

MAUI COUNTY CULTURAL RESOURCES COMMISSION
REGULAR MINUTES
OCTOBER 3, 2019

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Tanya Lee-Greig at approximately 11:00 a.m., Thursday, October 3, 2019, in the Planning Department Conference Room, First floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

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

Chair Lee-Greig: Aloha. Hello. Aloha. I would like to call the October 3, 2019 Maui County Cultural Resources Commission meeting to order.

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.

Chair Lee-Greig: On our first item on the agenda we are looking at public testimony for any of the items on this agenda, so anyone wishing to give public testimony regarding items C.1. or C.2., please come forward at this time. Seeing as there's no one to submit public testimony, we will move forward with item C, Unfinished Business, C.1.:

Chair Lee-Greig read the following agenda item description into the record:

C. UNFINISHED BUSINESS

- 1. Office of Hawaiian Affairs requesting comments on A Palaeua: 'Āina Ka'iahea Leo Kūpuna (Palaeua: A Place Where Ancestral Voices Resound) - Draft Palaeua Cultural Preserve Preservation Plan; Palaeua Ahupua'a, Honua'ula, Maui; TMK (2) 2-1-023:034**

The Commission may review and approve this preservation plan pursuant to Section 19.91.030, Maui County Code – Cultural Preserve Park PD-K/8

Chair Lee-Greig: I think we have a presentation from OHA today. If you could state your name before beginning your presentation, that would be great. Mahalo.

Mr. Labenz: Aloha kakou. My name is Brutus Labenz, from the Office of Hawaiian Affairs. I am one of their Legacy Land Specialists in their Land Assets Division. (Mr. Labenz presented an oli in Hawaiian.)

So when I don't know what chant to do, I do that one, it's called "Pule Ola," it means a prayer for life and, to me, it's beautiful and it captures the essence of I guess the things that we -- we take care of, in particular, these cultural resources, yeah. It's talking about long life and prosperity to -- to whatever it is we're putting our energy into and so to each of you for the work that you guys do as -- as the Commission and, of course, to all of our cultural and natural resources of Hawaii that we love and cherish.

So aloha. Once again, I'm Brutus, just anytime you need to stop me, just eh you or whatever. Feel free. Sorry, we have so much different names just to say land division kinda things, but Kanaloa `Aina is the Hawaiian name of our division, the Land Assets Division, and our -- I just wanna provide like a context first of who we are as land managers at OHA because it's something that's very new to OHA, really since 2012, right at the turn of acquiring Palauea, and so our legacy -- well, first of all, we're divided into two departments, there's the Legacy Land Program, and then there's the Commercial Property Real Estate, so I have nothing to do with the Kakaako Makai stuff or Nalama Kukui and Nimitz where we're stationed where anything commercial is not really me. There are four of us in the Legacy Land Program: My manager, Jonathan Ching, myself, and Taylor Asau, who work on all of the properties except for Wao Kele O Puna, which has its own designated employee who lives and resides there. So anyway, we manage kind of a variety of things and this Legacy Land Program is -- it's got its fair share of cultural sites worthy of protection, enhancement, those kinds of things. Programmatic types of sites, such as, if you look to the far left, Kekaha Armory is the current house site for Ke Kula Ni`ihau O Kekaha, so they run a Hawaiian language school there, and it's all in the Ni`ihau dialect. Ho`omana is a parcel that we lease from DLNR, and in turn, we provide a space for this program that helps kinda at-risk and educationally challenged type children and teenagers, and even adults, for that matter, kinda special needs adults, and it kinda teaches them the real life skills, how to manage their money, that kinda thing. The Wailua Courthouse in Haleiwa, on the North Shore of Oahu, was a former courthouse and now it's kind of like a meeting facility, and so we have four or five different halau use it every single week, it's open to the public for various meetings, and why we take care of that place is because community outcry was we don't have a public space to meet on the North Shore so -- Pahua Heiau, over on the east side of Oahu, in Hawaii Kai Maunaloa area, if you guys are familiar with that, it's right next to one of the largest or the largest fishpond in Hawaii, the kuapa, and that's a very small property, it's like a one-acre, it's in the middle of a cul-de-sac, so we got immediate house neighbors, similar to Palauea, but -- and we're doing -- we're working with site stewards there to not only take care of the place, the vegetation, but also to do outreach and make sure people understand what this place is, was, culturally significance, what it is today, and what it will mean going forward, they're helping us to decide and carve out the direction of this thing -- of that place. Kukaniloko is probably one of our most priority projects, it's 511 acres of agricultural land in the center of Oahu, and it houses the birthing stones, the chiefly birthing stones where many of our prominent chiefs of Hawaii were born. There's also an educational site. We were told

by the kupuna who take care of that place that the chiefly children were raised and taught there in every single facet that they could, from the genealogies, from how to do things, from how to lead, and we just finished a two-year community-driven master plan there, so we're very happy about that and we're finally taking some of our first steps to kinda making the implementation process happen, there's been a lot of planning, and planning, and planning, and a lot of like trying to gain the trust of the community. I'm sure you guys know, the word "OHA" gets tossed out and there's a lot of apprehension right away, just a little bit of huh, but I don't know, hopefully, I can paint a better picture. And then, of course, Wao Kele O Puna is in the Big Island, 26,000 acres of rainforest land, and so that one too, that one, for the community-driven master plan process for that, they just won some kind of award, I wasn't a part of that project, but my manager was and, of course, our Wao Kele staff person there so a whole host of different -- different type of issues there with a rainforest, managing it, and the different types of potential problems. And then, of course, it brings us to our topic for today, which is the Palauea Cultural Preserve, that's 20 acres in Kihei, south side, Honoaula, Maui, overlooking beautiful Kahoolawe, and, yeah, I think that's -- so to kinda give you a -- that's the breath of what we're dealing with in the Legacy Land Program.

In 2012, I take that back, 2013, I got hired in March 2013, so I've only been around for about six years, and shortly thereafter, our ex-CEO, Kamanao pono Crabbe kinda handed down the order put people on our lands, make sure that the people who are already there have some kind of means to be there the right way and -- and that we're following any type of statutory regulations that we need to, and if there is nobody there, see if you can find somebody, so that was the case with Pahua Heiau, they would just -- well, I think over the course of two-and-a-half years, we couldn't find anybody who was like willing to say I'll steward that or, yeah, this person is the one who already takes care of it, and as we know in Hawaii and with our cultural resources, that happens a lot, right. These places get forgotten sometimes, and so we're fortunate to have somebody, a kama`aina of Maunaloa, leading the outreach and education and stewardship of Pahua Heiau there. Different kinda story in Kukaniloko, Uncle Tom Lenchanko and the Hawaiian Civic Club of Wahiawa have been taking care of that heiau on their own dime and time since 1960, and so different kind of approach where we come in and say, and we acquired that property in 2012 as well, along with Palauea, not the same, but same time, just different acquisition, and, you know, it comes with that, like so, OHA, you guys own this now, you know, it's that kind of a thing, and so when I talked about trying to build the trust with the community, that -- that's been one of the major challenges and -- and successes really.

So a little bit about myself, I guess, and my manager, Jonathan Ching, he's really been the one to kinda, and I'm sorry I'm frontloading this end because I'm trying to paint the picture so you guys understand kind of where we're coming from. I was born and raised on Oahu. I didn't do anything cultural really until maybe late high school and then into my college years when I kinda had like my own little cultural rebirth and identity with my

first time going to Kahoolawe. My manager had the same kinda thing, but he group up here in Napili and spent his days being kolohe, and it really was the leaders, the grassroots organization leaders to the Protect Kahoolawe ohana that kinda reared us brought us up into what we're doing today in trying to protect our people's resources, cultural and natural of course, and trying to enhance it however we can in spiritual ways too. So we kinda come from that kind of a two-prong mindset, you know. I'll give you an example. We have to follow the preservation -- preservation plan for Kukaniloko, it shows where each rock is that was there before and that was put there afterwards by the stewards, and then we tell the stewards like, okay, we gotta wait till we get this thing approved and so try not add anything else, but the next week we go back and like, oh look, there's two more ahu, so -- and a bunch more trees planted in the fire break and we're like uncle please, whereas, you know, growing up with the Kahoolawe gang is like that's what we would do too, so it's kinda like we identify with that, it's hard to wait for bureaucratic processes, yeah, as a grassroots person, and so here at the Palauea Cultural Preserve, I think a little bit different, different kind of situation here for us and working with some of the community members there.

So just to kinda help, if you guys don't know already, yeah, Honoaula, down there, Palauea is one of the ahupua`a there, attached to it in the red sliver. Honoaula also is considered an a land a sake or ahua, Kahoolawe is considered a part of Honoaula, so there's a lot of, you know, I had never been to Palauea until I started working for OHA and so I have a lot of gratitude for getting to know this -- this area, these 'aina over here and starting to really have my own relationship with this place too now.

There's a little bit closer up of the -- the 20.8 acres. There's a little bit more of the housing developed now, that's picture's a little bit dated. As you folks already know, this is part of the -- one of Dowling's old -- one, I don't know if it's one or One Palauea Bay development. And, currently, we are working very closely with our site stewards there, the University of Hawaii, Hawaiian Studies Kumu Kaleikoa Kaeo, Kahelani Dukelow, Kaianui - blanking on her last name, Holt, and Kiope Raymond, so they've kinda, and especially because OHA came on after things had already been happening, they've been really important in helping us keep up with kind of like what's been going on out there, yeah, both on the ground and the different kinda relationships that were happening prior to, and so we have a right of entry agreement with them, and, as you guys -- folks might know already too right, the University was offered Palauea before they came to OHA, they -- it's -- I don't know if you've worked with UH's legal team, it's difficult sometimes, it's lengthy, this ROE that we have with the currently is the second version, and it took a year-and-a-half to get it back signed. It was a -- yeah, it's a magical process. And part of that ROE, because of this draft, because of things we're aware of as we were planning for this preservation plan, and the type of requirements under the Hawaii Administrative - what do you all that? HAR. Sorry, I'm not a archaeologist. Under the HAR, because of the different types of requirements that we knew were coming down the pipe, as part of their ROE, they signed and agreed to help

us create a use and a maintenance plan for what they were doing and that also kinda helps to outline what is some of the requirements and recommendations of this plan, yeah, so I just wanted to highlight them and the great work they're doing. Currently, they take students out there maybe quarterly, do some aloha 'aina type stuff, a lot of kiawe over there, if you've never been, lots of lantana, cigar tree, so help to kinda take care of just that -- there's -- there's a nice backyard area and they've worked closely with I wanna say the archaeology and the ag department to help kind of like put in some really nice -- there's that bushy thing to the left of the building is one a`ali`i, a single a`ali`i bush, it's pretty, like impressive right now, and -- but, anyway, and then, of course, they helping to just keep the spaces clear so the natives that are naturally occurring there, such as the maiapilo on the left and the wiliwili have a chance to, you know, thrive, not just try and survive.

As part of the deal, and I don't know if you guys -- this was highlighted or not before or in the staff report, but as part of the deal, there was to be a funding source, you can see all the different lots that these multi-million dollar folks could afford, and a half-a-percent of each conveyance, so every time a property is bought, sold, we get half-a-percent of that, which, you're right, it doesn't sound like much, so -- so sometimes the checks come in at like 20 grand, the big ones have been like 80, you know, and we -- when the trustees chose to accept and approve the acceptance of this property, they did so with a pretty strict caveat to the Land Department that OHA's core budget would not be tapped and that this -- this funding, but this funding source, the Palauea Cultural Preserve will be the thing that takes care of itself. Now the hard part about that is, you know, most of the time, once these homes are bought, they stay there, right, and it's not like it's exchanging hands every other year and this -- this pot is growing and growing, and so we understand it as a and we treat it as a finite resource, and every year, when budget time comes around, we just kinda like nudge the administration, we nudge our director and the trustees on the side, be like you guys know this is finite and, at some point, we're going to have to do something to help out. Oh, which case in point, I think in our update letter, we didn't get a chance to say it because we just found a few weeks ago, but we were awarded a OED grant to help us with a deer fence, so the last time I went trekking in there, there's probably like a hundred deer and stepping on everything, so we'll try and -- we're trying to work that out, but that was some really happy news that we're going to be able to at least fence off the top part, top and side parts of the -- of the property lines. Yeah.

