asked at the last meeting if you had your choice between seeing this development or nothing, sort of similar to what was asked of Uncle Les.

Mr. Chang: Your question is do I support?

Chair Six: Well, we're here to talk directly about the archaeological inventory surveys and if you feel that they're complete but also just your feelings on the development in general.

Mr. Chang: I think I tried to answer that the last time. I support --

Chair Six: Just because we have a new member --

Mr. Chang: No, I understand. I support the survey, but I believe that there's been enough kind of surveys and that I believe because what you do later is also a continuation of that survey and that is when you start building, I don't want the place torn up and dug up because you can't find everything underground that was referred to earlier, and I believe there might be possibilities, but the surveys that you do on the surface I believe was pretty well done. You know, and then when you start doing the construction and you have what do you call it?

Ms. Kajiwara-Gusman: Monitoring.

Mr. Chang: Yeah, people that --

Chair Six: ...(inaudible)... data recovery.

Mr. Chang: Yeah, not the data recovery, but the archaeologist that's on site watching all the time, I believe the process is pretty good. Now I don't really have a recommendation on how to improve upon it because I think it's there already.

Chair Six: I have just a question 'cause you're such a knowledgeable historian. I was looking at some of the reports and it talks about the Aupuni Wall, not Aupuni Road, and I

was thinking about you talking about the wild cattle, and on some of the earlier maps I saw a number of fishponds, I know Palauea had wells, anchialine ponds, you think the cattle were coming down to get the water and they put that -- I know put the wall to keep the cattle away from the farms that were close to the coast, do you have any mana`o on that?

Mr. Chang: I really cannot answer that question.

Chair Six: Okay.

Mr. Chang: Some say that the Aupuni Wall was built as a boundary. My father thinks that. Some say that that boundary also was to keep cows out or built to keep cows out. I believe the Aupuni Wall only runs from Poolenalena to Apuakehau. That's my take on it. It doesn't run beyond the church, and it doesn't run beyond Poolenalena. Poolenalena is where I live. It's right behind Keauhou, the ahupua`a Keauhou. Today, that's the place I call "Paipu." The Poolenalena Rock actually sits on the no. 1 hole on the Orange Course, and the all joined that rock, and then when I looked into history, people had a lot of time trying to find where Poolenalena was, as late as 1921, E.D. Baldwin was still looking for it, you know, and it really -- remember that Poolenalena was a corner boundary for Grant 1834 ...(inaudible)... in 1850. Now why are they still looking for it in the 1900s? And I think there was some fananagan going on because -- because when the 1834 boundary finally completed, and the boundary were drawn up etcetera, in the Makena Landing area, the Aupuni Wall is the boundary, and when you read the description, it says you go to the Kiekala, where the water meets what you call, and then you draw an imaginary line to Apuakehau, which is a hao tree by the church, and you go 60 fathoms inland is the boundary. Guess what's that? And they don't tell you it's the Aupuni Wall. They just say that's where the boundary is.

Chair Six: Yeah, I saw some of those references that were translated in Theresa's report, they were talking about this many chains from this wall to this many chains to that wall, and so it seems as though, and this is just -- things get reused. That boundary walls could then be also used to contain cattle, so I was just wondering your mana`o on that, so thank you so much because I can talk history with you all day long. Thank you so much. Anybody else have --

Mr. Lay: I have a quick question for Michele. Michele, today, are -- is it about the project itself or just the archaeological survey that we're working on here?

Ms. McLean: Yes, again, it is just about the archaeological inventory survey.

Mr. Lay: The project itself is not relevant?

Ms. McLean: That's not in front -- that's not before the Commission today. That's not within your purview. The project will be heard by the Maui Planning Commission, and your comments just on the AIS or the three AISs will be conveyed to the commission when they take it up again.

Mr. Lay: Thank you.

Mr. Chang: I'd like to make one comment. In the Grant 234, they talk about Makena Bay being a conservation area. It's in part of the write up and, you know, again I get very suspicious because you gotta look for that information, it was supposed -- by father, I get this from my father, it's supposed to be part of an attachment to the Grant and he said he couldn't find it; when they looked, it was attached 'cause the Grant's all written in Hawaiian, you know, and if you can't read Hawaiian, you might have trouble tracing this stuff so --

Chair Six: Yeah, the reason I brought it up is because I know the Aupuni Wall or part of the Aupuni Walls is part of some of these lots so that's why I was just wondering about that.

Mr. Chang: You see, to me, the Aupuni Wall is the wall built by the King or whoever the hierarchy was at that time, and it's quite surprising that the King that we're referring is Kauikeaouli 'cause he was King at that time.

Chair Six: Thank so much. Dana, you can testify from your seat if you'd like to -- from the seat if you'd like to sit.

Ms. Dana Hall: I'm fine. I just had a couple comments before I give you my testimony. Burials are subject to 6E-43, a separate section of our state's historic preservation law; AISs are governed by 6E-42, so they're apples and oranges. They don't appear in the same report.

A brief word about cultural landscape in the project area. I can say unequivocally that the sites to be preserved are not decoration. To suggest otherwise -- to suggest that they are says more about the person forwarding that notion. I am part of the cultural focus group for Discovery and one of my purposes is to ensure that the sites are treated with respect and are preserved in such a way that they continue to have their own integrity. That is important to me and I think important to everyone else on the cultural focus group. You've heard from Les today and Ed Chang, Jr. today about that.