Okay, so on to the preservation plan. So a little bit about, you know, all that back story, and then here's a little bit more back story. For the overview, scope-wise, we contract -- in our contract, right, there's things we wanted to really -- information we really wanted to acquire and codify in this plan so that this plan could be a resource for anyone, yeah, for the schools, for UH, for our people, whoever wants to have all that access to all of this information, yeah, can have it, yeah. And so we focused a lot on the ethnohistoric side of things, yeah, making sure we find as -- this is one of those properties where

there's not a lot of -- not a lot of stuff in the newspapers, not a lot of stuff in -- in our antiquities, yeah, in our modern, or not our modern, but our books that have all our cultural knowledge, and so kinda making sure that they -- they went and Nohopapa Hawaii, our contractors, went a little bit further and tried to find out as much as they could, and even reaching out to known informants or people with genealogical ties to the area, and so there was huge, we shouldn't say huge, they went after about 26 people to try and gain their mana`o; of the 26, I think about 14, 15 actually provided mana`o, and some -- some declined, some cool character is like Uncle Les Kuloloio, I thought that was an interesting move, but anyway, yeah, so they really helped us to kind of like tapped the community and tap the resources, the extra hard research type places to help us find and I think we got about at least 40 pages of ethnohistorical stuff so -- so that's -- we're stoked about that. Of course, to do the archaeological field work and -- and, of course, they gave us a report, so that's kind of like rounds out the general scope of things.

I kinda gave you a little bit of background on who we are as OHA, and who we are as the individual players within. We're very aloha 'aina driven. We're very conscious of what statutes we need to follow, what regulatory process we need to follow, and so we're trying to do that as best as we can. We're not always hip to everything, and not everything gets shared with us, so we don't always have it the right way, but we're hoping that with relationships, current, new, and collaboration, we can continue to do the best we can for these places, these special places that we malama. And -- and Palauea is the third preservation plan that we had -- that we're working on for OHA. The first one was for Pahua Heiau. We figure we start small, this little one-acre parcel. And what I wanna share and convey to you is we, for every preservation plan that we went after and that we went to do, we made sure to consult with SHPD first, so there were meetings with Susan Lebo, with Regina Hilo, and the staff from SHPD on Oahu, that was for Pahua Heiau, and then for Kukaniloko, the birthing stones, and then, of course, we did the same for Palauea, again, with Susan, one of the Maui staff, and then also Ikaika Nakahashi, who currently works for SHPD and who actually was my partner at OHA, so I kind of -- I'm like the third -- the third child, the -- I don't know, do they call that the ugly step child? I don't. I'm like the third child to kind of shoulder the kuleana of Palauea, and this just happened last July, so Ikaika Nakahashi was the first, he was already onboard when I came onboard and this was his project, and then after he left, we had Olu Campbell, who is now a Kamehameha Schools, this was his project as well, and in fact, he was contract coordinator for Nohopapa, so I'm inheriting a bunch of stuff from them and I'm still catching up on what I need to know.

So -- but I emphasize the consultation with SHPD because, as practitioners, for myself, I'm a hula dancer, we do makahiki ceremonies, we do kane ceremonies, we go to Kahoolawe, we practice aloha 'aina type things, we try to grow things, we try to help other people grow things and learn things, and we're very -- we're very much, yeah, driven by aloha 'aina, yeah, and collaborative process. And so when we hired on

Nohopapa, back in I think it was 2014 for the Pahua Heiau program, and they introduced us to all of the things that we're required to do via the HAR, we kept going back and forth on things. They would provide drafts, and we'd be like this is not -- it's not working for us. Like we're not trying to close off this place. We're trying to prevent some, you know, inappropriate behaviors, but by no means are we trying to close off this place from all human use. To us, aloha 'aina is people with the resource, and so we're very interested in and had conversations with Nohopapa, and if you don't know, Nohopapa Hawaii is mostly consist of Kelley Uyeoka and Kekuewa Kikilo, and then they have a bunch of other folks that have been in the archaeological field for a while, like Momi Wheeler, and Pulama -- oh, what's Pulama's last name? Maioho. Molokai nui a hina. And so the conversations with them were great, were amazing because they kinda felt the same way, these are -- we really look to these -- these professionals because, A, They trained in -- in that world that we're not, the archaeological world, but they're also trained in the world that we have been kind of been learning more and more about in this Hawaiian cultural world view, yeah, and so I'll give you an example, something that was pretty amazing for Pahua Heiau that we're still ...(inaudible)... all of the -- all of the previous reports said there were this many features in that one-acre parcel, and then when they were done, because they're able to look at things from -- from two different worlds, they're like this is something, this is something, this is something, and that's something too. What it is exactly? Well, we can guess, but those are features. And so it was kinda neat. We had like I think was 18 new features just in that one parcel that was kinda overlooked because it was rubble to other type of archaeologist that didn't have the cultural training, so, to us, this is a -- it started more conversations about this unique opportunity to kinda change the paradigm of how we take care of cultural resources in Hawaii 'cause, like I said, the aloha part of the aloha 'aina is -- is putting with it and putting up a buffer and making sure nobody can go to it, sometimes it's needed, I believe that very much, but in other times, where we can have appropriate access and when we can, not OHA tell you what is the appropriate action, but work with the community so it comes from their voice about what is kind of connection and access and the way we approach these cultural resources and their care, that's the thing that we're going after. And so we had these discussions with Susan and she was really receptive even prior -- prior to this contract, we had these discussions with Theresa Dunham, who helped do the 2002 phase one plan, and she was even subcontracted by Nohopapa for this process, and so that's why if you do go through the -- the preservation plan, you'll see her name pops up all over the place 'cause she was a pretty integral part of this -- this piece.

Alright, now I'm just -- I'm sorry if I feel like -- I like I'm ranting and raving, but ...(inaudible)... okay. Oh yeah, I think I covered that all.

So in the end, and through this consultation and through this idea of -- of talking to the people of these places and trying to get -- find a way to figure out what's going to be the better way to do it, we kinda came -- we all kinda collectively decided that the way we're

approaching this preservation plan is that this is a living document, this is not, once it's - once it's accepted, if it's accepted, fingers crossed, it's not -- it's not just going to sit there and be the end-all, be-all, but it's going to be, down the line, this opportunity happens or we change our -- we change -- the community changes their thinking on a certain thing, does it jive with some of things, and then the values and the reasons of why we're protecting and what we're doing; if no, no then. If yes, well, let's see -- let's see if SHPD will approve. Let's see if we can get - what's the word - yeah, their approval. That's what I was saying. So we really kinda look at these documents as living documents that continually are updated, so we kinda lay out the -- the HAR section, the requirements, and we don't have, like it's not prescribed yet because we're creating that, you know like I said, we're creating the maintenance plans and the use plans with -- with the site stewards, with Theresa Dunham's report so that when we do the vegetation, any type of vegetation maintenance, it accounts for all of those things, yeah. It's more all encompassed, yeah, is the word - collective and - blanking on the word. And so you see this number two there, shall and may, and so being a living document, that's where we kinda got into this thing where HAR is very black and white, and, ho, he heard his -- his ears were ringing, that's Ikaika Nakahashi, going to make him feel little bit hilahila. So we -- so, yeah, going back to what I was saying. Being the living document that it is, having HAR 13-277 be as black and white as it is laying out, these are the -- this is the baseline minimum of what you need for a preservation plan, that's great, especially great for developments, big developments so they can come in, just take off the bock marks -- the box marks, and then build their build, yeah. But for the Hawaiian, for the people that use the research, for the stewards, just this, this, and this, that's not really enough or it's not, you know, that should be enough to stop the project maybe instead of just take it off and say go ahead, so this is not a development plan, yeah, this is a preservation plan and we're looking to protect, conserve, enhance, where possible and where appropriate, the natural and cultural resources of these places.

Alright, and so where we get the "shall" and "may" is the shall stuff is, you know, with this approval, then we can work on the shalls and really outline what we're going to do and how we're going to do it, and then with the "may," what we may do, because these things still align with -- with HAR 13-277 but are not required but -- and knowing that we have a finite resource as far as funding, and knowing that community stewards sometimes come and go, depending on the project, and I'll give you an example, Kaleikoa guys, they're often down in Palauea, and so I'm always getting calls when this and that's going on, text messages, updates, that kinda thing, but since Mauna Kea's happened, that's where they living, yeah, or the most part. Kahelelani's helping teach the classes down here, he's teaching the classes up on Pu`uhuluhu University, and so the silver lining is I've been getting to come more and spend more time, so it's a, you know, it's a good silver lining for me, but it's a reality of the different things that pull, push and pull on or people, yeah, and our stewards are a valuable, valuable resource, just the way this place is a resource, the stewards, the people who take care of it, who

are there all the time, who understand the seasonal changes and the little intricacies of the place, that's the resource and that's the kinda relationships with the people we wanna keep fostering and make sure that we really malama, and so that's where this "may" stuff comes in. We may be able to do this somehow. We may be able to do that. We may not be able to do that. So these are there to just kinda outline and to kinda like pre-codify, yeah, to be like, eh, remember, like ten years from now, eh, SHPD, remember when we said we were going to -- we were going to do a preservation treatment recommendations for this one feature, and da da da, and they're like, oh yeah, yeah, it's on this page, on this, in the preservation plan. Yeah. So we wanna do that and we're thinking maybe we can do it this way, and then what do you think. They get our thoughts; that kinda stuff. Yes, we've consulted with the community. That's one of the other things that we've kinda plan to do and will be doing for the rest of the life of this program, at least, it's codified in our -- on our side of things, in our SOPs, is always seek community, always seek the site steward's mana`o, always consult, consult, consult. Yeah, my boss, John always says, um, you know, the site stewards wanna do this vegetation thing and there's a cultural feature there that's all buss up so we're going to have to fix it up, you know. Who's going to come up to us and be like how dare you OHA fix that up, yeah, so that these people can continue their religious practice and this cultural feature and plant native plants around it. It seems like a kinda farfetched thing, to me at least, and we would love to be able to provide those kinda opportunities in the future if we can.

And so, anyway, I don't have much to say on the, you know, the major contents of the plan. These are just all of the -- the sections that if you did read 'em, you can see 'em. Oops. Okay, but the details of the preservation actions, these are the shalls that we kinda mentioned, and this is very high level. The staff report is a little bit more detailed, and we have those, you know, they're right here, and we can discuss them in greater details if you guys have questions and stuff, but, hopefully, you can see kind of the essence of where we're going and where we're coming from, and where we're trying to go. For the -- to preserve the site features, of course, we'll be practicing the avoidance and protection through conservation, interpretation, and appropriate cultural use. One of the major outcries and one of the themes from previous, like Theresa Dunham's report and previous reports, is that this place is being setup for education, it's being setup for a place where Hawaiian culture can thrive, and so that is absolutely what we want to see happen and that's why we're partnering with UH through the right-of-entry agreements so that they can continue to provide educational opportunities.

And as far as interpretation goes, you know, as I pointed out before, there's not a whole lot of information out there on Palauea, yeah, and we really wanna work with them for any type of like the story, you know, the spiel, whatever it is that they give to people when they bring people out there or when people ask about it, it's because they're the ones out there, they're the ones who know this stuff already, and so, to me, those

people who spend the time, who have the knowledge, that's when more knowledge is gifted to them and so the story will evolve and change as it needs to, I think.

An appropriate culture use. Again, something we need to work with the community on because, for sure, I can imagine someone coming up to OHA board table and say, OHA, how dare you tell us what is appropriate cultural use, and so -- 'cause OHA is not the authority on cultural use and what is appropriate, and we'll maintain that stance especially at the staff level. We want to make sure we work with the people from these places. We acknowledge that the language, the culture, the cultural specifics, everything differs from the place to place and we need to honor and respect that.

Number two, designate the entire Palauea Preserve as a buffer zone. So this one is -- and we can do a much better job explaining it as an edit, but they recommended a 25-foot buffer where we could, some of the features are right up against the property line so the property line is the buffer in those sense, but a 25, and with the thought that and the knowledge that the -- the prehistoric knowledge that they had, Nohopapa, our contractors, that we're putting a fence, a deer fence along the property boundaries, so there's going to be two forms of buffer, there's this initial that's the property line, if I trespass into that, what's the next buffer, yeah, so that's the cultural buffer and so there's, in essence, two buffer zones in this plan that we didn't really explain too well I guess.

Let's see. Continue to consult with community, okay. We've been talking about that a lot.

Develop procedures, regulatory -- regular property maintenance, vegetation clearing, litter control, and pest management. These are things I mentioned with the use plan that UH is going to help us to create. These are also things we're already doing. We're taking care of that hale structure for them so that they can house their programmatic activities, their education. They're helping us with litter control. Every time they go there, they're helping clean up whatever they can, removing it from the site. They do some hand-clearing vegetation clearing. We've been hiring contractors, later on I got a picture of the -- I've been wiliwili into wiliwili lately, it's been like my latest obsession, and we just did a nice trimming. We have 26 total wiliwili on the property. Our arborist even missed one. He said, oh, it's 25, and then when I went out there on my own, I was like, eh, there's one hiding in, just this skinny sliver hiding in between the kiawe, so I kinda gave 'em the breathing room with the hand tools, but our tree trimmers are able to help us mitigate risk, you know, the kiawe trees reach right over into the parking lot, reach right over into the neighboring landowner's. We're developing better relationships with the homeowners association, so I've said they're even going to enter an ROE agreement with us to help take care of certain of the trees that are coming into their neighboring properties, and they're not going to charge us anything. It's amazing. They understand that we have finite resources and so they wanna be able to contribute and

be a part of it, and not just a neighbor. And then, of course, I did talk about the deer and what we're trying to do to manage it there. The difficult part with being OHA and State, we can't just like have 'em killed, although it's a delicious idea, we're just not allowed to do that, and so we're going to have to see what happens when we do get the fencing up.

Number five, manage public access via warning and regulatory signage, develop, install interpretive signage, and also providing interpretive information on OHA's website. So, you know, one of the things that are -- that's outside -- outlined in this plan, on page 5, in the Summary, there's something we -- that is suggested as a may do, yeah, not one of the shalls, but one of the may dos, is develop a public viewing area. Now, this would mean like kinda like some kinda fencing along the makai portion where the features are accessible and where most people do access them, so kind of barrier there, but also an unlocked gate that leads to an area that you could enter where it is boarded off, walled off, but you can enter into the property little bit, you can see the sites from afar, you have beautiful, you now, two-by-four signage giving you a interpretation of the site, you can use the QR code with your phone and go to the OHA website find out more information or even how to contact the site stewards so that you can bring your ohana there, yeah, and start developing that relationship with the site, so these are the type of things that our community wants and that we're trying to help make happen for them.

Let's see. And establish a process to facilitate access for TNC practitioners. Again, that's the same thing, right, like, as OHA, of course we guarantee traditional customary practices and rights, and so if there's a fence up and around, and we start blocking those rights, we don't want to, you know, impede somebody -- somebody else's practices whether it's know to everybody else or not. If they're Hawaiian, if it's traditional, that is their kuleana and we wanna ensure that they have a way in, so our stewards are going to be helping us to figure out a way that we can help facilitate that.

And then, of course, to conduct, number seven, conduct regular site visits, monitor the site conditions, and then coordinate everything with SHPD for compliance related things, and you guys of course.

So that's high level in a nutshell, the shall stuff, and then to highlight some of the -- the maybe things, the mays, of course, further site stabilization and/or rehabilitation. I know there's a -- there's a very thin difference between or no a very big difference between restoration and rehabilitation, yeah, in the archaeological world, so but we do wanna make sure that we're doing our best to protect all of the features on the site, and if you - - I think one of the biggest, the two biggest things threatening them are deer and kiawe trees that are just growing rapid, so we do wanna help get those invasives out where they are being pesky.

Number two, implement the 2000 -- I think it's supposed to be 2, revegetation plan and create a new one, so probably taking Theresa Dunham's report and Palomino's report and incorporating it into something new that serves us today, 2002, 2003, that was a lot of years ago, the landscapes changed a little, things have changed, so we wanna make sure that we're incorporating best management practices when we're talking about revegetation. And then, like I explained earlier, currently, the only type of revegetation things going on right now is just kind of like in that yard area, that immediate yard area off of the -- off of the street, the makai street, Makena Road.

Three, work with stewards to facilitate appropriate community and cultural access. This is kinda tied to some of the other -- some of the shalls but just taking things a little bit further.

Four, establish a public viewing area. I spoke a little bit about that already.

Five, work with stewards to develop educational curriculum, so I know that's been something that's been recommended and definitely -- they're educators, our stewards, and -- and, yeah, they've already been doing these types of things so just kinda codifying, helping them to codify it, and then working, reaching out and seeing if we can get other schools to get committed and can -- or they get interested and come down.

Number six, develop and implement an archaeological monitoring conditions assessment program that documents the sites, conditions on a biannual basis. So, yeah, really working with SHPD to kinda codify the way we monitor these sites and take care of these sites. We're very fortunate at OHA, in our compliance division, we have a couple former archaeologist, Kamakana Ferreira and Lauren Morawski, I think they both worked at SHPD on Oahu and now they're in compliance and they're very committed to helping us do whatever it takes to enhance this place.

So that kinda rounds off the -- the maybes of what the essence of this plan is and, as promised, a wiliwili nice picture, a mahalo, my email down there at the bottom but, of course I think it's, what, it's all questions now was the -- yeah, so that concludes my "formal presentation," but mahalo for your time and sitting through that.

Chair Lee-Greig: Commissioners, do we have any questions for Mr. Labenz? Commissioner Kanahale.

Mr. Kanahale: Chair, before I -- before I ask questions, my understanding is that this is not going to be the only meeting which we'll be discussing this is that correct?

Ms. Kehler: That's correct. Yup.

Mr. Kanahele: Alright, so don't have to ask every question at this meeting. So thank you for being here, Brudus. I appreciate your presentation. I just had a few quick questions about your -- your presentation. The preservation plan, was that done in-house or contracted out?

Mr. Labenz: Contracted out. Nohopapa Hawaii is our -- our contractor.

Mr. Kanahele: Could you tell us a little bit about them?

Mr. Labenz: I mentioned before Kekuewa Kikiloi, Kelley Uyeoka, they're both archaeologist, PhDs, I believe. Is Kelley a PhD? I know Kekuewa has got his Masters. And, yeah, they're the primary owners, they're partners in this company, and then they hire out other people who have also had a bunch experience doing archaeology or they train them. They've been doing a training program through UH every summer. I can't -- I'm blanking out on what the name of that program is. Do you recall, Tanya?

Chair Lee-Greig: Wahi --

Mr. Labenz: Yes.

Chair Lee-Greig: It's Wahi Kupuna.

Mr. Labenz: Wahi Kupuna. Wahi Kupuna Internship Program. So they're trying their best to gain more -- get more people interested in cultural resources and their protection, and so, yeah, so at least to us, they're probably one of the -- one of the only Hawaiian-owned companies that do archaeology and that have the ike of both worlds.

Mr. Kanahele: Chair, I have a few more follow-up questions.

Chair Lee-Greig: Okay.

Mr. Kanahele: Okay.

Chair Lee-Greig: Okay.

Mr. Kanahele: I have too many so I'll ask a few and then I'll just open it and turn it over. So this is, you mentioned this is your third preservation plan that OHA has done and is the Palauea Preserve, is that your first preserve that in your Legacy Management Program or do you have other preserves like that?

Mr. Labenz: Each property is -- is very like different, like it's got its own little intricacies. Palauea Cultural Preserve, Kukaniloko is governed by a conservation easement, Pahua Heiau is just -- it's R-5, it's a residentially zoned property so it's not -- it's not any type of

-- it doesn't have any designation like reserve or preserve or anything like that, and then Wao Kele O Puna, our forest is a reserve for -- for that, for forest. Yeah, it's a forest reserve.

Mr. Kanahale: Is the -- how much -- and you have this funding source, which happens when properties get turned over right?

Mr. Labenz: Correct.

Mr. Kanahale: In the development area. So how much total has -- has been collected and how much is left to do -- 'cause it seems like you have to use what you have now to -- to fund whatever you're going to do unless you get OHA to use their core resources.

Mr. Labenz: Correct.

Mr. Kanahale: So how much have -- has been collected over the years and how much is left in the budget? It kinda gives an idea of what you're going to be able to do with regards to the preservation plan.

Mr. Labenz: That -- that is a super good question. I don't have those numbers. I can get them for you guys and I can be sure to communicate them through whatever processes is appropriate. I can tell you that the -- so the total over the years, that's the number I'm not sure of; the total that we spent, we can get that number very easily, and where it's at right about now is about \$350,000.00, so that little \$35,000.00 OED grant really, you know, really helps. That's one project that's not going to gouge into the reserve fund, so we're very -- my manager is very - what is the word - is very interested in us seeking out other types of grant opportunities and encouraging our stewards to do the same types of things too.

Mr. Kanahale: What is an OED grant?

Mr. Labenz: County. It's a County grant. Office of Environmental Development. Is that what it is?

Ms. Wagner: Economic.

Mr. Labenz: Economic Development. Thank you.

Mr. Kanahale: I have more questions but I'll yield to other Commissioners. Thank you, Chair.

Chair Lee-Greig: Questions from the other Commissioners for Mr. Labenz?
Commissioner Aiwohi.

Mr. Aiwohi: Yeah, so just mahalo, first of all, for putting all this together. Do you have like a picture or a site plan that we can look at what the property looks like 'cause I think I saw like there was a couple hale on there? What does it look like now?

Mr. Labenz: Yeah, the now is -- oh, sorry. The now is -- this is the only structure on the site. It was the former sales office for the One Palauea Bay development, and I believe, I'm not super certain, but I believe it was at the top, on Makena Alanui Road, so that, you know, people would see it as they go by and get that spark, that interest to buy into the housing development. And in 2005, it was moved down to -- Annalise has excellent maps from our preservation plan. And yeah, the picture on the right, on the screen, is basically the gist of it. So where that hale is, that structure, is down here makai, this little nook, and it's just, you know, like a little few millimeters of trees behind there, that's the backyard that they take care of and do some landscape, landscape things there. And the wiliwili trees are scattered all throughout. If anybody is interested in the wiliwili tree map, I can send that on the side too. Kinda neat to see where they're proliferating.

Mr. Aiwohi: Can you talk more about the different features that are listed on here?

Mr. Labenz: What do mean? Like individually what each feature was or is or --

Mr. Aiwohi: Yeah, just give like a brief description of all these different things that -- that are on there.

Mr. Labenz: You know, that is something I cannot do in great detail.

Mr. Aiwohi: Oh.