Anyway, one month ago, on February 2nd, the Commission met without a quorum and listened to presentation on the archaeological inventory survey for the 48-acre project. The four Commissioners present also heard public testimony and engaged in preliminary

discussion. I am glad that the Commission held the February meeting because written testimony by two individuals was submitted, which I have been able to examine. The first testimony included a copy of partial minutes from the March 4, 1997 Planning Commission meeting on the Kihei-Makena Community Plan. I noticed that there were only a few pages of the March 4th minutes submitted and that there were no page numbers on the pages. I prefer to see an entire document for context when representations are made about its contents, and I also found that strange that there were no page numbers on the partial document presented to the Commission. I contacted Council Services and obtained a complete copy of the March 4, 1997 minutes, which run to 58 numbered pages, and are officially approved on the last page by Planning Committee Chair at the time, Alan Arakawa. To my astonishment, I discovered that the pages attached to the March 4th minutes title page the Commission received were nowhere to be found in the actual minutes of that date. Everyone who spoke at the March 1997 meeting is identified by name on the title page. Dorothy Pyle's name does not appear on that page. Just so ... (inaudible)... I'll let Isaac finish my testimony.

Mr. Hall: I guess, with your permission, could I read for Dana?

Chair Six: Yeah, absolutely.

Mr. Hall: I can't read the way she can but I disagree with the representations made about Dorothy Pyle's testimony as Chair of the CRC. I worked very closely with the CRC during the 1990s. Ms. Pyle, a historian who taught for many years at Maui Community College, is correct that Theresa Donham was responsible for the sites noted on the Cultural Resources map. You were shown the cultural resources map earlier. As Ms. Pyle, states, and this is a quote from her, Ms. Pyle, "It's not the purpose of this map to set out exact pinpoints of where sites are or necessarily the numbers of sites that are in each of these areas." Now, we go on with Dana's testimony. I spoke with Theresa Donham a few weeks ago, and she confirmed that the map was simply a notation of areas with known sites at the time, in this case, circa 1996. The cultural resources map was never meant to be monolithic or definitive; it was simply an alert that sites had been found in the area, nor did it mean that anything labeled a "complex" must be preserved. The Makena Complex, for example, is largely based on Elaine Rogers-Jourdain's reconnaissance work in 1979 when sites were assigned temporary Bishop Museum numbers. Rogers-Jourdain recommended very few of these sites for preservation, far fewer than Makena Resort has committed to preserve.

Finally, with respect to these minutes for which we have no reference date, Ms. Pyle states, and this is another quote from her, Ms. Pyle, "One of the areas in particular is the Kihei-Makena area, we did very carefully try to indicate is taboo, would be the Palaeua area, but we also understand that this is private property." She goes on to state, this is Ms. Pyle again, a quote from her, "I don't think it's the Cultural Resources Commission's

role or their authority to stop the planning process entirely. We can make recommendations, we can make suggestions, we can point out the value places have, but we cannot, as the Cultural Resources Commission, say you cannot do this. I think it's beyond our authority to prevent private property owners from doing anything with their property." From Dorothy Pyle

The second individual who submitted written testimony titles herself as a historical researcher, a self-anointment of sorts. In her testimony, she claims that more inventory level testing is needed for the three reports even the State Historic Preservation Division has accepted reports. I think it's clear from the Commission's rules what you can and cannot do. The same testifier would have you overturn the historic preservation review process under HRS Section 6E-42 and substitute her judgment for SHPD archaeologist, Morgan Davis and Theresa Donham, both of whom hold advanced degrees in archaeology and who reviewed and accepted the AISs. I have received Nakiikeahou and the Society of Hawaiian Archaeology's, this Dana, Hawaiian Cultural Stewardship Award in 2011, and Native Hawaiian Legal Corporation's designation as Native Hawaiian Advocate of the Year. As someone who has been a long-time advocate of historic and cultural sites, and as a member of Hui Alanui O Makena, I have read the inventory survey reports that are the subject of the Commission's agenda item. I have seen many of the sites in the field and advocated for preservation of the significant sites. The accuracy of the historic record is important to me. My long experience with the historic preservation process and committed to Hawaii, I find that the archaeological inventory surveys for the 47-acre project are adequate and provide a solid base for the possibility that even more sites and features will be preserved as a result of data recovery.

Ms. McLean: If I can a question to clarify about the minutes, so the minutes that were attached to the testimony that the Commission received at an earlier meeting are not the same minutes as the complete set that you obtained. Is that correct?

Ms. Hall: Correct ...(inaudible)...

Ms. McLean: Okay. Can you please use the microphone?

Ms. Hall: Yes, that's correct.

Ms. McLean: Okay.

Ms. Hall: I don't even know where they're from.

Ms. McLean: Okay. It's very important.

Ms. Hall: But they're not from this ...(inaudible)...

Ms. McLean: Thank you.

Ms. Hall: And if you'd like, I can give it to you and you can return it.

Ms. McLean: I think we believe you.

Ms. Hall: Thank you.

Ms. McLean: Thank you.

Ms. Hall: Yeah, and one other question. You know, I don't think it's fair to ask whether or not people think that SHPD -- SHPD's always had problems, you know, and question the archaeologists. I think they do a tough job, they do a good job, and we should be thanking them for their service. Thank you.

Chair Six: Is there any other public testimony?

Ms. Laura Chang: I'm here because I need to make a correction or at least make the statement to you. I asked of that question when Makena came --

Chair Six: Excuse me. I'm sorry. You have to identify yourself.

Ms. Chang: I'm sorry. I'm Laura Chang, the wife of Ed Chang, and I'm from Makena.

Chair Six: Thank you.