Mr. Labenz: Not being a -- not an archaeologist, but wall -- wall-type features. There's some interesting concave-type mound features. The main heiau itself, I think there's some thought that it was hale mua type place. Annalise, she's on it, brah.

Mr. Aiwohi: She get 'em.

Mr. Labenz: Yeah, so kala mai, Commissioner. I'm not -- I'm not sure how else to answer that question.

Chair Lee-Greig: Any follow-up questions? Commissioner Wagner.

Ms. Wagner: I don't want to sound too ignorant but is the 20.8 acres the entire preserve?

Mr. Labenz: Yes.

Ms. Wagner: Okay. And there's none of it abutting the ocean?

Mr. Labenz: Correct. It's all above Old Makena Road.

Ms. Wagner: Okay.

Mr. Labenz: And -- and to clarify too, all of the makai properties are separate from the -- the development, from the One Palauea Development, so only the things, only the homes that are -- it includes these two parcels here, and then it just follows along this way, and it's all this interior portion here.

Ms. Wagner: So who owns the beach right in that area?

Mr. Labenz: I am not super -- I wanna say it was County.

Ms. Wagner: Yeah, I thought the County.

Mr. Labenz: Private and County. It's a mix I think.

Ms. Wagner: So there was one little bit that they, the County, bought from --

Mr. Labenz: Right.

Ms. Wagner: The developer.

Mr. Labenz: Little sliver. Yeah.

Ms. Wagner: Yeah. And that's not connected to your stewardship?

Mr. Labenz: No.

Ms. Wagner: So the County stewards that separately themselves?

Mr. Labenz: Yeah. I don't know what the stewardship part is.

Ms. Wagner: Right.

Mr. Kanahele: One acre.

Ms. Wagner: One acre.

Mr. Kanahele: One-acre park.

Ms. Wagner: Yeah. I remember camping there like 25 years ago. I don't think I've seen all of those houses down there now. There's a lot of houses down there, right, on the beach?

Mr. Labenz: It's a beautiful drive out there.

Ms. Wagner: Yeah.

Mr. Labenz: You can come take a look at the property.

Ms. Wagner: It would be really nice if we could go out and see the property as a group since we're going to, you know, make a recommendation about the plan.

Chair Lee-Greig: Annalise, is that possible under Sunshine to be able to --

Ms. Kehler: Yeah, so in the past, like in the early 2000s, when the Commission was deliberating on Theresa Dunham's plan, they did do a site visit to Palauea before making a decision on the plan.

Mr. Labenz: And -- and if I may, I just wanted to open-ended invitation to you guys too. We're actually -- so part of, you know, our continued outreach is working with other people in the neighborhood, and we're very fortunate the -- the staff from the Kea Lani Hotel actually reached out wanting to do things for their staff. They, apparently, do ohana workdays throughout the year for their staff and their -- their staff's ohana, and so they came out a couple times to meet with me and Kahelelani, and we've been working together, and so on the 19th, we're doing a ohana workday for them just in the morning, a few hours, and we're opening that up to whoever really wants to come, and the homeowners association as well, so if you guys are into some light gardening but heavy sweating in the sun 'cause it's hot out there, please feel free to come. But you gotta sign waiver.

Ms. Wagner: Okay. Is the site being abused in any way currently?

Mr. Labenz: Mostly by the deer, but there -- there are signs that, at one point, there were homeless people or illegal camping, that kinda thing. In all of our recent, it seemed more newer, maybe about four or five years ago. This past August, when I trekked the site, I couldn't find any evidence. If I did find some, it seems like it's coming from the top and just -- it's someone like quick this is where I'm -- a lot of like Miller Lite, whoever it is likes Miller Lite. A lot of Miller Lite cans just kinda thrown down this one little revene so -- so, yeah, I mean so outside of that, it really is the deer, the foot trails look really established, it's a little bit sad on one hand, so we're looking forward to that deer fencing. Oh, oh, you know, but I did wanna add too. We're very fortunate that the

homeowners association hires a private security to kinda help with one of the beach accesses, right across the street from our driveway, so, in fact, we've developed a relationship with him. He's interviewed in -- in the community section, Brian DeMello, and he's there every day from like two, three o'clock until nine p.m., just kinda ensuring that nobody's messing with the site, and so there has been occasions where we've gotten -- he contacts Kaleikoa guys first and then -- and then Kaleikoa guys relay the message to me somebody snooping around. As recent as February, somebody went back behind, there's a back porch, and, for some reason, lit a fire, and so he was able to -- like he had gotten there, the person had already left, and he could see the smoke, and so there was very minimal damage done. It was like a perfect timing kind of a thing. So we are also very interested in getting that public viewing area kind of established 'cause that'll -- that'll give us, you know, at least a very -- right now it's all open, like -- like in the picture there, but having a gate there or, you know, even if it's a cattle-type gate, we can give a little bit more -- better sense of like, hey, this place is secure kinda thing, you know, so yeah --

Ms. Wagner: So you're going to put the deer fence around the entire 20.8 acres?

Mr. Labenz: Around the top part is the plan, yeah, so majority of the deer are accessing right here, they come right across from the golf course, and they get right onto the site here and even on this end here, so this is the priority section, there's a deer fence that already runs this back -- or there's a wall, I should say, this back wall here, and then a partial deer fence that kinda starts and stops here and we wanna just kinda continue it down just to make it a little bit more difficult for them, and then work on a strategy for getting them out as humanely and legally as possible that OHA can follow.

Mr. Lay: Kinda off the subject, but can we open the door?

Ms. Lee-Greig: Yes.

Mr. Labenz: Thank you.

Ms. Albino: Aloha mai. Mahalo nui for coming to give us information. I -- I, personally, have to read through this a little bit more, it's a lot to -- to digest and to maupopo, but I just recently got it and so I -- and I appreciate the work that's been done. My question is do you have any -- or how complete is the list of the genealogy to the 'aina?

Mr. Labenz: You know, I think we're very open to if you have further information or if you see names on the -- on the interview list that is missing, you know, we're -- we're super open to always adding to that section and consulting with the genealogy. If you -- if you do read through that section, I think it's a really kinda cool testament. If you read Willy Kauai's one, Willy's, and I've actually known him for years from UH, our days at UH undergrad, he's genealogically tied to that place but, you know, when you read what

he has to say it's -- you get that sad feeling because it's exactly what I mentioned it's like my family would practice this and that, but everybody kinda forgot or didn't -- didn't keep telling us what this place was, or what this structure was for, what this feature was used for, so, you know, it's kinda sad but it -- that seems to be the story for a lot places and particularly this one.

Ms. Albino: Mahalo.

Chair Lee-Greig: Questions from the Commissioners? Additional? Commissioner Kanahele.

Mr. Kanahele: Thank you, Chair. One of things you said is that it's a living document, so it would be quite possible that it may be updated, changed, so this is probably a question that our legal counsel here may have to answer, but will that require the -- this to come back to the CRC for comment and approval for -- for any updates? Whoever can answer that?

Ms. Desjardins: Chair? So, yeah, you do have the authority, under the project ordinance, to approve the final plan, but my understanding is the plan is still ongoing. Part of this process is for you folks to give input to OHA as to things in the plan that need to be answered more thoroughly, but you do have authority here, which you don't normally do under your normal rules, but in this situation, you do have the authority to approve this plan, the final plan, as does the Island Burial Council as well as SHPD.

Mr. Kanahele: So I guess my question was to any future changes in the plan, would it come back to the CRC for review and approval, or is this just a one-time thing?

Ms. Desjardins: It would have to come back to the Cultural Resources Commission for approval if there's going to be any amendments to the plan that would make it no longer a final plan, yes, it would have to come back.

Mr. Kanahele: Thank you. And I haven't read everything, I just came back on the island, so this -- I may have missed in the narrative, I did go through it quickly, but is Hui Hana Malama, is that brought up in the narrative and their work?

Mr. Labenz: I don't know if anyone in particularly 'cause I'm not familiar with that -- that Hui, but I seen their name a lot in the previous documents and a little bit in or maybe once in this one ...(inaudible)...

Mr. Kanahele: Just -- just for --

Ms. Labenz: Oh, Dana Hall. Hui Alanui O Makena -- no, that's O Makena, right.

Mr. Kanahale: No, this is Hui Hana Malama. Hui Hana Malama was formed when Mayor -- by the County when Mayor Cravalho was the Mayor and approved by the County Council and it was an organization that was formed at the behest of Inez McPhee Ashtown specifically for the purpose of identifying and preserving historic properties, this was back in the late '60s and in the '70s because there wasn't really much to protect historic properties on Maui at that time, so Hui Hana Malama was critical in the '70s in finding this settlement and they contracted, and this was funded by the County, Kenneth Emory, Dr. Aki Sinoto, and I forgot who the other individual was to assist in this effort of finding and documenting sites, so this organization was critical in the finding, the uncovering, or rediscovery of Palauea, this particular preservation area, and they fought many, many long years to preserve it. There were many letters that were written by this organization to the Wailea Land Company, who had control over these lands at that time. So I think they should definitely be included in the narrative because it's part of the history why there is even a preserve today, so these folks, which included kupuna from that area, were those who actually found many of those sites, but they should be -- I would recommend that -- that narrative, that should be included in the narrative of the preservation plan.

Mr. Labenz: Mahalo. Thank you for that.

Mr. Kanahale: Thank you.

Chair Lee-Greig: Just real quickly, did, I didn't see in here, did Nohopapa go to the Maui Historical Society to review any of their documentation?

Mr. Kanahale: I'm not too sure. I can find out.

Chair Lee-Greig: A lot of what Commissioner Kanahale had just discussed is there are field notes, there are records at the Maui Historical Society at Hale Hoikeike, Bailey House Museum, so it would be one thing to take a look at. There's a photograph collection as well as some written documentation as well, and Dr. Emory would come quite a bit to Maui and give talks on various things through the Maui Historical Society, so that's a resource. You had a additional comment?

Mr. Kanahale: Yeah, just to add what -- to what the Chair said that, as you stated, there's not a lot of information about Palauea, per se, right? Yet, there is a lot of work being done in the area mauka of Palauea in the -- the Honuaula Partners LLC project area, and the AIS has been accepted by SHPD for that, and, currently, the review of the preservation plan is underway and it's being reviewed by I mean by OHA, Office of Hawaiian Affairs, so those two individuals that you mentioned, the compliance officers, Kamakana Ferreira and Lauren, are -- are involved with this, so I'm -- my question I guess is are you -- since they already have reviewed the AIS for the mauka lands and are reviewing the preservation plan, are you folks consulting with them with regards to

what's being done mauka to help you with your preservation plans for makai because, obviously, to me, the two are connected, right, these lands, this ahupua`a, it's all one to understand, it seems to understand, one, you need to understand the other, so mauka would need to understand what's going on makai, and makai would need to understand what's on mauka, so are you -- are you consulting with those compliance officers?

Mr. Labenz: We consult with them like as needed, and especially for projects like this, and correct me if I'm wrong, this is 670 Wailea, is that what this project is the one that you just talked about?

Mr. Kanahele: That's also known as Wailea 670.

Mr. Labenz: Wailea 670.

Mr. Kanahele: Yeah.