Ms. Chang: But I've known Lori for a while but I want to answer her question because I asked that question to my Kahu at Keawalai Church and this what told me, he says, "Do you believe in aloha?" I said, "Yeah." He said, "If you believe in aloha, practice aloha." And he -- I asked him that question because we were talking about Makena building, and we still call it "The Prince," excuse me for me calling it "The Prince," and I said, yeah. He said, "Well, if this comes us, you know, there's going to be a lot more Caucasian people." And someone there says, well, I don't know if I really like that because you go into Kihei today, and you feel like you're in a foreign land. There's more Caucasian people than -- you don't see local people too much. So that's how that -- that conversation came up and I just wanted to tell Lori that all the people has -- they must learn to practice aloha because that's what we are here in Hawaii. And I want to say something about my husband, he must have been nervous like I am right now, but he turned 85, not 83, and that's because I'm younger than him, two years younger, I'll be 83. But anyway, that's the reason why, and if you were today, like I have done, ask the people, the real residents of Makena, how they feel about this development, and they'll all tell you they're very pleased. They believe

in this development because they've been to the meetings, they're all part of the group, and they've listened, Discovery have listened to them, and so I think you folks need to know that here in Makena people are saying welcome to them because they listened. Thank you.

Chair Six: I just wanted to have a follow up. Your husband was asked at the last meeting if he was given a choice between a development and no development, he said he would prefer no development, and I have heard from other descendants down there that --

Mr. Skowronski: No. The opposite.

Chair Six: Opposite?

Mr. Chang: I didn't say that.

Chair Six: Oh, I'm sorry. I thought you did.

Ms. Chang: No.

Chair Six: It'll be in the record. I thought you said that you would prefer like to not have anything change.

Ms. Chang: You know, we know it's -- you know, we know that development will come. I mean we've been through Seibu, we've been through Dowling, and now we're going through Discovery, or whatever that group is called, and, you know, we know it's going to come, so if it's going to come, we want to see it, we want to have a voice in it for our grandchildren because they're the ones, it's going to affect them more than anybody, it'll affect our -- we gotta think down the future and that's where we are, and we think they're doing a good job.

Chair Six: Thank you so much, and I'm sorry if I got that wrong. I apologize.

Ms. Lay: Chair, once again, we're just about the archaeological today, we keep talking about the development, we have no jurisdiction or say about it, so I mean it's been a long day already.

Mr. Hall: ...(inaudible)... Mr. Ashford ...(inaudible)...

Chair Six: Well, I was just going to see if there's anyone else that wants to say -- have any other public testimony. So, Commissioners, do you have any discussion?

Ms. Thomson: So thank you, Commissioners. I wanted to just orient everybody to what we're -- what we're doing today. So the Maui Planning Commission is considering the environmental assessment under 343, or environmental impact statement. Maui Planning Commission has asked for your input on the three AIS that are before you, so we're not looking at the -- it gets a little bit confusing, but there's this Chapter 6E process, SHPD reviews and approves AIS, so you already have that in the record that that has happened. As part of the Chapter 343, environmental assessment process, cultural impacts are looked at, and archaeology, and historic landscapes, and things like that do affect, obviously, cultural resources, so that's what you're commenting on today is the adequacy of that information for purposes of the environmental assessment process. Thanks.

Mr. Skowronski: I have a couple questions for Scientific Consultant Services.

Mr. Ian Bassford: Ian Bassford, SCS.

Mr. Skowronski: The inventories that you prepared, who did you prepare them for?

Mr. Bassford: ATC Holdings.

Mr. Skowronski: I'm sorry?

Mr. Bassford: ATC Holdings. It was under a previous tenure, and then Discovery came in, and we continue to do addendum work under Discovery's purvey.

Mr. Skowronski: Okay, so the people who commissioned you to do the inventory, their official -- their title is ATC Holidays?

Ms. Hall: ATC ...(inaudible - not speaking into the microphone)...

Mr. Skowronski: ATC Makena Holdings. Okay. Are you presently under contract to provide any additional services for ATC Makena Holdings on any adjacent parcels?

Mr. Bassford: No. No, right now we're only working strictly on the three.

Mr. Skowronski: Okay.

Mr. Bassford: We have done -- we have done work on separate parcels at different times.

Mr. Skowronski: Okay. Have you made any proposals to ATC Makena Holdings to provide archaeological services for adjacent parcels?

Mr. Bassford: I push for their work all the time. Yes.

Mr. Skowronski: Yes, so -- so you have -- do you have --

Mr. Bassford: We don't -- no, we have not done -- we have not done any future contract proposals meaning --

Mr. Skowronski: So you don't have any contracts with ATC Holdings for adjacent parcels at this time?

Mr. Bassford: No.

Mr. Skowronski: Have you made any proposals for inventories for adjacent parcels?

Mr. Bassford: No.

Mr. Skowronski: Are you aware of or have you used any master planning or work to prepare for adjacent surveys from this property?

Mr. Bassford: No.

Mr. Skowronski: Okay. The surveys and the inventory that you've done so far, why are you preparing these inventories?

Mr. Bassford: Because they put in a permit to do a development, the state had then pulled the trigger in the permitting process and told them they needed to have an archaeologist, the bidding war ensued, and we were the low bidder.

Mr. Skowronski: Okay. What's the permit for?

Mr. Bassford: That I do not know.

Ms. Thomson: I might be able to answer part of that question. So the Chapter 6E, HRS 6E requires preparation of archaeological inventory surveys when historic properties may be disturbed, and the trigger would be any number of different permits, but a permit is the trigger for preparation of that -- that process.

Mr. Skowronski: Well, I understand that, but what I'm asking for is that in the previous presentation, and in this presentation, there's been no indication as to what those permits are for. Why are you preparing this inventory?

Mr. Bassford: Because they are regulated by the state and mandated by the state to do it.