Mr. Labenz: Okay, o my manager actually had an opportunity to do some pre-commenting work, I think this was maybe two-and-a-half to three years ago, and because they had initially approached OHA to have us take on this property in much of the same manner that -- that we have the Palauea Cultural Preserve, and, at the time, it was made abundantly clear that by our trustees that we were not be getting anymore staff 'cause something like that would have required more staff, and then also our trustees had just got slammed by a 2013 audit saying stop -- stop acquiring property, so -- so we're kind of like, I don't know if there's a moratorium or not, but we're not practicing acquiring anymore land anytime soon, so in lieu of that and because of those factors, my manager was able to provide his thoughts, things that -- that are working, things that aren't working in what we've been -- in how we've been trying to take care of Palauea and, of course, how we try and take care of other cultural resources too, providing them ideas for and thoughts about what would be a really good way to maybe provide a caretaker's residence, and educational center, and that kinda thing, so -- so he got to pre-consult on that. I haven't heard anything from -- from our compliance division about the AIS now. I can double -- I'll certainly double-check with them when I get back to the office. I do know that they're very communicative with us. Anytime they see something that, eh, potentially, we should talk to the land guys about this. They're always good about flagging something and getting us in a meeting and talking about it. So we haven't heard anything yet, so maybe they're still reviewing, and/or maybe they didn't say any correlation, but either way, I'll double-check with them. So mahalo for that mana`o.

Chair Lee-Greig: Any other questions from the Commissioners for the presenter? No? I think we have a -- we have a very thorough staff report if Annalise could go through that staff report with us and then we might have additional questions after that.

Ms. Kehler: Thank you, Chair. So I kind of wrote the staff report in a vacuum, I didn't really talk to anybody, I just kind of like jotted down things that came to my mind as I was reviewing the plan, so these questions are more coming from a place of understanding, and not like attacking OHA, I just kind of wanted to understand more. So the staff report lays out what you're being asked to do, it talks about where you -- where you get the authority to do this, and then I also give sort of a -- like a history of the preserve, a recent history of the preserve as it relates to the Palaeua subdivision. I don't know if you want me to kinda go over that or not, but to highlight. There's a few -- yeah.

Chair Lee-Greig: Yeah, I definitely would like to kinda highlight what the -- kinda hit on the -- 'cause I didn't kinda do my own search of the SHPD records, so I know that there have been several steps in the process up to OHA gaining our --

Ms. Kehler: Yeah.

Chair Lee-Greig: Or taking stewardship --

Ms. Kehler: Yeah.

Chair Lee-Greig: Of this preserve. So from the AIS up until Dunham's preservation plan and understanding --

Ms. Kehler: Sure.

Chair Lee-Greig: What the approvals were up until then.

Ms. Kehler: Sure. Okay, so the permitting process for Palaeua subdivision, it began in the last '90s, and then in November 2000, the Maui Planning Commission issued the special management use area and project district phase two approval for Palaeua subdivision as well as the 20-acre preserve. So in September 2002, the developer, which is -- was Dowling, submitted a compliance report to the Planning Department, and this compliance report was a -- was condition number ten of the -- of the approval that the Planning Commission issued, and condition number ten required the developer to, basically, do the -- explain how they have complied with all the conditions of their approval from the Planning Commission. And in that compliance report is where I understood that, since the beginning, the developer had been trying to donate the preserve to UH, and like there were some other things that the developer initially had pledged to do in donating the property and that included constructing a caretaker's -- a caretaker's cottage, a garage, and research building, so none of those things ever came to fruition, but there's lots of correspondence about those items. The compliance report from 2002, it also included a summary of archaeological mitigation completed and outstanding as of the date of the report, so September 2002.

So from the SHPD, State Historic Preservation Division, correspondence that I pulled, it appears that a revised archaeological inventory survey for the entire subdivision and preserve was approved on August 16th of 2000, and the approved archaeological inventory survey documented 16 sites and it made the following mitigation commitments, okay, so it committed to preserving 12 sites within the 20-acre preserve; archaeological data recovery for the remaining sites outside of the preserve that were to be destroyed through construction; and then short-term and long-term preservation plans for the preserve.

So the next item that I found SHPD correspondence on was the interim protection plan, which is also referred to in correspondence as the short-term preservation plan; that was approved on May 14, 2001. Following that, there was a revised archaeological data recovery plan approved in 2002, and then the next thing is Theresa Dunham's preservation plan, and that was originally envisioned as a four-phase planning process.

The Cultural Resources Commission approved, so SHPD approved that plan in June 2002, the Cultural Resources Commission approved the plan in October 2002, and as part of their approval, they offered two additional recommendations, and one of them was to nominate the preserve to the National Register. So in my staff report, I say, "If the Commission thinks that this is still a relevant recommendation, you might wanna ask OHA about that."

The next correspondence that I found was from the State Historic Preservation Division, and it was commenting on plans to relocate the old Palauea subdivision sales office to the preserve, so in Brudus's presentation, he showed that structure that's on the preserve, that's what was moved there from Palauea subdivision, the sales office, and so the State Historic Preservation Division said, okay, it's -- it should be fine if you move the structure there as long as you follow the preservation plan by Dunham and Palomino that we approved in 2002. It also pointed out something that I think is sort of important and that is the fact that a data recovery report for the subdivision was never completed or approved by the State Historic Preservation Division. So in the compliance report to the Planning Department, there were representations made that a data recovery report is forthcoming. As of 2005, the State Historic Preservation Division did not receive that data recovery report or approved it. So, you know, the compliance report states that over 60 banker's boxes of midden and artifacts were to be sorted, weighed, tabulated, and analyzed. So data recovery was a responsibility of the developer, but I think this is important enough to -- to ask about.

Okay, so the next correspondence that I found was from September 2005, and that's where the Department of Planning issued a project district phase three approval and landscape planting approval for the relocated structure from Palauea subdivision, and the purpose, originally, of that relocated structure was classroom and a workshop for

University of Hawaii. And in the Planning Department's approval letter, it says that milo trees were to be planted in the parking area for the relocated structure, so I don't know, this is not clear to me if milo trees were ever planted in the parking area, so that's something that I just point out 'cause I just -- that's my own ignorance. I don't know.

And then towards the time that OHA came in, we received some -- the Department received some correspondence from the developer explaining that they had kept trying to deed the property to UH and, ultimately, it didn't work out, so then UH reached out the Office of Hawaiian Affairs, and on August 16, 2012, the OHA Board of Trustees approved the acceptance of the preserve, and part of this deal was that they -- that OHA agree to comply with conditions 14, 15, and 17 of the that original special management area use permit and project district phase two approval from 2000 that the Planning Commission issued.

And then, finally, on October 23, 2012, the Maui Planning Commission approved the transfer of those conditions from that permit to OHA, so now that's why OHA is responsible for complying with those conditions.

So I've also identified questions and offered my own personal analysis on some of the aspects of the plan. So, primarily -- so there's several different sections of the plan as Brudus pointed out, my focus was, primarily, on the preservation action section, which is pages 248 to 259, and then so the way that I identified these questions is I kind of went through the preservation actions in this plan and I compared them to Dunham and Palomino's 2002 preservation plan. I also reviewed OHA's plan against the administrative rules that govern archaeological site preservation, which is Hawaii Administrative Rules, Chapter 13-277. And then, at the end, I kind of briefly analyze how the plan complies with condition number 17 of that special management area use permit.

So the questions I identified are just meant to be a guide for you guys and not -- if you don't think that these questions are any good, that's fine. You can ask your own. But, again, it's just kind of a guide to help you in your conversation. Do you want me to go through all of the questions that I have?

Chair Lee-Greig: No. I don't think so.

Ms. Kehler: Okay.

Chair Lee-Greig: Just that I just kinda wanted --

Ms. Kehler: Okay.

Chair Lee-Greig: You reiterate that, that sort of background leading up to OHA's stewardship. Do we have any questions from the Commissioners considering the staff report and Brudus's – Mr. Labenz's presentation? Commissioner Kanahale.

Mr. Kanahale: So I think part of the issue here is that when they got their SMA approval, the conditions, it took, and this will lead to a question, a very long time for the property to be conveyed. I think Dowling Company wanted to convey it to UH, but UH wouldn't take it, and so I'm -- one of my questions is why? Why didn't they want to take it or were there maybe legal issues involved there? I'd like to maybe have an understanding of that. And then the property was eventually conveyed to OHA in 2012, the deed, so my question is the developer made pledges, made many pledges, he got his permit, he built his project, but did not follow through on many of his pledges, and some of them are enumerated here, which was to -- to build three buildings, three buildings were not built and they used the, whatever it is, the open house, you know, little business office, and they stuck it over there, and it sat there for a decade, or however long, for a long, long time, so my second question is is the developer still in the picture or is he out of the picture? Did OHA make a deal with the developer that they would, you know, overlook some of the promises that he made, not -- let him get off the hook, the Dowling Company? So those are my two questions: Why didn't UH take it, and OHA did? What was the issue there? And is the developer still in the picture for promises he made to the community, really, to the community? He got his project. He got his money. And I think maybe the community may have been left -- left with the short end of the stick on the deal. So, anyway, those are my two questions.

Ms. Kehler: So regarding question number one about the why didn't UH accept the property, I don't have really specific information. The only information that I've seen in correspondence, it was the Planning Commission, when they were deciding whether or not to transfer certain conditions to OHA, is that their -- UH's legal team didn't think it was appropriate, so because of legal concerns, UH, ultimately, said no. Other -- beyond that, I don't have any other details about why UH, the specific legal concerns. And your second question was about whether or not Dowling Company is still in the picture.

Mr. Kanahale: Are they still on the hook for promises made, not -- not followed through on?

Ms. Kehler: So OHA is now on the hook for specific conditions, and those conditions -- and so in the staff report, that original 2000 permit issued by the Planning Commission, it lists all of those conditions, so of these conditions, OHA is now responsible for three of them. Whether or not Dowling is still on the hook for some of these, I don't know. I would have to do a little bit of work and find out.

Mr. Kanahale: Does OHA know?

Mr. Labenz: I don't. That's a wonderful, wonderful question that I'd like to find the answer to. But just like Annalise said, we're -- we are committed to the three, and we're on the hook for those, but if -- at least, to me, and I come from the land use department in Honolulu, DPP over there, if somebody was on the hook once and it was codified, then they're kinda still on the hook unless they -- they come off, so I can definitely approach our legal team to see what files they can dig up and if they have any memory of it.

Ms. Desjardins: Okay, so just a little clarity from a legal standpoint. So looking at the special management area permit that was issued on November 16, 2000, that's the letter, okay, that lays out all of the things that the developer was supposed to do, it's within the purview of the Planning Department to enforce the conditions of their special management area permits 'cause they're the ones who initiated the permit, so it would be their job to see that the developer complies with the conditions of that permit. What I can see from this is, when you say three, I just want to verify I think it's numbers 14, 15, and 17 that OHA now is in control of and is attempting to comply with through this process, so that would be the -- those are on page 4 of that letter to Mr. Dowling, so those are the three that you folks are involved in and have the authority to assist OHA in approving or giving, you know, guidance on. But as far as the actual permit, that's the Planning Department is to enforce, to make sure that the permit is complied with.

Mr. Kanahale: Chair? So what was -- what's in here about the letter also indicates the developer pledge to construct three buildings for UH within the preserve, caretaker's cottage, a garage, and a research building, that would be the Planning Department would enforce that?

Ms. Desjardins: Well, it's part of their -- it's part of the conditions of getting the permit, so, as far as I know, the Planning Department is responsible for overseeing to make sure that those things get done.

Ms. Kehler: So if I can just offer a little bit more background on those three structures. I -- there's like banker's boxes full of documents that I was going through to write this, and I didn't put everything in there because it was just too much, but there was some controversy with those three buildings, they may be weren't exactly what the State Historic Preservation Division as being appropriate, and so, ultimately, they never were built, right, 'cause one of them was like two-stories and they -- there's drawings of them, and if you would like to -- to look more into that too, I'm happy to do that, but I think it's kind of a blessing that they weren't built.

Ms. Wagner: Can I ask a question?

Chair Lee-Greig: Commissioner Wagner.

Ms. Wagner: It also said there was data from the whole entire subdivision that never got compiled, archaeological data. That seems like a huge abandonment of a commitment.