Mr. Skowronski: No, no, no. I understand why you have to do it, but the -- our review and our comments on your archaeological inventories are meaningless to us without any reference as to what they're doing it for. I mean are you preparing -- are you preparing this inventory for an airport or for a commercial development or for --

Mr. Mark Roy: If I may address the question. My name is Mark Roy. This is the first time you've heard from me today. I work for Munekiyo Hiraga, we're a planning consultancy, and we're the firm that's working on the environmental assessment for the 47-acre project that is currently before the Maui Planning Commission that was discussed by Corporation Counsel just now. So to answer the question, the three archaeological inventory survey reports make up the 47-acre project site. The 47-acre project site is currently being proposed for development of a new community in Makena, and in order to proceed with developing that new community, an environmental assessment needs to be prepared, and what's called an "SMA permit" needs to be obtained from the Maui Planning Commission. So the nexus between the archaeological surveys is the SMA permit application that has been filed with the county for processing.

Mr. Skowronski: Right. Okay. What I'm getting at is you've provided the survey, you're asking for our review and comments of the survey, but you have made no presentation as to what the intended consequences are on that 47 acres or the 1800 acres, and so I'm asking is it unreasonable for us to ask for as overlook as to what your intended development is while we're reviewing the comments and while we are commenting and reviewing the inventory. I mean are we just reviewing the inventory --

Ms. Thomson: Yeah, let me -- I'll kinda but in a little bit. The Maui Planning Commission, as they're reviewing the environmental assessment and all of the information in the environmental assessment, which includes these AIS reports, they will be considering it more in that kind of global project context because as part of the EA, you have to look at alternatives, and one of the alternatives is this project, other alternatives include leaving the entire area alone, etcetera, there can be many different things that they look at as part of the EA, but the CRC's role today is to look at the AIS reports and to make comments on the sufficiency of those reports so that the Maui Planning Commission can have your comments. So although I understand the desire to have more of a -- more information as far as the project, the AIS, regardless of if you're doing option A, option B, or option C, that's discussed in the planning context, you would do the same report. So I hope that helps.

Ms. Kajiwara-Gusman: On the 47 acres, not the whole 1800.

Ms. Thomson: Correct.

Mr. Skowronski: Well, even on the 47 acres, I mean we're reviewing and commenting on the adequacy of the report to do what? And -- but the report -- but the report is obviously aimed at some sort of development and my question is that or my feeling is that the report, as is, as presented to us, without an adequate display of what it's for is essentially incomplete and inadequate unless we know what the report is being prepared for, and so, you know, I mean I understand that and I respect the opinion of the people who have spoken here that development is inevitable, and you want to be part of that development, and have a say and have an influence on that development, but if you don't know what they development is, then why are we doing the report? What are commenting?

Ms. Kajiwara-Gusman: Frank, in our -- well, I have it on the email format, but there is a proposed project with a map and everything that tells you what the 47 acres is going to be.

Mr. Lay: Can I ask a question?

Chair Six: Yes.

Mr. Lay: This report, would it be changed if it was a park, a house, a condominium, a store, or anything that -- would it be changed in any other way?

Mr. Bassford: No.

Mr. Lay: Okay.

Chair Six: Yeah, it probably wouldn't be destroying 50% of the sites 57% of the sites if it was going to be a park. And also, I just want to say, I worked in Punalu on the Big Island on my PhD and there's a heiau in the middle of golf course and people bounce their balls off the heiau, I mean golf balls, but the idea is I appreciate what you're saying that these sites are going to have a buffer and -- but when you take and break them all apart, and put a rock wall around them, and put some stuff, and people forget, and especially Mainlanders that come that may not have the mana`o and the understanding of the kupuna in that area, which I have absolute 100% respect, and if I don't appear to, I do. You guys have the knowledge. I don't. I learn from you guys. But I think it makes a difference what you're going to do there, probably going to make a little difference on how they're going to treat the sites. As I saw the buildup, as you did mention, Commissioner Gusman, and it's several condos, I think 25, 30 large home, view homes, they're also leaving a place for locals and parking, I mean it's less density than they're allowed. So it's definitely, you know, if you're going to have to choose development, this one isn't as bad as it could be. But does that make it the best situation there? And I think what I

heard, and the reason I triggered this whole debacle, again, I was at the land use commission and I heard, I believe it was Lance Collins, say that you need an EIS for the entire 1800 acres, and to do this 47 and have just an EA that how it's going to impact the reef, and you heard Uncle Les talk about the reef is no longer pink and purple and green and all this, and he says it's because of whatever, some people say it's sedimentation of the inshore reef, but I think that's what, for me, was, I couldn't hear everything that was going on in the meeting and I wanted to take a look at the AISs because I know "compartmentalization" is a dirty word and, legally, it's only a permit that triggers it, but it's also a way of slowly and insidiously taking and building and building out, and I can't imagine they have 1800 acres and they're only going to do this 47, but maybe I'm wrong ... (inaudible)...

Mr. Roy: Excuse me, Chair? May I offer a comment from the applicant's side, and it's kind of intended to address all three questions that had been raised by Commission Members in the last five or ten minutes. There is a proposed project on the 47 acres. It is a development action. It's a 158-unit mixed-use residential project in Makena within the urban growth boundary of the Maui Island Plan. It does have the appropriate zoning and community plan designations in place to allow for the proposed project. So that, in a nutshell, is the proposed action. To Commissioner Lay's question as to, you know, if there were some other action proposed on this site, would it be the same kind of report, and I think the answer is, as you've heard, it would be yes because you would involve some elements of grading on the site for any substantial development action, so the project that's before the Maui Planning Commission at this point, as you've heard from Corporation Counsel, is the 47-acre, 158-unit mixed use residential project, but as you've heard today, the Commission wanted the applicant to provide the archaeological inventory surveys for the 47 acres to the Commission, that was the comment, provide the AIS reports to the Commission. So I'll just leave it there, but I just wanted to respond to pretty much the same kind of theme that was running among all three Commissioners' questions.

Mr. Lay: I have a question.

Chair Six: Yes. Absolutely, Commissioner Lay.

Mr. Lay: Is there an affordable component to this development?

Mr. Roy: The answer is yes, at this point. What I'd like to do is, if I may, invite Mr. Ed Devida, who's a partner with Discovery Land Company. We are moving forward with the final environmental assessment review at the March 14th meeting of the Maui Planning Commission and so the January meeting that we had had the Commission had 15 questions or comments that they posed to the applicant, one of which was to provide the AIS reports to this Commission, there were 14 other comments, and so we've been

working quite extensively, since January, to put together a response package for the March 14th Planning Commission meeting, one element of that response involves some affordable units on site, but what I'd like to do is just hand over, if I may, to Ed Devida to just give you a response to that question.

Ms. Thomson: Could I?

Chair Six: Yeah, I think --

Ms. Thomson: Thank you. I just wanted to remind the Commissioners that the purpose of your meeting today is to provide your comments to the Maui Planning Commission on the AIS, so I don't want us to get so far afield that you don't accomplish what you're here for today. Thank you.

Mr. Lay: Okay, I mean you don't have to come up if you don't want. I just wanted to, you know, let it out there that there is some affordable components to this --

Ms. Kajiwara-Gusman: Affordable house, yeah.

Mr. Lay: That, you know, it's not just a --

Mr. Ed Devida: I'm Ed Devida, I'm a partner with Discovery Land Company, and, yes, our proposal includes fully conforming to the workforce housing requirements of the county, and we're proposing to fulfill those with credits that our predecessor earned by putting in affordable housing, which exists here in Maui, and people are living in now, provide in our presentation, you know, representations in detail about that, and in addition, in excess of the requirements, the county requirements, we're also proposing some workforce housing units on site that are voluntarily being proposed in addition.

Mr. Lay: Thank you.

Chair Six: I'm sorry public testimony is closed.

Ms. Ness: ...(inaudible - not speaking into the microphone)...

Chair Six: I don't think it's relevant right now because it's 1:00 and I'm being told to -- you could submit that I guess public record. You can submit it. So thank you, Autumn. Alright, so public testimony is closed. My comments that I would like to be shared with the land use commission because when I went to that meeting, I heard a lot of people for and a lot of people against, and it was about the environmental assessment, and I, as an archaeologist and as the Chair of the Cultural Resources Commission was interested in seeing the AIS because there was some discussion that the AIS needed to be done for

the entire 1800 acres, there was discussion that an EIS need to be done, and so I got involved, and when I looked at the reports and I saw how there were three different TMKs and there's not one map, but I have a couple comments. When Ian said it's a, you know, he talked about, you know, the historic museum and he says we'll put the treasure-trove of Makena, so is there a treasure-trove of information or is there nothing because it seems that I hear a lot of there's nothing there, and then I hear there's a treasure-trove. Sites are multi-use sites. You could have a boundary wall that becomes a cattle wall that becomes part of a thing, so it's anyone that does archaeology know that there's reuse over time and it can be very muddled and confusing when you have layers and layers of occupation. And I want to thank Mr. Ed Chang for his great overview of the history but it only goes back 1790, and so, for me, when I read Theresa Donham's 1968 report, excuse me, yeah, 1998 report, she's not that old, and she talks about the importance of ali'i being there, the fishponds, seeing the maps with the older fishponds, the heiau that are there, it begs the question, and Theresa Donham's work at Palauea and the quantification of some of the dry land field systems puts up to 10,000 people at Palauea. Where are the bodies? Where are they buried? If their houses have been leveled, and if their remains by storm, whether it's desecration by bulldozer, I'm always concerned about what's left that you can't see. And you're right. You can't see underground. It's like going fishing, you do your best job, you take all the information, and you try to do your -- and I think you do good work, so I'm not putting the work own, but again, when I read that report about that site across the street, it goes back to the 12th -- 13th century, so that predates all the historic stuff. There's layers and layers and layers of occupation there, so I think sometimes when we use certain pejorative words, talk about, you know, how empty this area was, that it was very different prior to the decimation of the sandalwood, tapping in of wells, that it would have been a place with an abundance of water and an abundance of fishing villages, and we see that evidence in work that Theresa did at Palauea, of the number of fishhooks and things that she finds that give us an idea that this area had a substantial population. So my concern was very little subsurface testing was done, but again, I'm working on a site now out in Hana and the new SHPD, Sue is asking for all the archaeologists to talk to the SHPD prior so they can tell us the scope of subsurface testing, so we can no longer just walk the land, see what's above the ground, poke a couple units, but we actually get directives now from the SHPD of how much subsurface testing should be done. Now this was done in 2012, so this supersedes any of this new work, so this is just my consideration. And the last thing is, when you talk about factual history, this is a real bugaboo for me because, to me, it's a production of truth, who the power or control that gets to say what is factual and what is not factual because especially when you get back into oral history, and then we get it writing down, who is doing the writing down, who is writing it down, what's being written down, and so for me this is something, this is not a criticism of your work, it's just that when you say something like factual history, that can be very, to me, hurtful because it puts some history here and some over here, and I think that you need to have it all even if the part that doesn't jive with what you're trying to accomplish needs to be recorded because it's very hard to judge