Ms. Kehler: Yeah, so that is something that I am going to follow up with the State Historic Preservation Division about to see if, in the time between 2005 when they wrote that letter and now, if anything has changed regarding the data recovery report to see if they ever submitted it.

Chair Lee-Greig: Any other questions from the Commission? So I have -- I have a few comments and questions, maybe points of clarity as well. So, in reading this, 'cause again, I only focused on the preservation aspects of the plan, and I will admit that I -- it was a rough reading of the preservation sections, and the document, to me, read like a cultural resource management plan more than a preservation plan because there were so many unknowns, so I guess OHA's describing the document as a living document is that -- and so when I was reading it, it read like a -- like a -- like a CRMP, like a CRMP, something that the military or large landowners put together as a guiding document rather than a -- a compliance document, right, 'cause there's so many open-ended questions and it read like an umbrella document because we can foresee, based on this type of document, that there's going to be additional preservation plans, and additional construction and reconstruction plans, and additional project specific monitoring plans if there is any kind of vegetation removal, or anything like that. I was hoping to see some, in this plan, I was hoping to see some examples of what the interpretive signage would look like, or how the interpretive signage would read. There is mention of just kind of one focal area of like maybe an interpretive center. I would have liked to have seen a little bit more an expansion on kind of some preliminary ideas of what that would look like. So I was hoping for a bit more from the preservation plan, just as a general comment. I have some specific archaeological comments or questions for the -- along the lines of Commissioner Aiwohi's question about where the sites are located or the archaeology or our kupuna sites are located within the preserve. Can I ask how the -- this map was developed?

Mr. Labenz: There is a section in here where they took a look, page 78 is where the section starts, previous archaeological research, and so they kind of compiled what they could find as previous archaeological research, and kinda cool, it shows kind of all the different maps and that's how they came to this map, so it's kind of like a amalgamation of everything into one and what the current landscape looks like.

Chair Lee-Greig: So for -- for like maps like this -- okay. Okay, that's what I was -- I was missing the figure numbers and the figure descriptions, so I was like what? So this is -- thank you so much. I -- so my additional question is I saw in the document there are some pretty interesting and detailed site maps. What I would like to see because

when I think about preservation areas, and the sites and the preservation areas, this -- like a -- like a map kinda like this, it doesn't -- it doesn't tell me much, right, but what does tell me a lot and what helps me to understand the larger puzzle of what was happening at this location is when you have the detail maps like this plotted on an overall map so then we can see, oh, this is a house site, oh, this is the ceremonial site, you know, things like that that may help lead to -- to supplementing some of what Nohopapa learned through the ethnographic research, through the physical -- what is physically there, right, and creating that picture for Palauea. That -- that I am not -- I didn't come across quite that type of map in this, this document, and that might help sort of frame -- begin that framework of understanding design, things like design proposals, things like interpretive -- interpretive signage, things like educational programs. I know Kaleikoa and Kahele have been really in this area so they know so much about this area, but taking a map like that out to the community whose involved with the consultation may be helpful as far as kind of flushing out some details in the preservation plan.

Ms. Albino: Excuse me, Chair, could an overly map be helpful for us to -- to see that?

Chair Lee-Greig: An over -- like just pulling together an overlay of all of these sites, if it's possible, sometimes it's not possible, but to the extent possible if they've taken new -- if Nohopapa has taken new GPS locational information on these sites that they've gone back to and documented different things and annotated, that will be really -- I think that that would be valuable for this document.

Mr. Labenz: Mahalo.

Chair Lee-Greig: What else. I had a few more things ...(inaudible)... in the staff report, there's a couple of concerns, and I don't know how OHA feels about -- feels about sort of what was recommended in Dunham's preservation plan and what's being recommended here, so I guess my -- my other question to OHA is does OHA see this current document that's going through review and comment as superseding the Dunham document? I -- there's a few moments where Aunty Dana Hall had referred -- advised referring back to the original preservation plan, so is it OHA's position that this document supersedes the Dunham document or how, again, taking sort of the staff comments into consideration, how -- how would this preservation plan address a previously approved preservation plan for the -- for this area? That's my other question that I'm seeking clarity on.

Mr. Labenz: I think -- thank you, Chairperson. My understanding from the -- our archaeologist was that Dunham's plan was heavily focused on like revegetation kinda efforts, and so -- and so, in a sense, yes, this would kinda be like superseding as the overarching plan and then the updates and the -- even where it's outlined in the -- in the OHA may consider doing sections is implementation of her plan, of Dunham's plan.

Chair Lee-Greig: Okay.

Mr. Labenz: So -- so, yeah, and I guess what would be the -- 'cause there's some -- would be the legal ramifications of that, like, you know, is it, I'm looking over there and -- and especially for SHPD I guess too because I guess that would be -- that would need to be a conversation with Susan and Alan Downer so 'cause they're very aware of our plans and what we've been doing, and so maybe there was a disconnect of what happened before, and so a need to revisit that really explore what does that mean.

Chair Lee-Greig: So in your meetings with SHPD, did you bring forward Dunham and Palomino's previous preservation plan? Were they aware of that 'cause I know that Susan, at the time, wasn't at SHPD at that time, right, so sometimes there is a disconnect because there's not a review of previous correspondence? Did you, in your meeting with SHPD, was that addressed?

Mr. Labenz: Yeah, I mean they knew that we had it, whether they reviewed, I think we all know that there's a really big -- that's one of the major issues with just SHPD in general is the reviewing of plans; case in point, we're still waiting for our comments on our Kukaniloko Preservation Plan draft that was submitted in March 2018, and -- and we know that we get that whatever the, you know, it's automatically approved after a certain statutory period, but that's not what we're about. We want the comments. We want to know what's the best way to do it and we're trying to be exemplary and making sure we do things right.

Chair Lee-Greig: Right. Right.

Mr. Labenz: So -- so yeah, probably a review misstep there.

Chair Lee-Greig: Yeah. Yeah, so even -- even specifically calling out portions where in your -- in this more recent preservation plan, it's addressing things that were brought up in the Dunham and Palomino plan, if that could be a little clearer, that would be fantastic because they -- in the staff report, and I -- there is some brief discussion of future work in the preservation area, but in the staff report, you know, we have a very clear bullet point about how there were quite a few archaeological, according to previous preservation plan, there were quite a few archaeological features that have previously gone unrecorded, and even in Nohopapa's field inspection and update, when they went back to look out, they, themselves, have identified additional things, like additional punawai, you know, and so knowing that small things like that got -- was not documented in the original inventory survey, right, what is OHA's position on revisiting before finalizing a preservation plan and with a need to know -- I imagine the need to know what's -- what's in your preservation area because that helps to inform your interpretive -- your interpretive plan, you know, as far as additional inventory survey in

the area, you know, whether it's as a part of a contract or as a part of a field school, as a part of a ohana day folks, you know, identifying things, working side-by-side with OHA's archaeologist, you know, something like that, what kind of programs can this inventory survey work be -- how can that be integrated or -- into a preservation plan, if possible, or whether or not, but I think maybe the first question, I'm sorry, I'm rambling now, but the first question is, you know, what is OHA's position on revisiting the inventory survey in the preservation area?

Mr. Labenz: I -- I think we need to revisit it, so thank you for thank comment. Definitely something we'll bring to everyone's attention back on our end and especially our contractors. And then, yeah, I don't know, I love that idea of the inventory program and working with everybody and doing -- kinda codifying it a little bit.

Chair Lee-Greig: Yeah, Maui College, they have an archaeology department --

Mr. Labenz: Yes.

Chair Lee-Greig: They have a archaeological methods class from time to time if it fills, working with Hawaiian -- the Hawaiian studies program, that's an avenue as well, and so I'm sure that people have thought of these things, you know, and kind of, you know, put those thoughts out there before, but I think I just kinda would like to see more of -- of a framework, an outline in the preservation plan or if you're in -- or a cultural resource management plan, or what have you, that would be really helpful, and it helps the community too, I think, if -- if there's that kind of clarity and it's not so cloudy. With regard to the 60 boxes of cultural material and the outstanding data recovery report, I understand that SHPD needs to ask for that, but would OHA take a -- I don't know if I can ask this question or ask this of OHA, but, you know, now that OHA are the -- is the steward of this interpretive area, this Palauea Cultural Preserve, the -- the material that was collected from the sites within the preserve are integral, I believe, to understanding what was happening here both from an interpretive standpoint but also an educational standpoint, bringing those materials back to the interpretive center but also getting that date recovery report, what kind of assistance might OHA be able to have in -- in pulling that information together and having the firm that completed that data recovery report or data recovery field work go ahead and complete the report. That's a lot. That's a lot of material.

Mr. Labenz: It is. This portion of the data recovery and the banker's boxes was -- is that tied to, I mean just so I can understand and frame it for my -- my manager and director, 'cause you know me, I'm no good with -- so I don't make the decisions, but I would love to bring it to their attention, it's -- would these two items fall under one of those requirements? If yes, then that's -- there's a more obvious answer, right? There's a more clarity to that. But if no or muddy, then working with SHPD and -- and,

yeah, absolutely, I mean we'd love to be able to bring those resources back to the place, you know, and --

Chair Lee-Greig: And -- and as the owner of record of the preserve, that is now OHA's property so --

Mr. Labenz: Where are these -- with SHPD, I'm assuming?

Chair Lee-Greig: I don't know.

Mr. Labenz: We don't know? We don't know? Okay.

Ms. Kehler: No. So data recovery, looks like it was condition number 18 of that 2000 Planning Commission approval, so they did a data recovery plan, and then they didn't follow up and finish the rest of that requirement, so I will look into this as well.

Chair Lee-Greig: Commissioner Bassford, you had comment?

Mr. Bassford: So I actually worked on that project.

Chair Lee-Greig: Okay.

Mr. Bassford: So do I have a conflict of interest?

Ms. Desjardins: What was your involvement and how long ago and give us some details?

Mr. Bassford: This was very early in my career as an archaeologist. It's for a different company that I no longer represent. I have knowledge of where the box -- where the material from -- that are in those boxes came from. It came from the development to the north of the preserve, the data recovery was part of Everett Dowlings' requirement to mitigate sites that were to be removed. I do not know where that stuff is curated, but the material did not come from preserve, per se, however, it did come from the immediate area to the north.

Chair Lee-Greig: Commissioner Bassford, I'm going to -- so when you were working on that project and before the preserve got carved out for the development, did the inventory survey cover the entire development including the preserve?

Mr. Bassford: I did not take part in the inventory survey. I was only there for the data recovery.

Chair Lee-Greig: So the data recovery, so you do not know whether or not the sites within the preservation area were tested?

Mr. Bassford: Correct.

Chair Lee-Greig: Okay. That's all my questions.

Ms. Desjardins: So -- but, just to answer your question, I don't -- I don't think you have a conflict. I mean you're -- unless you feel there's some reason why you can't. Ultimately, you folks are going to be approving a final plan or any plans that go along. Do you have any sense that that's something that you don't feel comfortable doing because of your past experience?

Mr. Bassford: No. Not at all.

Ms. Desjardins: Okay.

Mr. Bassford: Not at all. I'm actually being quiet this meeting because I haven't had a chance to thoroughly review OHA's plan so I'm kinda stitch-lip right now.

Ms. Desjardins: Yeah. Okay.

Ms. Kehler: So, when I was looking at the field work that Nohopapa did, on page 162, it -- it looks like there's evidence that there was testing done in the preserve, and so I don't know if -- if that was done by who. If that was done in 1970 by Kirch or if it was done by who.

Chair Lee-Greig: Okay. So maybe the -- the data recovery then is not an issue for this particular -- I still wanna know where those banker's boxes are though, and if we can find them, would OHA be willing to curate the material onsite. That would be a -- that's an out-of-the-box question.

Mr. Labenz: It's a wonderful question that I'd love to have my people entertain it. For real.

Ms. Desjardins: I just wanna just point out briefly too that number 15 in the SMA does say -- state that the applicant shall continue to update the CRC on the establishment of the preserve, which would include the interim preservation plan, data recovery plan, the data recovery field work, and monitoring plan, so you might want to mention that those - - the data recovery is part in parcel of I think what would be the obligation of OHA at this point to include and fill in the CRC on that as well.

Chair Lee-Greig: And then just one last sort of manini kind of thing that is -- is more of a editorial academic thing. In -- in the -- and maybe I'm missing the figure, maybe I'm missing the figure captions, but I did notice in some areas where I did have the entire figure caption, the -- where -- where additional information was added to previously documented or previous maps, I'm missing the -- the source for those maps, and so that's just sort of a -- an editorial question about -- about these maps, for example, so Figure 142, on page 197, right, so I know that this is a Bishop Museum Map, based on style and -- and what is written on the legend, but I don't see the source reference for this map, what report did it come from or what Bishop Museum archive -- archive box it came from if it came from there, you know, and that -- that occurs on a couple of -- of the annotated maps, so if we could get an -- or if we could or if we -- if OHA could maybe go back and include that source material, that -- or that source reference, that would be really, really helpful.

Mr. Labenz: Okay. Mahalo for pointing that out. Duly noted.

Chair Lee-Greig: Figure 23, Kirch's 1971 map, so that's -- that's really great, but also having the figure number or the page that it came from. I think this might be from his -- his journal article on Palauea, but I'm not sure. So these Kirch 1971 maps, if we could get like the figure number that would be great. I mean that's just a editorial academic sort of comment. I think that's all I have for now. Commissioners, do you have any other questions or do we need to wrap anything additional up? Annalise, was this -- this was formally -- the staff comments were formally transmitted to OHA, yeah?

Ms. Kehler: He received a copy.

Chair Lee-Greig: Okay.

Ms. Kehler: Yeah.

Chair Lee-Greig: Okay.

Mr. Kanahale: Chair?

Chair Lee-Greig: Yes?

Mr. Kanahale: So we're two hours into this, and I'm assuming the questions posed here and by the staff report would take more time to -- to go through, if we choose to do that, and have them answered here, which is why OHA is here, but maybe we could take, if we're going to continue, maybe we could take a break?

Chair Lee-Greig: Yes.

Mr. Kanahele: Bathroom break.

Ms. Desjardins: Sorry, I have to say a couple things. One is I have a HFC Committee meeting at 1:30 that -- on the Banyan Tree, so I'm not available past 1:20, I can 1:25. But the other thing I wanted to ask you folks is if you are seriously considering a site visit, we need to talk a little bit about that. I'm not -- I just know that it came up that's why I'm suggesting it because we would have to discuss whether that site visit would be an agendized public meeting, or whether it would be a closed meeting, which is way more complicated, and then, obviously, would somebody from OHA be able to be there to assist in that, so I don't know how long you folks were planning on going this afternoon but --

Chair Lee-Greig: I think till 1:20, but what I -- what I would like to do is just kind of go over the site visit proposal but also maybe kind of go through the questions that were posed to Brudus, and then maybe have OHA come back if it's at that -- if it's a part of the site visit, then that would be maybe an opportunity for OHA to come back maybe with some answers to some of the questions that were posed today 'cause I don't think we're going to get those questions completely answered today. Is that correct? Yeah. Is that -- is that okay with the rest of the Commission? Okay. So --

Ms. Desjardins: Okay, so let me just give you the brief on the site visit, and I would wanna get some input I guess from OHA that the understanding being that obviously, under the Sunshine Law, it would have to be agendized as a public meeting. The way that that would work is -- well, there's two ways to do it. One is you folks could, in pairs of two but no more than two, you could go down and just check out the site yourselves, it doesn't have to be a formal meeting of the CRC. You don't need to agendize that as long as it's just two of you at a time. Or the other option is to just go ahead and agendize it as a public meeting, just like we do, six days beforehand, where the meeting's going to take place, we could arrange, obviously, that OHA would be available at that meeting, that meeting would be really for the purpose of just allowing OHA to give you folks, and anybody who wants to show up, an opportunity to see the site, we would all stay together as a group, you can't wander off, you know, 'cause of Sunshine Law, and be together at that, we'd bring a tape recorder so we could do minutes, just like a regular meeting, and then you could defer to have further discussion after that if you wanted to, but that's generally how site visits go. If it's a site visit to somewhere that's so dangerous you can't invite the public, it's more complicated. I don't get the sense, from OHA, that there would be a need for this to be a closed visit. Is that correct? I mean, obviously, the public, if they showed up, they would have to follow the rules, which is that everybody stay together, it's not going to be a free-for-all.

Mr. Labenz: Yeah. The -- the only issue with traversing the property is the terrain is very, very just loose rock, you know, loose, that old lava field kinda rock and it ranges from sizes and, yeah, even -- even the best of us are like, you know, so -- so --

Ms. Desjardins: So that would be up to you to determine where you want --

Mr. Labenz: Where we can get to.

Ms. Desjardins: Yeah.

Mr. Labenz: Yeah.

Ms. Desjardins: Where you would want folks to be as opposed to it just being, like I said, a free-for-all, people show up and go all over the 20 acres, but --

Mr. Labenz: Okay.

Ms. Desjardins: That's one option. The closed, like I said, the closed visit one is more complicated, we'd have to get OIP involved, they'd have to agree, we'd have to agendaize it, and you'd have to vote that it was dangerous, it's really not intended for a site visit like this. So if you wanted to do that, you could just get, I guess, a consensus, you don't have to vote to have a site visit, but a consensus from you folks whether that's something that you would like Annalise to put together sometime in the future, and arrange it with OHA, and then let you folks know that that would be one of our regular meetings coming up. And then the other option that I was thinking was if you do want to -- somebody could move to ask that OHA look at the staff report and to give you, in writing, answers to those questions that Annalise posed plus additional questions; obviously, this is going to be a more long drawn out process than just a couple of meetings, so that was another thought that I had in terms trying to figure out how you're going to ask questions or what questions you want to ask at least preliminarily.

Chair Lee-Greig: So what is it -- what would the Commission like to see as far as a site visit? Is it the Commission's desire to have a site visit out the Palauea Preserve and have it agendaized as a group?

Mr. Lay: I'll say yes because, as a group here, I mean a lot of us haven't been on these different sites and it'd be very educational for all of us, not just in Palauea itself, but just on the process, and that'd be great to get out there and see what we're talking about hands on.

Chair Lee-Greig: Commissioner Kanahale.

Mr. Kanahale: I would say yes for the same reasons given, and I know there's a building there and there's probably room enough for us to sit in if we were to, you know, want to sit in the comfort, and I'm -- I'm sure they have chairs and tables out there, so they could accommodate that so we wouldn't have to be in the field and have the

meeting, we could do the site visit and come back to that -- that cottage so, yeah, I would support it.

Chair Lee-Greig: The cottage, would it be -- would there be enough, from your recollection, would there be enough space if members of the public wanted to sit in on -- on the meeting?

Mr. Kanahele: I've been in there several times so --

Ms. Kehler: So, Chair, in the past, when site visits have been done, there's usually a site visit, and then you close that, and then you have a meeting, and it doesn't necessarily have to be on the site, it could be at Kihei Community Center or whatever, but that's an option, right, is to have that site visit, close it out, and then have the meeting where you have more discussion.

Chair Lee-Greig: Any other comments from the Commissioners? Commissioner Wagner.

Ms. Wagner: I really need to be able to go to the site because as not -- I'm an architect, I'm not an archaeologist or a cultural resource knowledgeable person, and so just to even have a sense, like all the things that you were asking were all -- those questions were coming up for me just to make sense of the whole picture, so I don't even feel like I could really weigh-in unless I had that experience.

Chair Lee-Greig: Okay.

Ms. Albino: I also agree because I'd like to have more detail. I'm looking at it from a report that I haven't gone through yet thoroughly, and I need more time, but I would like to be there, and along with the group, you know, our physical view of the place can also be accompanied by a spiritual view of the place, and I hope the data can be presented before we go there so we have full picture, a better picture of what we have -- than I do now. I have questions but I -- we don't have enough details so and a look at a deeper review of the Palauea area.

Chair Lee-Greig: Anyone have any issues, potentially, where they would not want to attend or agendize a meeting such as this at the -- OHA, Annalise, can you work together to set that up? I imagine it would be a lot more -- a little bit easier for OHA as well not having to constantly come back and forth with -- to Commissioners.

Ms. Albino: Do we motion, make a motion to have -- no need?

Chair Lee-Greig: And then look at maybe venues as well for after having the site visit, closing the site visit, and whether or not the cottage is appropriate or Kihei Community

Center is appropriate for continuing, and then maybe we can address some of the questions from the staff report, and answer those, as well some of the questions that were posed here. Did, by any chance, write down the questions that Commissioner Kanahale and Commissioner Aiwohi and everyone had or -- okay. Can you repeat those?

Ms. Kehler: Yeah. Before I do that though, what -- what if we just set the site visit for next meeting right now. Is that possible? It's -- we meet on the first Thursday of the month, so that would be November 7th.

Mr. Labenz: Okay, so thank you for that. I'm probably going to say there's a couple huge things going on the rest of October, so I'm pretty certain we won't be able to answer all the questions and talk to all the people that we need to talk to get those answers in time for that meeting. Do you guys also meet the first week, first Thursday in December? Am I free that day? Not available. Okay.

Chair Lee-Greig: That's December 5th.

Mr. Labenz: Yeah, unfortunately, I'm not available that day. I'll be at a work-related retreat.

Chair Lee-Greig: Commissioner Bassford.

Mr. Bassford: What day are you available?

Mr. Labenz: I know. January 2nd looks good.

Mr. Bassford: What first Thursday of the month?

Mr. Labenz: Yeah, that January 2nd --

Chair Lee-Greig: January 2nd.

Mr. Labenz: Is available for me.

Chair Lee-Greig: The day after New Years?

Mr. Labenz: Do you guys cancel any meetings or move them because of the -- like to the following week because of that kinda thing or no? You guys just run 'em hard.

Ms. Albino: Any Thursday.

Ms. Wagner: Way to break in the New Year.

Chair Lee-Greig: We're going to break in the New Year.

Ms. Kehler: Okay, so there's a couple of options. So we could do a site visit anytime and then have a like a meeting on a regularly scheduled meeting day. Just throwing that out there for you guys to think about.

Chair Lee-Greig: I think that can be a little bit rough for folks who've committed to this day and, you know, have outside commitments other days.

Ms. Kehler: Yeah.

Chair Lee-Greig: Yeah. Is everybody okay for January 2nd?

Mr. Bassford: I'm going to be hungover.

Chair Lee-Greig: Just don't palu on me. I'm just not going to be standing next to you in the heat of Palauea on the day after New Years. Is that on the record?

Mr. Labenz: And, well, and I mean, technically, November 7th we could do a site visit; whether or not I have all the answers, that's -- that's the hard part, yeah, 'cause we got couple hard deadlines on some things that's taking up all of our time right now, it's kind of annoying, but, yeah, so we could do that, and also still meet and talk about what we can talk about.

Chair Lee-Greig: Commissioner Bassford.

Mr. Bassford: I don't really think we're going to have all the answers in the next three meetings so --

Chair Lee-Greig: Right.

Mr. Bassford: I don't think it really matters.

Chair Lee-Greig: Actually, as a result of the site visit, there may be additional questions.

Mr. Bassford: Right.