factual. The term "gossip," I heard a lot about gossip. I heard a lot of things about who has certifications and qualifications and whatnot. If you see an injustice, if you feel that, you know, and you make -- and you try to point it out, sometimes you can be mauae, so I just -- one thing we want to talk about is, you know, having respect for each other, so I just want to say I would like to see one map showing how these sites interrelate to each other, and mentioned in the last testimony, in the draft monitoring plan, there's no mention of how the sites on this 47 acres relate to any of the other known sites, including the one directly across the street, which is not listed in the report, but I have seen other SCS reports include Theresa's work. So I just was -- it just jumped out at me that it wasn't in this report. Now I understand she signed off on it, I respect her, so all that, but I'm just saying, for me, it seemed remiss to leave out an important cultural site that dates back to the 13th century that was well documented directly across the street from this parcel, and show other parts, which again, almost, and I'm not saying he seems like cherry-picking the data that you like and taking oral histories of the explorers that went there and said it was dry and nobody lived there, well again, we have to go back hundreds of years, before Caucasians got here, and it was a very robust -- everything shows the Makena-Wailea Complex, whatever you want to call it, down to LePerouse, that's a robust fishing area. Of course they're growing sweet potatoes and they're transversing, doing transhumance mauka-makai, but to marginalize and say it's a marginalize landscape that's the part that I have some problems with. So that's all I gotta say. Thank you very much.

Ms. Sablas: I have a question, and I'm not sure -- I notice that there are 40 underground parking stalls planned, can someone answer, I mean there was no subsurface testing, and knowing the Makena area, there's a lot of pohaku, rock, so how is this going to be accomplished and how is it going to impact sites around that area when you do a lot of grading, I would think? That's 40 underground parking stalls that's a kinda red flag for me for that area.

Ms. Kajiwara-Gusman: Can I interject on that real quick. I'm a certified environmental technician, certified by the State of Hawaii. I do construction jobsite monitoring. We work with a lot of the archaeologists. And when a development like this is going on, it is required that one of us as well as one of them be onsite. We have to look at every single scoop of dirt that comes out of that ground. If we see any bones, any kinda artifacts, anything, the job shuts down right then and there. They cannot dig another stone, rock, anything out of the ground. So in my opinion, also as a native Hawaiian, this is a little bit owee, and I live in Waihee, right across the sand dunes, so when you did your introduction, it kinda touched me 'cause I was -- we bought our property just about the time you guys did that stopping of that development, and thank you, but you know, what I see here, and Kai Nishiki gave an awesome testimony, and I went through the written testimony that was submitted by Autumn, and I -- because I really like Keaka, as a Commission Member, his comments I really, you know, it weighed heavy on me, but being that my kids are also in Kamehameha Schools, when you look at something like this, and

that was my question to Mr. Delima about who's going to take care of this property, who's going to take care of these sites, who's going to go over there clean it, you know, all of these things involve cost. This development, in my opinion, for this, the AIS was done, everything's pointed out, everything is here in black and white for us to look at, they even have a historic interpretive center on here, and my guess is to allow the public, the schools to bring children in to learn about this area in general, to visit the sites that they have marked out here, because I can tell you right now, Kamehameha Schools is not going to take their kids in the bushes where there's a chance of people getting hurt. It's the same thing you see all along The Prince, the King's Trail. Everything's marked out. It provides a safety factor along with the historical preservation, and I provides access, and, like I said, I'm also a farmer, 300 acres, and, Mr. Delima, I am sorry, but there is no way you can take care of 1800 acres by yourself 'cause I have 300 and I can't do it, not by myself, and that's where kuleana comes in because even with my -- I have a family of six, me and my family, we cannot, we've partnered up with three other families on that 300 acres to take care of that parcel, you cannot do it by yourself, and you cannot afford to do it by yourself. You know, something like this, they're in the right zoning. They've done all their background. Personally, I have no other questions. We're only allowed, by law, SHPD approved it, we're only allowed by law to talk about that 47 acres. We can't tell them what to do with the rest of their property. We can't sit here -- I mean it -- it hurts. Like I said, I don't want to see -- you know, we used to hunt in this area. I've worked Wailea 670, Piilani Villages, Moana Estates. I've done soil surveys for a bunch of these areas and we find stuff all the time, you know. The thing is is that they're preserving it, they're putting it in an area where if it's a burial site, what is important is that we can go there, the families can go there, they get access to the place, they can go there, they can visit their ancestors, worship, pray, whatever, the site is accessible and it's safe because you don't want to have some, like in Waihee, we have one that Chair and I were talking about that you gotta crawl through tunnels and, you know, technically, you trespassing on somebody's land. You get hurt inside there trying to visit your ancestors, what's the next thing that the community or the people do? They sue. These people are giving us safe, they've done their homework, they've done their research, and we cannot really say anything, and I, honestly, would like to move that we accept this as it is, accept these AIS surveys, and let them know that with the -- with the I guess -- I mean they have follow up that they have an archaeologist onsite and a technician onsite while this work is going on.

Chair Six: I don't think we can approve anything. I think we're just providing comments. Yeah, just providing comments.

Ms. Thomson: Chair, I just --

Chair Six: Yeah, sorry.

Ms. Thomson: Chair, I wanted to just clarify, so in consideration of cultural impacts as part of the environmental assessment, you don't -- you are -- you know, the project area is a defined area, it is the 47 acres, however, at times, you would look beyond the geographical extent of that project area, for example, access, if you needed to access, you might look at it in a larger geographical context for certain circumstances, like you said, access to burial sites for a family, things like that. So it's not improper to comment to the Planning Commission that you believe that, you know, if this is one of the comments that a larger geographical area should be considered for these reasons, and then you would tell them what reasons you think.