Chair Lee-Greig: So maybe that November 7th we have the site visit, and then we reconvene to take care of regular Commission meeting things, but, in thinking about it, there might be more questions after the site visit, and then we can ask OHA to come back January 2nd in the air conditioning hopefully. Commissioner Kanahale, you have --

Mr. Kanahele: ...(inaudible)... I'm agreeing.

Chair Lee-Greig: So we have our site visit for the first Thursday of November, and then a follow-up meeting with OHA, potentially, January 2nd. Annalise, can you read back the questions that we had?

Ms. Kehler: Okay, so -- so there was a lot of questions and so some of them had answers immediately and some of them didn't, so do you want me to just go with the ones that are like --

Chair Lee-Greig: The ones that still need to be answered and maybe --

Ms. Kehler: Yeah. Yeah.

Chair Lee-Greig: In the letter, sum up the ones that were answered.

Ms. Kehler: Yeah. Okay. So there was two Commissioners that asked questions about site plans and mapping different sites and features and whether or not OHA could provide a map that included detailed site maps kind of plotted on an overall map. There was another question about genealogy of the area; that wasn't answered -- well, it was kind of answered, but that's something that could be --

Chair Lee-Greig: Hashed out.

Ms. Kehler: Yeah. There was a question about Hui Hana Malama and if OHA could consult with the records that Maui Historical Society has and kind of include more information about how that Hui was involved in the early rediscovery of Palauea, and then also to consult other documentation regarding Palauea that Maui Historical Society has 'cause it might add to what's written in the plan. There was a question about whether or not this document has been I guess like reviewed or if there's interaction with this document and what the -- what OHA's compliance archaeologists are working with Wailea 670, and like what is the level of information sharing going on there, and I guess we kinda need more information on how -- how the compliance archaeologists are interacting with this document. There -- there's kind of questions about the interpretive signage language and a desire to kind of have more info on what that might look like. So, again, the question about the map and the reasons why the map would be helpful in that it creates a better picture of what's there, it would help with design proposals, and it would also help with education, and then a suggestion to take that map out into the community and it would help kind of the community who's being consulted flush out details of the preservation plan. There's a question about whether or not OHA's new plan will supersede Dunham and Palomino's 2002 preservation plan, which has already been approved by SHPD. There was another question about

whether or not SHPD is even aware that this 2002 document has been approved by that agency, and so this led to the statement that it needs to be more clear in OHA's plan how their plan relates to that 2002 plan especially regarding additional field work and inventorying of sites. There's a question about the data recovery report that's missing and if OHA can follow up on this and find out where the banker's boxes are, and if they're able to be located, whether or not OHA can curate these artifacts on site. There's some issues with maps and they're not identifying the source reference for certain maps, and there's several -- several annotated maps that are -- that haven't properly identified their source, so that needs to be addressed. And that was -- that was pretty much the main questions we didn't have immediate answers for. Did I miss anything?

Chair Lee-Greig: Brudus or --

Mr. Labenz: Yeah, Commissioner Kanahale also asked for the Palauea Cultural Preserve Fund numbers, so if you still want that, then absolutely I'll work on those as well.

Chair Lee-Greig: Okay. Vice-Chair Lay.

Mr. Lay: I don't know if this is part of it too but the questions that Annalise asked in her - her report if we can them -- you guys answer that also, the questions ...(inaudible)...

Ms. Kehler: Well, you guys might want to discuss that and see if you actually think that those questions are worth asking.

Mr. Lay: I looked through it. There's pretty good questions.

Ms. Albino: I think so too.

Chair Lee-Greig: Do the Commissioners have any questions for Annalise regarding the -- the questions that are in the staff report or any potential -- any specific questions that may or may not be relevant to our discussion today? No? Can I entertain a motion from the Commission to proceed with sending OHA, the Office of Hawaiian Affairs, a letter requesting review of the questions asked and written comment, or something along those lines?

Ms. Albino: I motion that we send a letter to OHA and have them reply to the questions that have come before the Commission today.

Chair Lee-Greig: Discussion on the motion? Oh, I need a second.

Mr. Kanahele: I'd like to second that and make a friendly amendment to, yeah, questions from the Commission and from the staff report. Just a friendly amendment. And I second.

Chair Lee-Greig: Discussion on the motion? Any Commissioners have any comments on the motion or amendments too? No? Okay, I'd like to take a vote from the Commission on the motion as amended by Commissioner Kanahele. All in favor, raise your hands? Any opposed? None opposed. Motion passes.

It was moved by Commissioner Louella Albino to send a letter to OHA and have them reply to the questions posed by the Commission.

VOTED: to send a letter to the Office of Hawaiian Affairs and have them reply to the questions posed by the Commission and from the staff report.

(Assenting: K. Aiwohi; L. Albino; I. Bassford; I. Lay; T. Lee-Greig; D. Kanahele;
M. Wagner)

(Absent: Y. Celiz)

(Excused: M. Ropa)

Chair Lee-Greig: So mahalo nui for coming and sharing your time with us today.

Mr. Lay: See you next month.

Chair Lee-Greig: See you next month. So we're going to move on to the next item on the agenda.

Ms. Kehler: Chair, sorry. Suzie would like to know about a meeting time for the site visit and whether or not -- so, just to clarify, the intent is to have the site visit on November 7th, and a follow up meeting at the next regularly scheduled -- yeah, so site visit November 7th, and then OHA -- we're asking OHA to come back on January 2nd.

Chair Lee-Greig: Yeah. Yeah. And then do we anticipate having additional items on the agenda the CRC will need to discuss on that same day so we'll need to reconvene? Is there any to reconvene?

Mr. Kehler: I'm going to say no.

Chair Lee-Greig: Okay.

Ms. Desjardins: So just to be clear though, OHA will be present at the site inspection correct?

Chair Lee-Greig: You want to --

Mr. Labenz: Yeah, so, I mean just so you guys know, the -- the structure itself, so you guys get an idea, we're not equipped, there's power, but we're not equipped with this kind of technology, but could always do like the wi-fi type stuff, the my-fi thing if we need internet or whatever, there's a restroom, there's places to park, there's an open lanai that we could all probably fit on, it's, yeah, it's roughly about the size of where you guys are sitting, and as well as the inside too but the inside is always kind of like the storehouse for the stewards' stuffs and so -- so likely on the lanai or a tent could be setup and, as far as public goes, accommodating the public, maybe they wouldn't be like on the lanai with us but there's like grass areas and places where we could setup chairs and tents if -- if it's necessary, unless the same public shows up as they did today, then we'd be okay.

Chair Lee-Greig: Okay.

Mr. Labenz: So -- so, yeah, just want to let you guys know that that's -- that's the kinda facility that we have out there.

Chair Lee-Greig: Just for the record, I would like to note that Corp Counsel had to leave the meeting for a previous engagement, but as far as timing goes, it's really hot, so morning meeting, just under advisement, would be preferable 'cause it's -- it's really hot.

Mr. Bassford: You not used to it already?

Chair Lee-Greig: It's like 98 degrees. So hot. Sorry, that's like inappropriate, but it's really hot, so, Mr. Labenz?

Mr. Labenz: Sorry. Thank you, Chair. The last thing, speaking to that, is there's -- we have fans and there's no a/c, but if -- if we get there early enough and open everything up, then, and hopefully there's a slight breeze, then it's really -- it's actually quite nice.

Chair Lee-Greig: Okay, so would a -- a time frame prior to 11, mid-day be workable for the Commission? Yeah? Yeah? So like eight? Nine?

Ms. Kehler: Does eight work?

Chair Lee-Greig: Nine. Nine o'clock.

Ms. Kehler: Nine.

Chair Lee-Greig: Commissioner Aiwahi needs --

Ms. Kehler: Okay.

Chair Lee-Greig: Nine o'clock.

Ms. Kehler: Nine o'clock.

Chair Lee-Greig: And then -- so our final item under Unfinished Business:

Chair Lee-Greig read the following agenda item description into the record:

- 2. Follow up correspondence from Office of Hawaiian Affairs dated July 22, 2019 regarding their original correspondence to the Commission dated May 15, 2019 regarding the Palauea Cultural Preserve, TMK (2) 2-1-023:034**

The Office of Hawaiian Affairs updates the Commission annually on the status of the cultural preserve pursuant to condition no. 15 of the Special Management Area Use Permit and Project District Phase II approval for the Palauea Subdivision, issued November 16, 2000

Chair Lee-Greig: So for this item, can we -- is this technically an update?

Ms. Kehler: Yeah. We can defer it, you know, it's that same letter that we've had on the agenda for a while and I have -- I suspect that there might be more questions that come about from the Commission reading this, so we can talk -- we can kind of lump it into the same thing.

Chair Lee-Greig: Perfect.

Ms. Kehler: Yeah.

Chair Lee-Greig: Do we need a motion to defer?

Mr. Kanahele: Chair, I make a motion to defer this agenda item.

Chair Lee-Greig: Second?

Ms. Wagner: I second that.

Chair Lee-Greig: Any discussion on the motion? I'd like to take a vote on the motion. So to defer, raise your hand? Any opposed? None opposed. Motion carries.

It was moved by Commissioner Daniel Kanahale, seconded by Commissioner Mary Wagner, then

VOTED: to defer item C.2. to the next meeting.

(Assenting: K. Aiwohi; L. Albino; I. Bassford; I. Lay; T. Lee-Greig; D. Kanahale;
M. Wagner)

(Absent: Y. Celiz)

(Excused: M. Ropa)

D. NEXT MEETING DATE: November 7, 2019

Chair Lee-Greig: Item is deferred to next meeting. Our next meeting date is November 7, 2019. Commissioner Bassford.

Mr. Bassford: Really quickly. What do you guys think about this letter?

Chair Lee-Greig: Oh. It's not on the agenda.

Mr. Bassford: Can't talk about it?

Chair Lee-Greig: No, it's not on the agenda. It's just something --

Ms. Kehler: Yeah, it's just an FYI --

Chair Lee-Greig: Yeah.

Ms. Kehler: That someone sent to the Commission. It doesn't have anything to do with an agenda item.

Chair Lee-Greig: You want to make a motion to put it on the agenda? Okay.

Mr. Bassford: I'd like to make a motion that we seriously consider this letter and the ramifications that it has with Puunene. I think it's something to think about.

Ms. Kehler: So is that a motion to put it on a future agenda or right now agenda?

Chair Lee-Greig: On the next meeting or in December?

Mr. Bassford: No matter to me. I just want to talk about it. I don't want it to slip under the cracks.

Chair Lee-Greig: Okay.

Ms. Kehler: Okay. So I'll put it on a future agenda.

Chair Lee-Greig: Okay. Do we need a motion to agendize this item?

Ms. Kehler: No.

E. ADJOURNMENT

Chair Lee-Greig: No. Okay. Alright, any other comments, questions? Okay, so let's officially adjourn this meeting at 1:27. Meeting is adjourned. Mahalo.

The meeting was adjourned at 1:27 p.m.

Submitted by,

SUZETTE ESMERALDA
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present:

Tanya Lee-Greig, Chairperson
Ivan Lay, Vice-Chairperson
Ka`apuniali`ionalaniki`eki`ie Aiwohi
Louella Albino
Ian Bassford
Daniel Kanahale
Mary Randall Wagner

Absent:

Yvette Celiz

Excused:

Michael "Kaleo" Ropa

Others:

Jennifer Maydan, Planner VI, Long-Range Division, Dept. of Planning
Annalise Kehler, Cultural Resources Planner, Long-Range Division, Dept. of Planning
Mimi Desjardins (Excused at 1:25 p.m.), Deputy Corporation Counsel, Dept. of the Corporation Counsel
Suzette Esmeralda, Secretary to Boards & Commissions, Current Division, Dept. of Planning