Chair Six: Yes?

Mr. Lay, first of all, I'd like to thank everyone for coming out today and sharing your stories with us, we appreciate it, and a lot of stories get lost in time and now we have it documented, and we appreciate that very much. Second of all, I appreciate the hardwork that all these archaeological people done, I know it's hard work out there, and this is the highest surveyed area on Maui, so what more are we going to ask for? I'm not sure, okay. And that's all I have to say.

Ms. Sablas: I still have couple of questions so on the preservation plan, on the sites recommended for preservation, I'm not sure if we will have the opportunity to review the preservation plan and the archaeological monitoring plan prior to construction, so I have some questions, so on these plans -- on these sites recommended for preservation, I would assume, I think, who's responsibility is it and I would think would be the developer? Is that to -- to preserve it? Okay. The second question I had is there a timeline for the completion of these sites? I mean how, concurrently, does it happen with the project or does it happen after the fact? These are just questions that were in my mind. And who's responsible for maintenance of the sites after the preservation's in place because I've been a part to a lot of times you say and they agree to conditions and then there's no follow up, there's accountability, there's no consequences, so is that going to be part of the monitoring or preservation plan that they're going to submit? And I have another question, and what about, again, nonconformance? And clear definition of terms for preservation of sites in the event that subject property is sold, and we know the turnover happens here, so what happens when legal -- I mean, oh, I'm not -- I mean I'm just -- these are questions I'm just throwing out, I want it go on record, and I'm not sure where it's going to be answered, but some thoughts.

Ms. Thomson: So I think that the applicant can probably best answer the questions regarding preservation plans and what is going to be proposed. As far as enforcement measures though, as part of the environmental assessment process, you analyze the impacts. The environmental assessment is actually used, like in the SMA permit context,

and it can be used to have the basis of conditions that's applied, so the SMA permit can have certain conditions that are incorporated into that, and those are enforceable.

Ms. Sablas: I guess then my question are we going to have an opportunity to review the preservation plan, this body, and the archaeological monitoring plan? Would we have the opportunity to review it?

Ms. Thomson: Does the applicant have any information on -- on those areas?

Mr. Bassford: Ian Bassford, SCS. In regards to preservation, when a site gets slated for preservation, prior to any type of ground disturbing activities, we, the archaeologists, will go in, pound pins, and put up the fence ourselves. I do that myself because I don't trust saying, oh yeah, put it over here, measure this far off. I'd rather catch the cracks myself for doing a bad job than have somebody else get the finger when I could have just done the job right the first time myself. So during construction, those fences stay up. Everybody on the site knows do not go; don't touch; stay out. Once the job is complete, the fences are removed, and then the formal permanent preservation measures are erected, generally, a low dry stack rock wall or a native plant hedge or something like that. Each specific site is unique to itself, so there is no real cookie-cutter process of this is what we're going to do, rubberstamp, done. You gotta constantly be thinking about that and how are you going to be able to incorporate in the landscape architecture to do it justice, to celebrate it. As far as what's going to happen to the site under a secondary land tenure, when a site is slated for preservation, it gets put on the deed, the metes and bounds, and that gets transferred over to the Bureau of Conveyances, so it becomes a legally binding document, the same way when you go buy a house, like the people down by Safeway did, when they had a burial in their yard, they were made very well aware of it because it's on their map, so there's no way that these things are going to fall through the cracks ...(inaudible)...

Ms. Sablas: Thank you very much.

Chair Six: I think -- are you talking about Palauea? Yeah. Yeah, I here ya. Is there any other comments? These are -- I'll say it again, we're not making -- we're not voting on anything, we're not against -- stopping the development, we're just trying to just look at the AIS, but I would like to also second Commissioner Sablas's, I would like to see, if possible, the draft data recovery plan and also a draft preservation plan for comment, again, just for comment, we can't vote on it, we're not stopping anything. I don't think we have to, you know, have it be us against them. I think everybody here generally cares. I think that's the common thing that people are caring to do the right thing and trying to come together, but it's just like anything, it's not easy, and giving birth to something new is as painful, and change is sometimes hard, but I just want to thank everyone again, like Commissioner Lay did, for coming, and their time, and your mana`o. It's been -- everytime

I learn something from everybody here so I just want to thank everyone for that, and I appreciate that.

Ms. Thomson: So just to bring us back to your job today as far as the comments to the Maui Planning Commission, from what I'm hearing, you have bare quorum today, you have only five people, so we can do it one of two ways, what I would suggest is that perhaps you just go around the table, make your comments so that we can accurately capture them for the record, I do have some already noted down, but I don't know that, as a body, I'm hearing that, you know, that a few Commissioners are suggesting that they feel that the AIS reports are complete and they believe that they're adequate and complete, and I hear that other Commissioners believe that there should be other additional information or, you know, larger maps, things like that, so perhaps the way that the letter could be drafted is that the Commissioners, but, you know, if you agree, the Commissioners, although they could not have consensus on the recommendations, individual Commissioners offer the following comments.

Mr. Lay: You can start with Lori 'cause ...(inaudible)...

Ms. Thomson: Okay.

Mr. Lay: I agree with Lori Sablas, Commissioner, in making sure that these areas are preserved, that have to be preserved, making sure that they're preserved during the development and after, and making sure that if there's any changes in ownership, that that follows through with them, you know, keeping it all pono with everyone.

Mr. Skowronski: I've pretty much made most of comments. My only other summation is that if we're truly interested in the cultural stewardship of Makena, it's not restricted to 47 acres, and so I find this report incomplete and inadequate because it's not addressing the larger issues.

Chair Six: I'd like to follow up on Frank's comments as well as that I -- it's hard to see the whole elephant when you're just looking at a small part of it, so I think it's inadequate in the sense that it doesn't address the larger area, and again, the idea of site, whether you looking at single site or you're looking at a larger site, sites at abstract notion, you can zoom in and look at a house site, or you can zoom out and look at a village or you can look at the interrelation between one village and another. So I think, for me, I would like to see more information on how these sites on this 47 acres relate to known archaeological sites in the area if there is any relation, maybe there's not, but if there is any relation, how they might relate.

Ms. Kajiwara-Gusman: I also agree with Commissioner Lay's comments that, you know, these sites, the developer, which we have here already, be sure to document and

preserve during construction, both during construction and after. And also, that the reviews or the project planning -- I mean I guess it's going to be up to us to follow up or I don't know if they'll come back to us at a later time?

Ms. Thomson: It's unlikely that those plans would come back to you. Yeah.

Ms. Kajiwarra-Gusman: Okay. So just, you know, to get the -- or make the recommendation that they are preserved as stated here in the plans and to follow through with the onsite documentation during excavation should the permits be approved.

Ms. Sablas: I think a lot of my comments are already on record and, you know again, I reaffirm the concerns I have. I would have to also agree with Commissioners Frank and Janet about, you know, while I do appreciate, I think, the extent that the applicant has gone and worked with the local community, you know, once this is done, you cannot undo something, and I think here we have the opportunity to do the very best we can for the site and in that respect, I kina feel that because of all the testimonies we've heard, that indeed more work is needed, you know, again as a complete site and I think our Chairperson made it clear in my mind about the elephants, you know, and you just don't take the leg, and one leg and the trunk, you know, but try to look at the whole thing in what we're doing. You know, I am -- I may just go on, I'm 73 years old, and I, in my time living on this island, I've seen more development than my mom, her mom, and her mom, three generations before me. In going through this process of getting one project done, I'm wondering, my gosh, how have we been able to accomplish so much in a short -- I mean, to me, in my lifetime. Understanding what government does and everybody involved to try to do the right thing, and it just kinda puts a really -- I mean how important all of us, what we're doing, so I guess my summary is that you know, again, in due respect to the applicants and what the work you've done, that let's give it a little bit more try to listen to some of what was discussed during this process and kinda get that input and let's dig a little further, if we may.

Chair Six: Is there any other? Okay, so thank you very much everyone that came. We have one more item on our agenda, right? Okay, so we will now move on to New Business.

Chair Six read the following agenda item into the record:

F. NEW BUSINESS

Lahaina Town Action Committee requesting approval of an amendment to the 2017 Lahaina Banyan Tree Event Schedule to hold the 5th Annual Uncle Willie K BBQ Bluesfest on March 23, 2017 at Banyan Court Park, County Historic District No. 1, Lahaina, Maui, Hawaii, TMK (2) 4-6-001:009

The Commission may approve or disapprove the amendment pursuant to Subsection 19.52.090.E, Maui County Code

Chair Six: Someone here to talk about it?

Ms. Kehler: It's just me.

Chair Six: Oh, it's just you. Hurry up. We're hungry.

Ms. Kehler: It's really simple.

Chair Six: Thanks, everybody. Thank you so much for all your input. I really learned a lot. I appreciate it.

Ms. Kehler: Okay, it's a simple item. It's just adding an event during a date where there isn't --

Chair Six: I don't know. This is confusing. I'll need to see the entire schedule for the year.

Ms. Kehler: So it's currently open, it's May -- or March 23rd.

Chair Six: I move that we approve the Willie K BBQ --

Mr. Lay: Wait. Wait. No so fast. We can bargain here.

Ms. Kehler: Look, I even put the recommended motion for you. You can just read that.

Chair Six: Wait. What? Where is it? Where'd you put it? Where's the recommended motion?

Ms. Kehler: On the staff report.

Chair Six: I have too many papers.

Ms. Kajiwara-Gusman: Eh, everybody left.

Chair Six: Staff report. Which one is that? Mike Dega. Janet Six. Okay, motion to approve the amendment. Okay. Here's the recommended motion if someone would like to make it. Can I make it? I --

Ms. Kehler: Wait. No.

Chair Six: Could someone read this? Someone wrote 'em down. They know me.

Ms. Kajiwara-Gusman: Where are we?

Chair Six: See that? Just go down halfway.

Ms. Kajiwara-Gusman: Motion to approve the amendment to the 2017 Lahaina Banyan Tree Event Schedule to hold the 5th Annual Uncle Willie K BBQ Bluesfest on March 23, 2017.

Mr. Lay: Second.

It has been moved by Commissioner Kajiwara-Gusman, seconded by Commissioner Lay, then unanimously

VOTED: to approve the amendment to the 2017 Lahaina Banyan Tree Event Schedule to hold the 5th Annual Uncle Willie K BBQ Bluesfest on March 23, 2017

Chair Six: It passes.

G. NEXT MEETING DATE: April 6, 2017

H. ADJOURNMENT

Okay, we're done, right? Next meeting, first Tuesday, April 6. Alright, thanks, everybody, for your patience and your time.

Mr. Lay: Thank you for coming to our next meeting too.

There being no further business brought before the Commission, the meeting was adjourned at 1:28 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present:

Dr. Janet Six, Chairperson
Christy Kajiwara-Gusman
Ivan Lay
Lori Sablas
Frank Skowronski

Excused:

Whitney Apo
Timothy Bailey
Michael "Kaleo" Ropa

Others:

Michele McLean, Deputy Planning Director
Annalise Kehler, Cultural Resources Planner
Ann Cua, Staff Planner
Richelle Thomson, Deputy Corporation Counsel